

Title: title-xvi

2024 Iowa CodeTitle XVI - CRIMINAL LAW AND PROCEDUREChapter 715D - CONSUMER DATA PROTECTIONS
CHAPTER 715D CONSUMER DATA PROTECTIONS Referred to in §331.307, 364.22, 701.1 For future text of chapter, effective January 1, 2025, see 2023 Acts, ch 17, §1 – 10

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2024 Iowa CodeTitle VIII - TRANSPORTATIONChapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION OF HIGHWAYSSection 306.10 - Power to establish, alter, or vacate.

306.10 Power to establish, alter, or vacate. In the construction, improvement, operation or maintenance of any highway, or highway system, the agency which has control and jurisdiction over such highway or highway system, shall have power, on its own motion, to alter or vacate and close any such highway or railroad crossing thereon, and to establish new highways or railroad crossing thereon which are or are intended to become a part of the highway system over which said agency has jurisdiction and control. [C73, §937, 954; C97, §1496, 1509; S13, §1509; C24, §4577, 4593, 4732; C27, 31, §4577, 4593, 4755-b27, 4755-d2; C35, §4577, 4593, 4631-e1, 4755-b27, 4755-d2; C39, §4577, 4593, 4631.1, 4755.23, 4755.37; C46, 50, §306.18, 306.34, 308.2, 313.25, 313.46; C54, 58, 62, 66, §306.4; C71, 73, 75, 77, 79, 81, §306.10]

2024 Iowa CodeTitle VIII - TRANSPORTATIONChapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION OF HIGHWAYSSection 306.11 - Hearing — place — date.

306.11 Hearing — place — date. In proceeding to the vacation and closing of a road, part thereof, or railroad crossing, the agency in control of the road, or road system, shall fix a date for a hearing on the vacation and closing in the county where the road, or part thereof, or crossing, is located, and if located in more than one county, then in a county in which any part of the road or crossing is located. If the road to be vacated or changed is a secondary road located in more than one county, the boards of supervisors of the counties, acting jointly, shall fix a date for a hearing on the vacation or change in either or any of the counties where the road, or part thereof, is located. If the proposed vacation is of part of a road right-of-way held by easement and will not change the existing traveled portion of the road or deny access to the road by adjoining landowners, a hearing is not required. [C31, 35, §4755-d2, 4755-d3; C39, §4755.37, 4755.38; C46, 50, §313.46, 313.47; C54, 58, 62, 66, §306.5; C71, 73, 75, 77, 79, 81, §306.11] 2000 Acts, ch 1074, §1; 2000 Acts, ch 1232, §65 Referred to in §306.12, 306.13, 306A.6

2024 Iowa CodeTitle VIII - TRANSPORTATIONChapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION OF HIGHWAYSSection 306.12 - Notice — service.

306.12 Notice — service. Notice of the hearing under section 306.11 shall be published in a newspaper of general circulation in the county or counties where the road is located, not less than four nor more than twenty days prior to the date of hearing. The agency which is holding the hearing shall notify all adjoining property owners, all utility companies whose facilities adjoin the road right-of-way or are on the road right-of-way, and the department, boards of supervisors, or agency in control of affected state lands, of the time and place of the hearing, by certified mail. [SS15, §1527-r7; C24, 27, §4621; C31, 35, §4621, 4755-d4; C39, §4621, 4755.39; C46, 50, §306.62, 313.48; C54, 58, 62, 66, §306.6; C71, 73, 75, 77, 79, 81, §306.12] 92 Acts, ch 1049, §1; 94 Acts, ch 1013, §1; 95 Acts, ch 54, §1; 2000 Acts, ch 1074, §2 Referred to in §306A.6

2024 Iowa CodeTitle VIII - TRANSPORTATIONChapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION OF HIGHWAYSSection 306.13 - Notice — requirements.

306.13 Notice — requirements. The notice of the hearing under section 306.11 shall state the time and place of such hearing, the location of the particular road, or part thereof, or crossing, the vacation and closing of which is to be considered, and such other data as may be deemed pertinent. [C31, 35, §4755-d5; C39, §4755.40; C46, 50, §313.49; C54, 58, 62, 66, §306.7; C71, 73, 75, 77, 79, 81, §306.13] 2020 Acts, ch 1063, §131 Referred to in §306A.6

2024 Iowa CodeTitle VIII - TRANSPORTATIONChapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION OF HIGHWAYSSection 306.14 - Objections — claims for damages.

306.14 Objections — claims for damages. The department, the board of supervisors, or the agency in control of affected state lands and any interested person, may appear and be heard at the hearing. Any person owning land abutting on a road proposed to be vacated and closed, shall have the right to file, in writing, a claim for damages at any time on or before the date fixed for hearing. However, for purposes of this chapter, if an occupied homestead is not located on the abutting land and if the vacating and closing of the road will not landlock the abutting land, a person shall not have a right to claim damages. [C31, 35, §4755-d6; C39, §4755.41; C46, 50, §313.50; C54, 58, 62, 66, §306.8; C71, 73, 75, 77, 79, 81, §306.14] 94 Acts, ch 1013, §2 Referred to in §306A.6

2024 Iowa CodeTitle VIII - TRANSPORTATIONChapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION

OF HIGHWAYS**Section 306.15 - Purchase and sale of property.**

306.15 Purchase and sale of property. If as to any one or more properties affected by the proposed vacation and closing of a secondary road, it appears to the board of supervisors to be in the interest of economy or public welfare, the board may purchase or condemn, by proceeding as this chapter provides, the entire properties, and make payment for them. After the road has been vacated and closed the board shall sell the properties at the best attainable price. [C31, 35, §4755-d7; C39, §4755.42; C46, 50, §313.51; C54, 58, 62, 66, §306.9; C71, 73, 75, 77, 79, 81, §306.15] 83 Acts, ch 123, §107, 209 Referred to in §306A.6, 331.429

2024 Iowa Code**Title VIII - TRANSPORTATION****Chapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION****OF HIGHWAYS****Section 306.16 - Final order.**

306.16 Final order. After the hearing, the agency which instituted the proceedings and conducted the hearing shall enter an order either dismissing the proceedings, or vacating and closing the road, part thereof, or crossing, in which event it shall determine and state in the order the amount of the damages allowed to each claimant. The order thus entered shall be final except as to the amount of the damages unless the order is rescinded as provided in section 306.17. A copy of the order shall be filed with the county auditor of the county or counties in which the road, part thereof, or crossing, is located and with the department and the agency in control of any affected state land. [C31, 35, §4755-d7; C39, §4755.42; C46, 50, §313.51; C54, 58, 62, 66, §306.10; C71, 73, 75, 77, 79, 81, §306.16] Referred to in §306A.6

2024 Iowa Code**Title VIII - TRANSPORTATION****Chapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION****OF HIGHWAYS****Section 306.17 - Appeal.**

306.17 Appeal. Notwithstanding the terms of the Iowa administrative procedure Act, chapter 17A, any claimant for damages may, by serving, within twenty days after the order has been issued, a written notice upon the agency which instituted and conducted the proceedings, appeal as to the amount of damages, to the district court of the county in which the land is located, in the manner and form prescribed in chapter 6B with reference to appeals from condemnation, and the proceedings shall thereafter conform to the applicable provisions of that chapter. If, in the opinion of the agency, the damages as finally determined on appeal are excessive, the agency may rescind its order vacating and closing the road, part thereof, or crossing, and the right-of-way shall remain under the jurisdiction of the agency. If the order is rescinded at any time after an appeal is taken, the agency shall pay reasonable attorney fees incurred by the claimant as taxed by the court. [R60, §873; C73, §959; C97, §1513; C24, 27, §4597; C31, 35, §4597, 4755-d8; C39, §4597, 4755.43; C46, 50, §306.38, 313.52; C54, 58, 62, 66, §306.11; C71, 73, 75, 77, 79, 81, §306.17] 2003 Acts, ch 44, §114 Referred to in §306.16, 306A.6

2024 Iowa Code**Title VIII - TRANSPORTATION****Chapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION****OF HIGHWAYS****Section 306.18 - Establishment.**

306.18 Establishment. In the establishment of any road, the agency in control of such road or road system need not cause a hearing to be held thereon or notice to be published thereof, but may do so. [C51, §535, 536; R60, §840, 841; C73, §934; C97, §1493; C24, 27, 31, 35, 39, §4573; C46, 50, §306.14; C54, 58, 62, 66, §306.12; C71, 73, 75, 77, 79, 81, §306.18]

2024 Iowa Code**Title VIII - TRANSPORTATION****Chapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION****OF HIGHWAYS****Section 306.19 - Right-of-way — access — notice.**

306.19 Right-of-way — access — notice. 1. In the maintenance, relocation, establishment, or improvement of any road, including the extension of such road within cities, the agency having jurisdiction and control of such road shall have authority to purchase or to institute and maintain proceedings for the condemnation of the necessary right-of-way therefor. Such agency shall likewise have power to purchase or institute and maintain proceedings for the condemnation of land necessary for highway drainage, or land containing gravel or other suitable material for the improvement or maintenance of highways, together with the necessary road access or right of access thereto. 2. Whenever the agency condemns or purchases property access rights or alters by lengthening any existing driveway to a road from abutting property, except during the time required for construction and maintenance of the road or highway, the agency shall: a. Compensate the owner for any diminution in the market value of the property by the denial or alteration by lengthening the driveway. In computing the diminution in value, no consideration shall be given to the additional maintenance expense for maintaining the additional length of driveway, but in lieu thereof, both in condemnation proceedings or negotiated purchases, the agency shall pay to the owner the sum of twenty dollars for every lineal foot of additional length of driveway located on the owner's property. This payment shall represent just compensation to the property owner for the additional driveway maintenance caused by reason of the highway or road project. b. If in the opinion of the agency it would be more economical to purchase the entire tract of the property owner than to provide and pay the maintenance expense required under the provisions of this section, proceed with the acquisition of the entire tract of land; or c. If mutually agreeable, move buildings from an existing location to a location requiring an equal or lesser length of driveway and provide an adequate driveway to a public road. 3. None of the foregoing requirements shall prohibit the property owner and the agency from entering into a mutually acceptable agreement for the replacement, relocation, construction, or maintenance of any alternate driveway on the owner's property. Compensation for any property rights taken in the establishment of any alternative temporary or permanent access shall be paid as in any other purchase or condemnation of property. 4. Proceedings for the condemnation of land for any highway shall be under the

provisions of chapter 6A and chapter 6B. Provided that, in the condemnation of right-of-way for secondary roads that is contiguous to existing road right-of-way for the maintenance, safety improvement, or upgrade of the existing secondary road, the board of supervisors may proceed as provided in sections 306.28 through 306.37. 5. a. The department may notify a city or county that a road under the jurisdiction or control of the department will be established, improved, relocated, or maintained and that the department may need to acquire additional right-of-way or property rights within an area described by the department. The notice shall include a depiction of the area on a map provided by the city, county, or the department. This notice shall be valid for a period of three years from the date of notification to the city or county and may be refiled by the department every three years. Within seven days of filing the notice, the department shall publish in a newspaper of public record a description and map of the area and a description of the potential restrictions applied to the city or county with respect to the granting of building permits, approving of subdivision plats, or zoning changes within the area. b. The city or county shall notify the department of an application for a building permit for construction valued at twenty-five thousand dollars or more, of the submission of a subdivision plat, or of a proposed zoning change within the area at least thirty days prior to granting the proposed building permit, approving the subdivision plat, or changing the zoning. c. If the department, within the thirty-day period, notifies the city or county that the department is proceeding to acquire all or part of the property or property rights affecting the area, the city or county shall not issue the building permit, approve the subdivision plat, or change the zoning. The department may apply to the city or county for an extension of the thirty-day period. After a public hearing on the matter, the city or county may grant an additional sixty-day extension of the period. d. The department shall begin the process of acquiring property or property rights from affected persons within ten days of the department's written notification of intent to the city or county. 6. If the agency determines that it is necessary to relocate a utility facility, the agency shall have the authority to institute and maintain proceedings on behalf of the owner of the utility facility for the condemnation of replacement property rights. The replacement property rights shall be equal in substance to the existing rights of the owner of the utility facility, except that the replacement property rights shall be for a width and location deemed appropriate and necessary for the needs of the owner of the utility facility, as determined by the agency and the owner of the facility. The replacement property rights of the owner of the utility facility shall be subordinate to the rights of the agency only to the extent necessary for the construction and maintenance of the designated road. Within a reasonable time after completion of the relocation, all previously owned property rights of the owner of the utility facility no longer required for operation and maintenance of the utility facility shall be released or conveyed to the appropriate parties. The authority of the agency under this subsection may only be exercised upon execution of a relocation agreement between the agency and the owner of the utility facility. For purposes of this subsection, "utility facility" means an electric, gas, water, steam power, or materials transmission or distribution system; a transportation system; a communications system, including cable television; and fixtures, equipment, or other property associated with the operation, maintenance, or repair of the system. A utility facility may be publicly, privately, or cooperatively owned. 7. For the purposes of this section, the term "driveway" shall mean a way of ingress and egress located entirely on private property, consisting of a lane or passageway leading from a residence to a public roadway or highway. [C24, §4732; C27, 31, 35, §4755-b27; C39, §4658, 4683.23, 4755.23; C46, 50, §309.64, 310.23, 313.25; C54, 58, 62, 66, §306.13; C71, 73, 75, 77, 79, 81, §306.19] 91 Acts, ch 114, §1; 94 Acts, ch 1030, §1; 95 Acts, ch 135, §2; 96 Acts, ch 1126, §1; 99 Acts, ch 171, §26, 27, 42; 2001 Acts, ch 32, §1; 2021 Acts, ch 80, §157 Referred to in §309.57, 331.304

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION OF HIGHWAYS Section 306.2 - Definitions.

306.2 Definitions. As used in this chapter, unless the context otherwise requires: 1. "Agency" means any governmental body which exercises jurisdiction over any road as provided in section 306.4. 2. "Book", "list", "record", or "schedule" kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1. 3. "Department" means the state department of transportation. [C75, 77, 79, 81, §306.2] 2000 Acts, ch 1148, §1; 2002 Acts, ch 1119, §200, 201

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION OF HIGHWAYS Section 306.20 - Cemeteries.

306.20 Cemeteries. No road shall be established through any cemetery or burying ground without the consent of all the parties affected by the same. [C51, §525; R60, §830; C73, §925; C97, §1487; SS15, §1527-r4; C24, §4566, 4732; C27, 31, 35, §4566, 4755-b27; C39, §4566, 4755.23; C46, 50, §306.7, 313.25; C54, 58, 62, 66, §306.14; C71, 73, 75, 77, 79, 81, §306.20]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION OF HIGHWAYS Section 306.21 - Plans, plats and field notes filed.

306.21 Plans, plats and field notes filed. All road plans, plats and field notes and true and accurate diagrams of water, sewage and electric power lines for rural subdivisions shall be filed with and approved by the board of supervisors and the county engineer before the subdivision is laid out or recorded. Such plans shall be clearly designated as "completed", "partially completed" or "proposed" with a statement of the portion completed and the expected date of full completion. If such road plans are not approved as provided in this section such roads shall not become the part of any road system as defined in this chapter. [C51, §533, 550; R60, §838, 855; C73, §933, 949; C97, §1492, 1504; C24, 27, §4571, 4589; C31, 35, §4571, 4589, 4755-c1; C39, §4571, 4589, 4619, 4686.24, 4755.24; C46, 50, §306.12, 306.30, 306.60, 310.24, 313.26; C54, 58, 62, 66, §306.15; C71, 73, 75, 77, 79, 81, §306.21] 90 Acts, ch 1236, §43 Referred to in §331.502, 543C.1, 714.16

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION OF HIGHWAYS Section 306.22 - Sale of unused right-of-way.

306.22 Sale of unused right-of-way. 1. When title to any tract of land has been or may be acquired for the construction or improvement of any highway, and when in the judgment of the agency in control of the highway, the tract will not be used in connection with or for the improvement, maintenance, or use of the highway, the agency in control of the highway may sell the tract for cash. 2. The department may contract for the sale of any tract of land subject to the following terms and conditions: a. The discounted present market value of the contract offer, including the cash down payment, shall exceed one hundred ten percent of the highest cash offer submitted for the tract if a cash offer is received. The discount rate shall be the rate of interest stated in the contract. b. The cash down payment shall be equal to or in excess of five percent of the total purchase price. c. The term of the contract shall not exceed ten years. d. The rate of interest stated in the contract shall not be less than the prevailing rate of interest charged on contract land sales by sellers in the county or general area in which the tract of land is located. e. The department shall advertise for cash bids and contract offers before accepting a contract offer. f. The appraised value of property sold under a land contract sale shall be at least five thousand dollars. g. Any tract of land sold on contract shall be listed on the tax rolls by and taxed to the contract purchaser, as provided in chapters 428 and 443; assessed and valued as provided in chapter 441; taxes levied as provided in chapter 444; collected as provided in chapter 445; and subject to tax sale, redemption, and apportionment of taxes as provided in chapters 446 through 449. The contract purchaser shall discharge and pay all taxes. 3. If any tract of land is sold, the sale shall be subject to the right of a utility association, company, or corporation to continue in possession of a right-of-way in use at the time of the sale. [C35, §4755-f1; C39, §4755.44; C46, 50, §313.53; C54, 58, 62, 66, §306.16; C71, 73, 75, 77, 79, 81, §306.22] 86 Acts, ch 1245, §1987; 92 Acts, ch 1163, §71; 2010 Acts, ch 1061, §180; 2021 Acts, ch 80, §158 Referred to in §306.42

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION OF HIGHWAYS Section 306.23 - Notice — preference of sale.

306.23 Notice — preference of sale. 1. The agency in control of a tract, parcel, or piece of land, or part thereof, which is unused right-of-way shall send by certified mail to the last known address of the present owner of adjacent land from which the tract, parcel, piece of land, or part thereof, was originally purchased or condemned for highway purposes, and to the person who owned the land at the time it was purchased or condemned for highway purposes, notice of the agency's intent to sell the land, the name and address of any other person to whom a notice was sent, and the fair market value of the real property based upon an appraisal by an independent appraiser. 2. The notice shall give an opportunity to the present owner of adjacent property and to the person who owned the land at the time it was purchased or condemned for highway purposes to be heard and make offers within sixty days of the date the notice is mailed for the tract, parcel, or piece of land to be sold. An offer which equals or exceeds in amount any other offer received and which equals or exceeds the fair market value of the property shall be given preference by the agency in control of the land. If no offers are received within sixty days or if no offer equals or exceeds the fair market value of the land, the agency shall transfer the land for a public purpose or proceed with the sale of the property. 3. For the purposes of this section, "public purpose" means the transfer to a state agency or a city, county, or other political subdivision for a public purpose. [C35, §4755-f2; C39, §4755.45; C46, 50, §313.54; C54, 58, 62, 66, §306.17; C71, 73, 75, 77, 79, 81, §306.23; 81 Acts, ch 98, §1; 82 Acts, ch 1104, §7] 87 Acts, ch 35, §1; 97 Acts, ch 149, §2, 3 Referred to in §331.361

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION OF HIGHWAYS Section 306.24 - Conditions.

306.24 Conditions. Any sale of land as authorized in this chapter shall be upon the conditions that the tract, parcel, or piece of land so sold shall not be used in any manner so as to interfere with the use of the highway by the public, or to endanger public safety in the use of the highway, or to the material damage of the adjacent owner. [C35, §4755-f3; C39, §4755.46; C46, 50, §313.55; C54, 58, 62, 66, §306.18; C71, 73, 75, 77, 79, 81, §306.24] 2020 Acts, ch 1063, §132

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION OF HIGHWAYS Section 306.25 - Execution of conveyance.

306.25 Execution of conveyance. If a sale of land in connection with a primary road, state park road, or institutional road has been authorized as provided in this chapter, written conveyances containing the conditions as prescribed by the controlling state agency shall be made in the name of the state and signed by the governor and secretary of state, with the great seal of the state of Iowa attached. If a sale of land in connection with a secondary road has been authorized by the board of supervisors as provided in this chapter, written conveyances containing the provisions prescribed by the board of supervisors shall be made in the name of the county and signed by the chairperson of the board of supervisors and the county auditor. [C35, §4755-f4; C39, §4755.47; C46, 50, §313.56; C54, 58, 62, 66, §306.19; C71, 73, 75, 77, 79, 81, §306.25] 92 Acts, ch 1163, §72 Referred to in §331.502

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION OF HIGHWAYS Section 306.26 - Payment of damages and right-of-way cost — proceeds of sale.

306.26 Payment of damages and right-of-way cost — proceeds of sale. Damages allowed on account of the vacation of any highway and costs incident thereto, right-of-way or land purchased or condemned for or on account of any highway and costs incident

thereto, and the funds received from the sale or rental of any highway right-of-way or land, shall be paid from or credited to, as the case may be, the road fund or funds applicable to said highway or highway system. [C51, §546; R60, §851; C73, §946; C97, §1501; C24, 27, §4586; C31, 35, §4586, 4755-d8, -f5; C39, §4586, 4755.43, 4755.48; C46, 50, §306.27, 313.52, 313.57; C54, 58, 62, 66, §306.20; C71, 73, 75, 77, 79, 81, §306.26]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION OF HIGHWAYS Section 306.27 - Changes for safety, economy, and utility.

306.27 Changes for safety, economy, and utility. The state department of transportation as to primary roads and the boards of supervisors as to secondary roads on their own motion may change the course of any part of any road or stream, watercourse, or dry run and may pond water in order to avoid the construction and maintenance of bridges, or to avoid grades, or railroad crossings, or to straighten a road, or to cut off dangerous corners, turns, or intersections on the highway, or to widen a road above statutory width, or for the purpose of preventing the encroachment of a stream, watercourse, or dry run upon the highway. The department and the board of supervisors shall conduct their proceedings in the manner and form prescribed in chapter 6B, except that the board of supervisors may use the form prescribed in sections 306.28 through 306.37 for the condemnation of right-of-way that is contiguous to existing road right-of-way and necessary for the maintenance, safety improvement, or upgrade of the existing secondary road. Changes are subject to chapter 455B and chapter 459, subchapters II and III. [C97, §427; SS15, §1527-r1; C24, 27, 31, 35, 39, §4607; C46, 50, §306.48; C54, 58, 62, 66, §306.21; C71, 73, 75, 77, 79, 81, §306.27] 83 Acts, ch 101, §66; 87 Acts, ch 61, §1; 99 Acts, ch 171, §28, 42; 2021 Acts, ch 80, §159 Referred to in §331.304

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION OF HIGHWAYS Section 306.28 - Appraisers.

306.28 Appraisers. If the board of supervisors is unable, by agreement with the owner, to acquire the necessary right-of-way to effect such change, a compensation commission shall be selected pursuant to section 6B.4, to appraise the damages consequent on the taking of the right-of-way. [SS15, §1527-r1, -r2; C24, 27, 31, 35, 39, §4610; C46, 50, §306.51; C54, 58, 62, 66, §306.22; C71, 73, 75, 77, 79, 81, §306.28] 99 Acts, ch 171, §29, 42; 2023 Acts, ch 66, §57 Referred to in §306.19, 306.27, 331.304 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION OF HIGHWAYS Section 306.29 - Notice.

306.29 Notice. The county auditor shall cause the following notice to be served on the individual owner of each tract or parcel of land to be taken for such right-of-way, as shown by the transfer books in the office of such county auditor, and upon each person owning or holding a mortgage, or lease, upon such land as shown by the county records, and upon the actual occupant of such land if other than the owner thereof: To whom it may concern: Notice is given that the board of supervisors of county, Iowa, propose to condemn for road purposes the following described real estate in said county: (Here describe the right-of-way, and the tract or tracts from which such right-of-way will be taken.) The damages caused by said condemnation will be assessed by a compensation commission appointed as provided by law for the purpose of appraising the damages. All parties interested are further notified that the compensation commission will, when duly appointed, proceed to appraise the damages, will report the appraisement to the board of supervisors and that the board will pass thereon as provided by law, and that at all such times and places you may be present. You are further notified that at the hearing before the supervisors you may file objections to the use of the land for road purposes and that all such objections not so made will be deemed waived. County Auditor. [SS15, §1527-r2, -r3, -r6; C24, 27, 31, 35, 39, §4611; C46, 50, §306.52; C54, 58, 62, 66, §306.23; C71, 73, 75, 77, 79, 81, §306.29] 99 Acts, ch 171, §30, 42 Referred to in §306.19, 306.27, 331.304, 331.502

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION OF HIGHWAYS Section 306.3 - Definitions used throughout Code.

306.3 Definitions used throughout Code. As used in this chapter or in any chapter of the Code relating to highways, except as otherwise specified: 1. "Area service" or "area service system" means those secondary roads that are not part of the farm-to-market road system. 2. "County conservation parkways" or "county conservation parkway system" means those parkways located wholly within the boundaries of county lands operated as parks, forests, or public access areas. 3. "Farm-to-market roads" or "farm-to-market road system" means those county jurisdiction intracounty and intercounty roads which serve principal traffic generating areas and connect such areas to other farm-to-market roads and primary roads. The farm-to-market road system includes those county jurisdiction roads providing service for short-distance intracounty and intercounty traffic or providing connections between farm-to-market roads and area service roads, and includes those secondary roads which are federal aid eligible. The farm-to-market road system shall not exceed thirty-five thousand miles. 4. "Interstate roads" or "interstate road system" means those roads and streets of the primary road system that are designated by the secretary of the United States department of transportation as the national system of interstate and defense highways in Iowa. 5. "Municipal street system" means those streets within municipalities that are not primary roads or secondary roads. 6. "Primary roads" or "primary road system" means those roads and streets both inside and outside the boundaries of municipalities which are under department jurisdiction. 7. "Public road

right-of-way” means an area of land, the right to possession of which is secured or reserved by the state or a governmental subdivision for roadway purposes. The right-of-way for all secondary roads is sixty-six feet in width, unless otherwise specified by the county board of supervisors of the respective counties. 8. “Road” or “street” means the entire width between property lines through private property or the designated width through public property of every way or place of whatever nature if any part of such way or place is open to the use of the public, as a matter of right, for purposes of vehicular traffic. 9. “Secondary roads” or “secondary road system” means those roads under county jurisdiction. 10. “State park, state institution, and other state land road system” consists of those roads and streets wholly within the boundaries of state lands operated as parks, or on which institutions or other state governmental agencies are located. [C24, 27, §4636; C31, 35, §4644-c2; C39, §4644.02; C46, 50, §309.2; C54, 58, 62, 66, §306.2; C71, 73, 75, 77, 79, 81, §306.3] 92 Acts, ch 1153, §1; 98 Acts, ch 1075, §1; 2003 Acts, ch 144, §1; 2014 Acts, ch 1123, §1 Referred to in §307.24, 309.3, 310.10, 314.30, 315.3, 321.285

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION OF HIGHWAYS Section 306.30 - Service of notice.

306.30 Service of notice. 1. Owners, occupants, and mortgagees of record who are residents of the county shall be personally served in the manner in which and for the time original notices in the district court are required to be served. 2. Owners and mortgagees of record who do not reside in the county and owners and mortgagees of record who do reside in the county when the officer returns that they cannot be found in the county, shall be served by publishing the notice as provided in section 331.305 and also by mailing by certified mail a copy of the notice to the owner and mortgagee of record addressed to the owner’s and mortgagee of record’s last known address, and the county auditor shall furnish to the board of supervisors the county auditor’s affidavit that the notice has been sent, which affidavit shall be conclusive evidence of the mailing of the notice. 3. Personal service outside the county but within the state shall take the place of service by publication. 4. No service need be had on one who has exercised the right to select an appraiser. [SS15, §1527-r2, -r3; C24, 27, 31, 35, 39, §4612; C46, 50, §306.53; C54, 58, 62, 66, §306.24; C71, 73, 75, 77, 79, 81, §306.30] 87 Acts, ch 43, §7; 2017 Acts, ch 54, §76 Referred to in §306.19, 306.27, 331.304, 331.502 Time and manner of service, R.C.P. 1.302 – 1.315

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION OF HIGHWAYS Section 306.31 - Assessment.

306.31 Assessment. The appraisers shall forthwith proceed to the assessment of damages and shall make written report of the damages to the board of supervisors. [SS15, §1527-r2; C24, 27, 31, 35, 39, §4613; C46, 50, §306.54; C54, 58, 62, 66, §306.25; C71, 73, 75, 77, 79, 81, §306.31] 99 Acts, ch 171, §31, 42 Referred to in §306.19, 306.27, 331.304

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION OF HIGHWAYS Section 306.32 - Hearing — adjournment.

306.32 Hearing — adjournment. The board of supervisors shall proceed to a hearing on the objections or assessment of damages of any owner, mortgagee of record, and the actual occupant of such land if any of whom it has acquired jurisdiction, or if there are owners, mortgagee of record, and the actual occupant of such land if any over whom jurisdiction has not been acquired, the board may adjourn such hearing until a date when jurisdiction will be complete as to all owners. [SS15, §1527-r3; C24, 27, 31, 35, 39, §4614; C46, 50, §306.55; C54, 58, 62, 66, §306.26; C71, 73, 75, 77, 79, 81, §306.32] 2023 Acts, ch 66, §58 Referred to in §306.19, 306.27, 331.304 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION OF HIGHWAYS Section 306.33 - Hearing on objections.

306.33 Hearing on objections. The board of supervisors shall, at the final hearing, first pass on the objections to the proposed change. If objections are sustained, the proceedings shall be dismissed unless the board finds that the objections may be avoided by a change of plans, and to this end an adjournment may be ordered, if necessary, in order to secure service on additional parties. [SS15, §1527-r3; C24, 27, 31, 35, 39, §4615; C46, 50, §306.56; C54, 58, 62, 66, §306.27; C71, 73, 75, 77, 79, 81, §306.33] 2023 Acts, ch 66, §59 Referred to in §306.19, 306.27, 331.304 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION OF HIGHWAYS Section 306.34 - Hearing on claims for damages.

306.34 Hearing on claims for damages. When objections to the proposed change are overruled, the board of supervisors shall proceed to determine the damages to be awarded to each claimant. If the damages finally awarded are, in the opinion of the board, excessive, the proceedings shall be dismissed; if not excessive, the board may, by proper order, establish such proposed change. [SS15, §1527-r3; C24, 27, 31, 35, 39, §4616; C46, 50, §306.57; C54, 58, 62, 66, §306.28; C71, 73, 75, 77, 79, 81, §306.34] 2023 Acts, ch 66, §60 Referred to in §306.19, 306.27, 331.304 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION OF HIGHWAYS Section 306.35 - Appeals.

306.35 Appeals. Claimants for damages may appeal to the district court from the award of damages in the manner and time for taking appeals from the orders establishing highways generally. [C97, §428; SS15, §1527-r3; C24, 27, 31, 35, 39, §4617; C46, 50, §306.58; C54, 58, 62, 66, §306.29; C71, 73, 75, 77, 79, 81, §306.35] Referred to in §306.19, 306.27, 331.304

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION OF HIGHWAYS Section 306.36 - Damages on appeal — rescission of order.

306.36 Damages on appeal — rescission of order. If, in the opinion of the board of supervisors, the damages as finally determined on appeal are excessive, the board may rescind its order establishing such change. [SS15, §1527-r3; C24, 27, 31, 35, 39, §4618; C46, 50, §306.59; C54, 58, 62, 66, §306.30; C71, 73, 75, 77, 79, 81, §306.36] 2023 Acts, ch 66, §61 Referred to in §306.19, 306.27, 331.304 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION OF HIGHWAYS Section 306.37 - Tender of damages.

306.37 Tender of damages. No appeal from an award of damages shall delay the prosecution of the work when the amount of the award is tendered in writing to the claimant and such tender is kept good. An order to the auditor to issue warrants to claimants for damages shall constitute a valid tender, if funds are available to promptly meet such warrants. Acceptance of the amount of such tender bars an appeal. Should possession of the condemned premises be taken pending appeal and the final award be not paid, the county shall be liable for all damages caused during such possession. [SS15, §1527-r3; C24, 27, 31, 35, 39, §4620; C46, 50, §306.61; C54, 58, 62, 66, §306.31; C71, 73, 75, 77, 79, 81, §306.37] Referred to in §306.19, 306.27, 331.304, 331.502

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION OF HIGHWAYS Section 306.38 - Rental of acquired property pending use.

306.38 Rental of acquired property pending use. In the event that land acquired for improvement of any highway is not immediately needed for such improvement, the agency in control of said highway may rent such land or buildings thereon to responsible persons for a cash rental consistent with the fair market value of similar property. The said agency may employ a local real estate firm for management and collection of rentals or may do so directly through its own personnel. The commission or service charge of such real estate company shall be paid out of such rentals. [C62, 66, §306.32; C71, 73, 75, 77, 79, 81, §306.38]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION OF HIGHWAYS Section 306.39 - Flooding highways — federal water resources projects.

306.39 Flooding highways — federal water resources projects. The agency which has control and jurisdiction over any highway or highway system which may be affected by a federal water resources project may grant, sell, exchange, or convey to the United States of America, the perpetual right, power, privilege and easement to overflow, flood, and submerge all of the portion of easements for highway purposes under the control and jurisdiction of such agency. [C66, §306.33; C71, 73, 75, 77, 79, 81, §306.39] Referred to in §306.40

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION OF HIGHWAYS Section 306.4 - Jurisdiction of systems.

306.4 Jurisdiction of systems. The jurisdiction and control over the roads and streets of the state are vested as follows: 1. Jurisdiction and control over the primary roads shall be vested in the department. 2. Jurisdiction and control over the secondary roads shall be vested in the county board of supervisors of the respective counties. 3. a. Effective July 1, 2004, jurisdiction and control over a farm-to-market extension or road transferred pursuant to section 306.8A within a city with a population of less than five hundred shall be vested in the county board of supervisors of the respective county. b. If the population of a city drops below five hundred after July 1, 2004, as determined by the latest available federal census or special census, jurisdiction and control over a farm-to-market extension located within the city shall be vested in the county board of supervisors of the respective county effective July 1 following census certification by the secretary of state. c. If the population of a city from which jurisdiction and control over a road has been transferred pursuant to paragraph “a” or “b” exceeds seven hundred fifty, as determined by the latest available federal census or special census, such jurisdiction and control shall be transferred back to the city effective July 1 following census certification by the secretary of state. 4. a. Jurisdiction and control over the municipal street system shall be vested in the governing bodies of each municipality; except that the department and the municipal governing body shall exercise concurrent jurisdiction over the municipal extensions of primary roads in all municipalities. When concurrent jurisdiction is exercised, the department shall consult with the municipal governing body as to the kind and type of construction, reconstruction, repair, and maintenance and the two parties shall enter into agreements with each other as to the division of costs. b. When the two parties cannot initially come to agreement as to the division of costs under this subsection, the parties shall contract with an organization in this state to provide mediation services. The costs of the mediation services shall be equally allocated between the two parties. If after submitting to mediation the parties still cannot come to agreement as to the division of costs, the mediator shall sign a statement that the parties did not reach an agreement, and the parties shall then submit the matter for binding arbitration to a mutually agreed-upon third party. If the parties cannot agree upon a third-party arbitrator, they shall submit the matter to an arbitrator selected under the rules of the

American arbitration association. 5. Jurisdiction and control over the roads and streets in any state park, state institution, or other state land shall be vested in the board, commission, or agency in control of the park, institution, or other state land; except that: a. The department and the controlling agency shall have concurrent jurisdiction over any road which is an extension of a primary road and which both enters and exits from the state land at separate points. The department may expend the moneys available for such roads in the same manner as the department expends such moneys on other roads over which the department exercises jurisdiction and control. The parties exercising concurrent jurisdiction may enter into agreements with each other as to the kind, type, and division of costs of construction, reconstruction, repair, and maintenance. In the absence of such agreement, the jurisdiction and control of such road shall remain in the department. b. The board of supervisors of any county and the controlling state agency shall have concurrent jurisdiction over any road which is an extension of a secondary road and which both enters and exits from the state land at separate points. The board of supervisors of any county may expend the moneys available for such roads in the same manner as the board expends such moneys on other roads over which the board exercises jurisdiction and control. The parties exercising concurrent jurisdiction may enter into agreements with each other as to the kind, type, and division of costs of construction, reconstruction, repair, and maintenance. In the absence of an agreement, the jurisdiction and control of the road shall remain in the board of supervisors of the county. 6. Jurisdiction and control over parkways within county parks and conservation areas shall be vested in the county conservation boards within the boards' respective counties; except that: a. The department and the county conservation board shall have concurrent jurisdiction over an extension of a primary road which both enters and exits from a county park or other county conservation area at separate points. The department may expend moneys available for such roads in the same manner as the department expends such moneys on other roads over which the department exercises jurisdiction and control. The parties exercising concurrent jurisdiction may enter into agreements with each other as to the kind, type, and division of costs of construction, reconstruction, repair, and maintenance. In the absence of an agreement, the jurisdiction and control of the roads shall remain in the department. b. The board of supervisors of any county and the county conservation board shall have concurrent jurisdiction over an extension of a secondary road which both enters and exits from a county park or other county conservation area at separate points. The board of supervisors of any county may expend moneys available for such roads in the same manner as the board expends such moneys on other roads over which the board exercises jurisdiction and control. The parties exercising concurrent jurisdiction may enter into agreements with each other as to the kind, type, and division of costs of construction, reconstruction, repair, and maintenance. In the absence of an agreement, the jurisdiction and control of the roads shall remain in the board of supervisors of the county. [C51, §514; R60, §819; C73, §920; C97, §1482; C24, 27, §4560, 4635 – 4677, 4780 – 4812; C31, 35, §4560, 4644-c1; C39, §4560, 4644.01; C46, 50, §309.1; C54, 58, 62, 66, §306.3; C71, 73, 75, 77, 79, 81, §306.4] 89 Acts, ch 134, §1; 2003 Acts, ch 144, §2; 2010 Acts, ch 1061, §180; 2023 Acts, ch 66, §56 Referred to in §306.2, 307.22, 307.24, 308.5, 312.3, 331.362 Subsections 4 – 6 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION OF HIGHWAYS Section 306.40 - Easements conveyed.

306.40 Easements conveyed. If an easement authorized under section 306.39 is conveyed in connection with a primary road, state park road, or institutional road, written conveyances containing the conditions as prescribed by the controlling state agency shall be made in the name of the state and signed by the governor and secretary of state, with the seal of the state of Iowa attached. If the easement is conveyed in connection with a secondary road, written conveyances containing the provisions prescribed by the board of supervisors shall be made in the name of the county and signed by the chairperson of the board and the county auditor. [C66, §306.34; C71, 73, 75, 77, 79, 81, §306.40] 92 Acts, ch 1163, §73 Referred to in §331.502

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION OF HIGHWAYS Section 306.41 - Temporary closing for construction.

306.41 Temporary closing for construction. 1. The agency having jurisdiction and control over any highway in the state, or the chief engineer of the agency when delegated by such agency, may temporarily close sections of a highway by formal resolution entered upon the minutes of such agency when reasonably necessary because of construction, reconstruction, maintenance or natural disaster and shall cause to be erected "road closed" signs and partial or total barricades in the roadway at each end of the closed highway section and on the closed highway where that highway is intersected by other highways if such intersection remains open. Any numbered road closed for over forty-eight hours shall have a designated detour route. The agency having jurisdiction over a section of highway closed in accordance with the provisions of this section, or the persons or contractors employed to carry out the construction, reconstruction, or maintenance of the closed section of highway, shall not be liable for any damages to any vehicle that enters the closed section of highway or the contents of such vehicle or for any injuries to any person that enters the closed section of highway, unless the damages are caused by gross negligence of the agency or contractor. 2. Nothing in this section shall be construed to prohibit or deny any person from gaining lawful access to the person's property or residence, nor shall it change or limit liability to such persons. [C71, 73, 75, 77, 79, 81, §306.41] 2018 Acts, ch 1041, §76 Referred to in §321.10

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION OF HIGHWAYS Section 306.42 - Transfer of rights-of-way.

306.42 Transfer of rights-of-way. 1. This section is intended to vest all documents of title in road right-of-way in the jurisdiction responsible for the road. This section establishes a simple method to transfer road rights-of-way by quitclaim deed and to authorize

the use of available descriptions, plats, maps or engineering drawings to effect such transfers and to provide an orderly method by which such transfers may be filed, indexed and recorded. 2. The department shall transfer by quitclaim deed to the county or to the city having jurisdiction over a road, all of the state's legal or equitable title and interest in right-of-way for the road or street and may transfer any adjacent unused right-of-way or land in excess of that needed as right-of-way. The deed shall be executed by the director of the department. However, if the department owns any adjacent unused right-of-way in excess of that needed as right-of-way which is located outside the incorporated limits of a city and is suitable for purposes specified in section 350.4, subsection 2, the department may, at the request of the county and the county conservation board, transfer the property by quitclaim deed to the county for the use and benefit of the county conservation board. 3. The county or the city shall transfer by quitclaim deed to the state department of transportation when having jurisdiction over a road, all of the county's or the city's legal or equitable title and interest in rights-of-way for the road and may transfer any adjacent unused right-of-way or land in excess of that needed as right-of-way. The deed shall be executed by the chairperson of the board of supervisors by order of the board for county roads and by the mayor or city manager by order of the city council for city streets. 4. Transfers under this section shall be subject to the right of a utility, association, company or corporation to continue in possession of a right-of-way in use at the time of the transfer. Transfers shall be subject to rights of ingress and egress whether excepted, reserved or granted by the transferring authority to land or to owners of land adjacent to the right-of-way. Transfers shall include an index of parcels transferred by the character of the instrument or proceeding, the grantor and grantee, and date of the last instrument or proceeding acquiring rights to each parcel. Transfers shall locate the right-of-way by quarter-quarter section, township and range or if so acquired, by lot, block and subdivision. The transferring jurisdiction shall transmit to the receiving jurisdiction all available original documents of title or a certified true copy if the right-of-way was acquired by condemnation or the original deed is lost. Transfers shall be recorded and indexed in the county in which the land is located. 5. Notwithstanding chapter 542B and sections 6A.20, 306.22, 354.13, 354.15, and 364.7, legal descriptions, plats, maps, or engineering drawings used to describe transfers of right-of-way shall, where available, be descriptions, plats, maps, or engineering drawings of record and shall be incorporated by reference to the title instrument or proceedings. If a part but not all of the land acquired by a single conveyance or condemnation is being transferred, the description of that part to be transferred shall be abstracted from the present legal description, plat, map, or engineering drawing of record. 6. Notwithstanding any other provision of the Code, for transfers of roads and streets made after May 1, 1987, neither the transferring jurisdiction or the receiving jurisdiction shall be held liable for any claim or damage for any act or omission relating to the design, construction, or maintenance of the road or street that occurred prior to the effective date of the transfer. This subsection shall apply to all transfers pursuant to this chapter or section 313.2. [C79, 81, S81, §306.42; 81 Acts, ch 99, §1, ch 117, §1044] 86 Acts, ch 1245, §1902; 87 Acts, ch 232, §18; 90 Acts, ch 1236, §44; 2019 Acts, ch 59, §85

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION OF HIGHWAYS Section 306.45 - Easements on highway rights-of-way.

306.45 Easements on highway rights-of-way. The department may grant easements across land under its jurisdiction if the department determines that the easement will not adversely affect the construction and maintenance of the highway system. Written conveyances containing any easement conditions prescribed by the department shall be made in the name of the state and signed by the governor and the secretary of state, with the seal of the state of Iowa affixed. 98 Acts, ch 1075, §18

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION OF HIGHWAYS Section 306.46 - Public utility facilities — public road rights-of-way.

306.46 Public utility facilities — public road rights-of-way. 1. A public utility may construct, operate, repair, or maintain its utility facilities within a public road right-of-way. The location of new utility facilities shall comply with section 318.9. A utility facility shall not be constructed or installed in a manner that causes interference with public use of the road. 2. For purposes of this section, “public utility” means a public utility as defined in section 476.1, and shall also include waterworks, municipally owned waterworks, joint water utilities, rural water districts incorporated under chapter 357A or chapter 504, cooperative water associations, and electric transmission owners as defined in section 476.27 primarily providing service to public utilities as defined in section 476.1. For the purposes of this section, “utility facilities” means any cables, conduits, wire, pipe, casing pipe, supporting poles, guys, and other material and equipment utilized for the furnishing of electric, gas, communications, water, or sewer service. 3. This section shall not impair or interfere with a city's authority to grant, amend, extend, or renew a franchise as provided in section 364.2, and shall not impair or interfere with a city's existing general police powers to control the use of its right-of-way. 2004 Acts, ch 1014, §1, 2; 2004 Acts, ch 1049, §191; 2004 Acts, ch 1175, §332, 346; 2005 Acts, ch 3, §61; 2006 Acts, ch 1097, §14; 2016 Acts, ch 1006, §1 Referred to in §8C.7A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION OF HIGHWAYS Section 306.47 - Utility facilities relocation policy.

306.47 Utility facilities relocation policy. 1. It is the policy of the general assembly that a proactive, cooperative coordination between the department, local governments, private and public utility companies, and other affected parties is the most effective way to minimize costs, eliminate the need for utilities to relocate facilities, limit disruption of utility services related to federal, state, or local highway construction projects, and limit the potential need for relocation of utility facilities. 2. All potentially affected parties shall be invited to participate in development meetings at the design phase of a highway construction project to review plans,

understand goals and objectives of the proposed project, and discuss options that would limit the impact of the construction on utility facilities and thereby minimize or even eliminate costs associated with utility facility relocation. All jurisdictions and other interested parties shall cooperate to discuss strategies and policies to utilize the Iowa one call system in the development of a highway construction project. Failure of the affected parties to respond or participate during the design phase shall not in any way affect the ability of the federal, state, or local agency to proceed with design and construction. 2008 Acts, ch 1124, §1 Referred to in §8C.7A Iowa one call system, see chapter 480

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION OF HIGHWAYS Section 306.5 - Continuity of farm-to-market road system in municipalities, parks, and institutions.

306.5 Continuity of farm-to-market road system in municipalities, parks, and institutions. The farm-to-market road system shall be a continuous interconnected system and provision shall be made for continuity by the designation of extensions within municipalities, state parks, state institutions, other state lands, and county parks and conservation areas. The mileage of such extensions of the system shall be included in the total mileage of the farm-to-market road system. [C71, 73, 75, 77, 79, 81, §306.5] 98 Acts, ch 1075, §2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION OF HIGHWAYS Section 306.50 - Construction program notice.

306.50 Construction program notice. The appropriate highway authority shall provide copies of its annual construction program to the soil and water conservation district commissioners' office in each county. The soil and water conservation district commissioners' office shall review the construction program submitted by each highway authority to determine those projects which may impact upon soil erosion and water diversion or retention. 85 Acts, ch 106, §2; 87 Acts, ch 23, §7

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION OF HIGHWAYS Section 306.51 - Soil erosion impact.

306.51 Soil erosion impact. The soil and water conservation district commissioners shall, within thirty days after receipt of the construction program, notify the appropriate highway authority of the projects which will impact upon soil erosion and water drainage and request that the appropriate highway authority notify them of the date, time, and place for holding the design hearing on preliminary plans. 85 Acts, ch 106, §3; 87 Acts, ch 23, §8

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION OF HIGHWAYS Section 306.52 - Review of plans.

306.52 Review of plans. Upon examining the preliminary plans on a road project, the soil and water conservation district commissioners may review each road project for which a drainage structure is required. The soil and water conservation commissioners shall ascertain whether or not the proposed erosion control or runoff control structure is suitable to reduce the velocity of runoff, reduce gully erosion, or provide for sedimentation or other improvement that would enhance soil conservation. The soil and water conservation commissioners shall also ascertain whether any other aspect of the road construction will affect soil and water conservation. 85 Acts, ch 106, §4; 87 Acts, ch 23, §9

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION OF HIGHWAYS Section 306.53 - Submission of recommendations — contribution to cost.

306.53 Submission of recommendations — contribution to cost. 1. The soil and water conservation district commissioners shall submit their findings and recommendations to the appropriate highway authority not later than twenty days following examination of the construction plans. 2. The appropriate highway authority shall respond to the soil and water conservation district commissioners and indicate its agreement to the suggested installation or its rejection of the proposal. 3. Where feasible and cost-sharing funds are available, the soil and water conservation district may contribute in part or in its entirety to any additional cost for the erosion control structure. 85 Acts, ch 106, §5; 87 Acts, ch 23, §10; 2017 Acts, ch 54, §76

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION OF HIGHWAYS Section 306.54 - Reporting.

306.54 Reporting. If the proposal is rejected, the appropriate highway authority shall provide a written report documenting the reason for the rejection to the soil and water conservation district commissioners and the state department of transportation. The state department of transportation shall submit a written report to the general assembly not later than March 1 of each year. The report shall contain only a list of those highway projects where a disagreement exists between the department and the soil and water conservation district commissioners and the reasons for rejecting the recommendations of the soil and water conservation district commissioners. The report shall be filed with the secretary of the senate and the chief clerk of the house of representatives. 85 Acts, ch 106, §6; 87 Acts, ch 23, §11

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION

OF HIGHWAYS**Section 306.6 - Farm-to-market review board.**

306.6 Farm-to-market review board. 1. A farm-to-market review board is created. Members shall be appointed by the Iowa county engineers association. This board shall select a chairperson from among its members by majority vote of the total membership. 2. The farm-to-market review board shall review any and all farm-to-market system modification proposals. The farm-to-market review board shall make final administrative determinations based on sound farm-to-market road system designation principles for all modifications relative to the farm-to-market road system. [C71, 73, 75, 77, 79, 81, §306.6; 81 Acts, ch 97, §1] 86 Acts, ch 1245, §2034; 87 Acts, ch 43, §6; 90 Acts, ch 1223, §25; 95 Acts, ch 3, §1; 98 Acts, ch 1075, §3

2024 Iowa Code**Title VIII - TRANSPORTATION****Chapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION****OF HIGHWAYS****Section 306.6A - Farm-to-market road system modifications.**

306.6A Farm-to-market road system modifications. 1. Modifications to the existing farm-to-market road system and designation of farm-to-market routes on new alignment shall be accomplished in accordance with procedural rules adopted by the farm-to-market review board, subject to the following procedures: a. Counties shall initiate system modifications by submitting a resolution from the board of supervisors to the department. b. The department shall submit the resolution to the farm-to-market review board and provide additional material as requested by the board. c. Upon receipt of a county's resolution requesting a farm-to-market system modification, the farm-to-market review board shall review the proposed system modification and shall consider, but not be limited to consideration of, the following factors: (1) Intracounty and intercounty continuity of systems. (2) Properly integrated systems. (3) Existing and potential traffic. (4) Land use. (5) Location. (6) Equitable distribution of farm-to-market mileage among the counties. 2. Upon completion of the review process, the farm-to-market review board may do any of the following: a. Approve the requested modifications to the farm-to-market road system and submit the modifications to the department for processing. b. Deny the requested modifications. c. Request additional information for further review. 98 Acts, ch 1075, §4

2024 Iowa Code**Title VIII - TRANSPORTATION****Chapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION****OF HIGHWAYS****Section 306.8 - Transfer of jurisdiction.**

306.8 Transfer of jurisdiction. 1. Prior to a change in jurisdiction of a road or street, the unit of government having jurisdiction shall either place the road or street and any structures on the road or street in good repair or provide for the transfer of money to the appropriate jurisdiction in an amount sufficient for the repairs to the road or street and any structures on the road or street. 2. Transfers of the jurisdiction and control of roads and streets may take place if agreements are entered into between the jurisdictions of government involved in the transfer of such roads and streets. [C71, §306.8; C73, 75, 77, §306.8, 313.2; C79, 81, §306.8] 98 Acts, ch 1075, §5; 2018 Acts, ch 1041, §127 Referred to in §306.8A

2024 Iowa Code**Title VIII - TRANSPORTATION****Chapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION****OF HIGHWAYS****Section 306.8A - Transfer of roads identified in report.**

306.8A Transfer of roads identified in report. 1. The department shall maintain on file the transfer of jurisdiction report compiled by the ad hoc road use tax fund committee. Such report identifies primary roads for transfer to local jurisdictions. 2. The jurisdiction and control of only those primary roads identified in the transfer of jurisdiction report that are also classified by the department as local service roads shall be transferred from the state to the appropriate county or city effective July 1, 2003. Such transfers are not subject to the terms and conditions provided in section 306.8. 2003 Acts, ch 144, §3 Referred to in §306.4, 307.22

2024 Iowa Code**Title VIII - TRANSPORTATION****Chapter 306 - ESTABLISHMENT, ALTERATION, AND VACATION****OF HIGHWAYS****Section 306.9 - Diagonal roads — restoring and improving existing roads.**

306.9 Diagonal roads — restoring and improving existing roads. 1. It is the policy of the state of Iowa that relocation of primary highways through cultivated land shall be avoided to the maximum extent possible. When the volume of traffic for which the road is designed or other conditions, including designation as part of the network of commercial and industrial highways, require relocation, diagonal routes shall be avoided if feasible and prudent alternatives consistent with efficient movement of traffic exist. 2. The improvement of two-lane roads shall utilize the existing right-of-way unless alignment or other conditions, including designation as part of the network of commercial and industrial highways, make changes imperative, and when a two-lane road is expanded to a four-lane road, the normal procedure shall be that the additional right-of-way be contiguous to the existing right-of-way unless relocated for compelling reasons, including the need to provide efficient movement of traffic on the network of commercial and industrial highways. This policy does not apply to a highway project for which the corridor has been approved by the state department of transportation and the corridor has been finalized by September 1, 1977. 3. It is the policy of the state of Iowa that in constructing primary highways designed with four-lane divided roadways, access controls shall be limited to the minimum level necessary, as determined by the department, to ensure the safe and efficient movement of traffic or to comply with federal aid requirements. 4. Unless otherwise required by the federal law or regulation, it is also the policy of this state that road use tax fund moneys shall be used to rehabilitate or reconstruct existing roads, streets, and bridges using substantially existing right-of-way. This subsection does not apply where additional right-of-way is needed for the construction or completion of designated interstate or city routes and highway bypasses or highways designated as part of the network of commercial and industrial highways. [C79, 81, §306.9; 81 Acts 2d Ex, ch 2, §1] 83 Acts, ch 198, §14; 89 Acts, ch 134, §2; 98 Acts, ch 1075, §6; 2017 Acts, ch 54, §45

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306A - CONTROLLED-ACCESS HIGHWAYS Section 306A.1 - Declaration of policy.

306A.1 Declaration of policy. The legislature hereby finds, determines, and declares that this chapter is necessary for the immediate preservation of the public peace, health, and safety, and for the promotion of the general welfare. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §306A.1]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306A - CONTROLLED-ACCESS HIGHWAYS Section 306A.10 - Notice to relocate — costs paid.

306A.10 Notice to relocate — costs paid. Whenever the state department of transportation, a city, or a county determines that relocation or removal of any utility facility now located in, over, along, or under any highway or street, is necessitated by the construction of a project on routes of the national system of interstate and defense highways including extensions within cities or on streets or highways resulting from interstate substitutions in a qualified metropolitan area under Tit. 23, U.S.C., the utility owning or operating the facility shall relocate or remove the facility in accordance with statutory notice. The costs of relocation or removal, including the costs of installation in a new location, shall be ascertained by the authority having jurisdiction over the project or as determined in condemnation proceedings for such purposes and may be paid from participating federal aid or other funds. [C62, 66, 71, 73, 75, 77, 79, 81, §306A.10] 83 Acts, ch 198, §15; 2021 Acts, ch 76, §57

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306A - CONTROLLED-ACCESS HIGHWAYS Section 306A.11 - What costs included.

306A.11 What costs included. Cost of relocation or removal shall include the entire amount paid by such utility properly attributable to such relocation or removal except the cost of land or any rights or interest in land, after deducting therefrom any increase in the value of the new facility and any salvage value derived from the old facility. [C62, 66, 71, 73, 75, 77, 79, 81, §306A.11]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306A - CONTROLLED-ACCESS HIGHWAYS Section 306A.12 - Limitation on reimbursement.

306A.12 Limitation on reimbursement. A reimbursement shall not be made for any relocation or removal of facilities under this chapter unless funds to be provided by federal aid amount to at least eighty-five percent of each reimbursement payment. [C62, 66, 71, 73, 75, 77, 79, 81, §306A.12] 83 Acts, ch 198, §16

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306A - CONTROLLED-ACCESS HIGHWAYS Section 306A.13 - Definition.

306A.13 Definition. The term “utility” includes all privately, publicly, municipally, or cooperatively owned systems for supplying water, sewer, electric lights, street lights and traffic lights, gas, power, telegraph, telephone, transit, pipeline, heating plants, railroads, and bridges, or the like service to the public, or any part of such a system if the system is authorized by law to use the streets or highways for the location of its facilities. [C62, 66, 71, 73, 75, 77, 79, 81, §306A.13] 2022 Acts, ch 1021, §56

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306A - CONTROLLED-ACCESS HIGHWAYS Section 306A.2 - Definition of a controlled-access facility.

306A.2 Definition of a controlled-access facility. For the purposes of this chapter, a controlled-access facility is defined as a highway or street especially designed for through traffic, and over, from or to which owners or occupants of abutting land or other persons have no right or easement or only a controlled right or easement of access, light, air, or view by reason of the fact that their property abuts upon such controlled-access facility or for any other reason. Such highways or streets may be freeways open to use by all customary forms of street and highway traffic or they may be parkways from which trucks, buses, and other commercial vehicles shall be excluded. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §306A.2] Referred to in §306A.3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306A - CONTROLLED-ACCESS HIGHWAYS Section 306A.3 - Authority to establish controlled-access facilities — utility accommodation policy.

306A.3 Authority to establish controlled-access facilities — utility accommodation policy. 1. Cities and highway authorities having jurisdiction and control over the highways of the state, as provided by chapter 306, acting alone or in cooperation with each other or with any federal, state, or local agency or any other state having authority to participate in the construction and maintenance of highways, are authorized to plan, designate, establish, regulate, vacate, alter, improve, maintain, and provide controlled-access facilities for public use if traffic conditions, present or future, will justify special facilities; provided, that within a city such authority shall be subject to municipal consent as may be provided by law. In addition to the specific powers granted in this chapter, cities and highway authorities shall have any additional authority vested in them relative to highways or streets within their respective jurisdictions. Cities and highway authorities may regulate, restrict, or prohibit the use of controlled-access facilities by various classes of vehicles or traffic in a manner consistent with section 306A.2. 2. The state department of transportation shall adopt rules, pursuant to chapter 17A, embodying a utility accommodation policy which imposes reasonable restrictions on placements occurring on or after the effective date of the rules, on primary road rights-of-way. The rules may require utilities to give notice to the

department prior to installation of a utility system on a primary road right-of-way and obtain prior permission from the department for the proposed installation. The rules shall recognize emergency situations and the need for immediate installation of service extensions subject to the standards adopted by the department and the utilities board. The rules shall be no less stringent than the standards adopted by the utilities board pursuant to chapters 478, 479, and 479B. This subsection shall not be construed as granting the department authority which has been expressly granted to the utilities board to determine the route of utility installations. If the department requires a utility company permit, the department shall be required to act upon the permit application within thirty days of its filing. In cases of federal-aid highway projects on nonprimary highways, the local authority with jurisdiction over the highway and the department shall comply with all federal regulations and statutes regarding utility accommodation. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §306A.3] 91 Acts, ch 147, §1; 95 Acts, ch 192, §2; 2005 Acts, ch 32, §1; 2006 Acts, ch 1010, §82; 2023 Acts, ch 66, §62 Referred to in §318.8 Subsection 2 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306A - CONTROLLED-ACCESS HIGHWAYS Section 306A.4 - Design of controlled-access facility.

306A.4 Design of controlled-access facility. Cities and highway authorities having jurisdiction and control over the highways of the state, as provided by chapter 306, are authorized to so design any controlled-access facility and to so regulate, restrict, or prohibit access as to best serve the traffic for which such facility is intended. In this connection such cities and highway authorities are authorized to divide and separate any controlled-access facility into separate roadways by the construction of raised curbs, central dividing sections, or other physical separations, or by designating such separate roadways by signs, markers, stripes, and other devices. No person shall have any right of ingress or egress to, from, or across controlled-access facilities to or from abutting lands, except at such designated points at which access may be permitted, upon such terms and conditions as may be specified from time to time. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §306A.4]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306A - CONTROLLED-ACCESS HIGHWAYS Section 306A.5 - Acquisition of property and property rights.

306A.5 Acquisition of property and property rights. 1. For the purposes of this chapter, cities and highway authorities having jurisdiction and control over the highways of the state, as provided by chapter 306, may acquire private or public property rights for controlled-access facilities and service roads, including rights of access, air, view, and light, by gift, devise, purchase, or condemnation in the same manner as such units are authorized by law to acquire such property or property rights in connection with highways and streets within their respective jurisdictions. All property rights acquired under this chapter shall be in fee simple. In connection with the acquisition of property or property rights for a controlled-access facility or portion of, or service road in connection with a controlled-access facility, the cities and highway authorities, in their discretion, may acquire an entire lot, block, or tract of land, if by so doing the interests of the public will be best served, even though the entire lot, block, or tract is not immediately needed for the right-of-way proper. 2. Access rights to any highway shall not be acquired by any authority having jurisdiction and control over the highways of this state by adverse possession or prescriptive right. Action taken by any such authority shall not form the basis for any claim of adverse possession or prescriptive right to any access rights by any such authority. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §306A.5] 89 Acts, ch 83, §39; 2018 Acts, ch 1041, §77

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306A - CONTROLLED-ACCESS HIGHWAYS Section 306A.6 - New and existing facilities — grade-crossing eliminations.

306A.6 New and existing facilities — grade-crossing eliminations. 1. Cities and highway authorities having jurisdiction and control over the highways of the state, as provided by chapter 306, may designate and establish an existing street or highway as included within a controlled-access facility. The state or any of its subdivisions shall have authority to provide for the elimination of intersections at grade of controlled-access facilities with existing state and county roads, and city or village streets, by grade separation or service road, or by closing off such roads and streets at the right-of-way boundary line of such controlled-access facility. 2. The provisions of sections 306.11 through 306.17 shall apply and govern the procedure for the closing of a road or street and the method of ascertaining damages sustained by any person as a consequence of the closing, provided, however, that the highway authority desiring the closing of such road or street shall conduct the hearing and carry out the procedure therefor and pay any damages, including any allowed on appeal, as a consequence thereof, any law to the contrary notwithstanding. 3. After the establishment of any controlled-access facility, no highway or street which is not part of said facility shall intersect the same at grade. A city or village street, county or state highway, or other public way shall not be opened into or connected with any such controlled-access facility without the consent and previous approval of the highway authority in the state, county, city, or village having jurisdiction over the controlled-access facility. Such consent and approval shall be given only if the public interest shall be served thereby. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §306A.6] 2020 Acts, ch 1063, §133

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306A - CONTROLLED-ACCESS HIGHWAYS Section 306A.7 - Authority of local units to consent.

306A.7 Authority of local units to consent. Cities and highway authorities having jurisdiction and control over the highways of the state, as provided by chapter 306 are authorized to enter into agreements with each other, or with the federal government, respecting

the financing, planning, establishment, improvement, maintenance, use, regulation, or vacation of controlled-access facilities or other public ways in their respective jurisdictions, to facilitate the purposes of this chapter. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §306A.7]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306A - CONTROLLED-ACCESS HIGHWAYS Section 306A.8 - Local service roads.

306A.8 Local service roads. In connection with the development of any controlled-access facility cities and highway authorities having jurisdiction and control over the highways of the state, as provided by chapter 306, are authorized to plan, designate, establish, use, regulate, alter, improve, maintain, and vacate local service roads and streets or to designate as local service roads and streets any existing road or street, and to exercise jurisdiction over service roads in the same manner as is authorized over controlled-access facilities under the terms of this chapter, if, in their opinion, such local service roads and streets are necessary or desirable. Such local service roads or streets shall be of appropriate design, and shall be separated from the controlled-access facility proper by means of all devices designated as necessary or desirable by the proper authority. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §306A.8]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306B - OUTDOOR ADVERTISING ALONG INTERSTATE HIGHWAYS Section 306B.1 - Definitions.

306B.1 Definitions. As used in this chapter: 1. “Advertising device” means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or any other device designed, intended, or used to advertise or inform, for which remuneration is paid or earned in exchange for its erection, display, or existence by any person, and which is visible from the traveled portion of any highway of the interstate system in this state. 2. “Department” means the state department of transportation. 3. “Interstate system” means the system of highways as described in 23 U.S.C. §103(c) or amendments thereto. 4. “Remuneration” means the exchange of anything of value, including but not limited to money, securities, real property interests, personal property interests, goods, services, future consideration, exchange of favor, or forbearance of debt. [C66, 71, 73, 75, 77, 79, 81, §306B.1] 2010 Acts, ch 1061, §180; 2011 Acts, ch 25, §25; 2021 Acts, ch 39, §1, 2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306B - OUTDOOR ADVERTISING ALONG INTERSTATE HIGHWAYS Section 306B.2 - Advertising prohibited — exceptions.

306B.2 Advertising prohibited — exceptions. An advertising device shall not be erected or maintained within six hundred sixty feet of the edge of the right-of-way of the interstate system except in areas zoned and used for commercial or industrial purposes under authority of law, regulation, or ordinance of this state or a political subdivision of this state. For purposes of this section, “areas zoned and used for commercial or industrial purposes” means an area zoned for commercial or industrial purposes in accordance with chapter 414, in the case of city zoning, or in accordance with chapter 335, in the case of county zoning, in which one or more commercial or industrial activities, as defined under the city or county zoning ordinance, are located. [C66, 71, 73, 75, 77, 79, 81, §306B.2] 97 Acts, ch 104, §1; 2002 Acts, ch 1070, §1, 2; 2021 Acts, ch 39, §3 Referred to in §306C.10, 306C.13

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306B - OUTDOOR ADVERTISING ALONG INTERSTATE HIGHWAYS Section 306B.4 - Purchase of existing signs.

306B.4 Purchase of existing signs. The department shall acquire by purchase, gift, or condemnation all advertising devices existing on May 21, 1965, which violate the provisions of this chapter or which fail to conform to rules promulgated by the said department under this chapter and all rights and interests of all persons in and to such devices; except that in instances involving any authorized device which fails to conform to rules, the said department shall give notice to the owner of the device and to the owner of the land on which the device is located and shall give the owner and landowner time to conform to such rules as provided in section 306B.5 before proceeding as directed in this section. The provisions of chapters 6A and 6B shall be applicable to any such condemnation and the said department shall have the right to take immediate possession of and remove such devices under the procedures of section 6B.25. [C66, 71, 73, 75, 77, 79, 81, §306B.4]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306B - OUTDOOR ADVERTISING ALONG INTERSTATE HIGHWAYS Section 306B.5 - Removal after notice.

306B.5 Removal after notice. Any advertising device erected or maintained adjacent to any interstate system after May 21, 1965 in violation of this chapter or the rules promulgated by the department, is a public nuisance and may be removed by the department upon thirty days’ notice, by certified mail, to the owner of the advertising device and to the owner of the land on which the advertising device is located. The notice shall require such owners to remove the advertising device if it is prohibited or to cause it to conform to this chapter or rules promulgated by the department if it is not prohibited. 1. If the owner of the advertising device or the landowner fails to act within thirty days as required in the notice, the advertising device shall be deemed to be forfeited and the department may enter upon the land and remove the advertising device. Such entry after notice, shall not be deemed a trespass and the department may be aided by injunction to abate the nuisance and to insure peaceful entry. 2. The cost of removal, including fees, costs and expenses which arise out of an action brought by the department to insure peaceful entry and removal, may be assessed

against the owner of the advertising device. If the owner of the advertising device fails to pay the fees, costs, or expenses within thirty days after assessment, the department may commence an action to collect the fees, costs, or expenses, which when collected shall be paid into the “highway beautification fund”. [C66, 71, 73, 75, 77, 79, 81, §306B.5] 83 Acts, ch 186, §10067, 10201 Referred to in §306B.4, 306C.10 Nuisances in general, chapter 657

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306B - OUTDOOR ADVERTISING ALONG INTERSTATE HIGHWAYS Section 306B.6 - Misdemeanor.

306B.6 Misdemeanor. Whoever erects or maintains an advertising device in violation of this chapter or in violation of rules and regulations promulgated by the department under this chapter shall be guilty of a simple misdemeanor. [C66, 71, 73, 75, 77, 79, 81, §306B.6]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306B - OUTDOOR ADVERTISING ALONG INTERSTATE HIGHWAYS Section 306B.7 - Federal agreements.

306B.7 Federal agreements. The department may enter into agreements with the secretary of commerce of the United States concerning the erection, maintenance, regulation, location, frequency and related matters of advertising devices permitted under this chapter. [C66, 71, 73, 75, 77, 79, 81, §306B.7]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306B - OUTDOOR ADVERTISING ALONG INTERSTATE HIGHWAYS Section 306B.8 - Funds accepted.

306B.8 Funds accepted. The department may accept any allotment of funds by the United States or any department or agency thereof appropriated under Tit. 23 U.S.C. or amendments thereto to accomplish the purposes of this chapter. [C66, 71, 73, 75, 77, 79, 81, §306B.8]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306C - JUNKYARD BEAUTIFICATION AND BILLBOARD CONTROL Section 306C.1 - Definitions.

306C.1 Definitions. For the purposes of this subchapter unless the context otherwise requires: 1. “Department” means the state department of transportation. 2. “Interstate highway” includes “interstate road” and “interstate system” and means any highway of the national highway system at any time officially designated as a part of the national system of interstate and defense highways by the department and approved by the appropriate authority of the federal government. 3. “Junk” means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles, or parts of automobiles, or iron, steel, or other old or scrap ferrous or nonferrous material. 4. “Junkyard” means an establishment or place of business which is maintained, operated, or used primarily for storing, keeping, buying, or selling junk; and the term includes garbage dumps, sanitary fills, and automobile graveyards. 5. “National highway system” means the network designated by the federal highway administration in consultation with the state department of transportation, which consists of interconnected urban and rural principal arterials and highways that serve major population centers, ports, airports, public transportation facilities, other intermodal transportation facilities, and other major travel destinations; meet national defense requirements; and serve interstate and interregional travel. [C73, 75, 77, 79, 81, §306C.1] 2003 Acts, ch 8, §1; 2014 Acts, ch 1123, §2, 3; 2016 Acts, ch 1011, §121 Referred to in §555B.1

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306C - JUNKYARD BEAUTIFICATION AND BILLBOARD CONTROL Section 306C.10 - Definitions.

306C.10 Definitions. For the purposes of this subchapter, unless the context otherwise requires: 1. “Adjacent area” means an area which is contiguous to and within six hundred sixty feet of the nearest edge of the right-of-way of any primary highway. 2. “Advertising device” means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or any other device designed, intended, or used to advertise or inform, for which remuneration is paid or earned in exchange for its erection, display, or existence by any person, and which is visible from the traveled portion of any primary highway. 3. “Bonus interstate highways” includes all interstate highways except those interstate highways adjacent to areas excepted from control under chapter 306B by authority of section 306B.2. 4. “Commercial or industrial activities” means those activities generally recognized as commercial or industrial by zoning authorities in this state, except that none of the following activities shall be considered commercial or industrial: a. Outdoor advertising structures. b. Agricultural, forestry, grazing, farming, and related activities, including but not limited to wayside fresh produce. c. Activities in operation less than three months per year. d. Activities conducted in a building principally used as a residence. e. Railroad tracks and minor spurs. f. Activities outside of adjacent areas, as defined by this subchapter and section 306B.5. g. Activities which have been used in defining and delineating an unzoned area but which have since been discontinued or abandoned. h. Residential housing developments. i. Manufactured home communities or mobile home parks. j. Institutions of learning. k. State, county, and charitable institutions. l. State and county conservation and recreation areas, public parks, forests, playgrounds, or other areas of historic interest or areas designated as scenic beautification areas under section 313.67. 5. “Commercial or industrial zone” means those areas zoned commercial or industrial under authority of a law, regulation, or ordinance of this state, its subdivisions, or a municipality. 6. “Department” means the state department of transportation. 7.

“Erect” means to construct, reconstruct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish; however, it shall not include any of the foregoing activities when performed incidental to the customary maintenance of an advertising device. 8. “Freeway primary highway” means those primary highways which have been constructed as a fully controlled access facility with no access to the facility except at established interchanges. 9. “Information center” means a site, either with or without structures or buildings, established and maintained at a rest area for the purpose of providing “specific information of interest to the traveling public”, as defined in subsection 19. 10. “Interstate highway” includes “interstate road” and “interstate system” and means any highway of the national highway system at any time officially designated as a part of the national system of interstate and defense highways by the department and approved by the appropriate authority of the federal government. 11. “Maintain” means to cause to remain in a state of good repair but does not include reconstruction. 12. “Main-traveled way” means the portion of the roadway for movement of vehicles on which through traffic is carried exclusive of shoulders and auxiliary lanes. In the case of a divided highway, the main-traveled way includes each of the separated roadways for traffic in opposite directions, exclusive of frontage roads, turning roadways, or parking areas. 13. “National highway system” means the network designated by the federal highway administration in consultation with the state department of transportation, which consists of interconnected urban and rural principal arterials and highways that serve major population centers, ports, airports, public transportation facilities, other intermodal transportation facilities, and other major travel destinations; meet national defense requirements; and serve interstate and interregional travel. 14. “Primary highways” means all highways on the national highway system and all highways on the federal-aid primary system as it existed on June 1, 1991. 15. “Reconstruction” means any repair to the extent of sixty percent or more of the replacement cost of the structure, excluding buildings. 16. “Remuneration” means the exchange of anything of value, including but not limited to money, securities, real property interests, personal property interests, goods, services, future consideration, exchange of favor, or forbearance of debt. 17. “Rest area” means an area or site established and maintained under authority of section 313.67 within the right-of-way of an interstate, freeway primary, or primary highway under supervision and control of the department for the safety, recreation, and convenience of the traveling public. 18. “Right-of-way” means land area dedicated to public use for the highway and its maintenance, and includes land acquired in fee simple or by permanent easement for highway purposes, but does not include temporary easements or rights for supplementary highway appurtenances. 19. “Specific information of interest to the traveling public” means only information about public places for camping, lodging, eating, and motor fuel and associated services, including trade names, which have telephone facilities available when the public place is open for business and businesses engaged in selling motor fuel which have free air for tire inflation and restroom facilities available when the public place is open for business. 20. “Structure” means any sign supporting device including but not limited to buildings. 21. “Unzoned commercial or industrial area” means those areas not zoned by state or local law, regulation, or ordinance, which are occupied by one or more commercial or industrial activities, and the land along the primary highways for a distance of seven hundred fifty feet immediately adjacent to the activities. All measurements shall be from the outer edge of the regularly used buildings, parking lots, storage, or processing areas of the activities and shall be parallel to the edge of pavement of the highway. Measurements shall not be from the property line of the activities unless that property line coincides with the limits of the activities. Unzoned commercial or industrial areas shall not include land on the opposite side of the highway from the commercial or industrial activities. 22. “Visible” means capable of being read or comprehended without visual aid by a person of normal visual acuity. [C73, 75, 77, 79, 81, §306C.10] 2001 Acts, ch 153, §16; 2003 Acts, ch 8, §5; 2009 Acts, ch 133, §111, 235; 2011 Acts, ch 25, §26; 2014 Acts, ch 1123, §6, 7; 2016 Acts, ch 1011, §121; 2021 Acts, ch 39, §4 – 6 Referred to in §314.27

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306C - JUNKYARD BEAUTIFICATION AND BILLBOARD CONTROL Section 306C.11 - Advertising prohibited.

306C.11 Advertising prohibited. Subject to the provisions made in section 306C.13 regarding control of bonus interstate highways and section 306D.4 regarding scenic highways or byways, an advertising device shall not be erected or maintained within any adjacent area, or on the right-of-way of any primary highway, except the following: 1. a. Advertising devices within the adjacent area located in commercial or industrial zones or in unzoned commercial or industrial areas in compliance with the regulatory standards of this subchapter and rules promulgated by the department. b. The rules shall be consistent with national standards promulgated pursuant to 23 U.S.C. §131 and shall include at least the following: (1) Provision for a fee schedule to cover the direct and indirect costs related to issuing permits and control of outdoor advertising. (2) Specific permit requirements. (3) Provisions specifying the measurement of required spacing. (4) Provisions specifying conforming sign configurations. 2. a. Signs, displays, and devices giving specific information of interest to the traveling public shall be erected by the department and maintained within the right-of-way in the areas, and at appropriate distances from interchanges on the interstate system and freeway primary highways as shall conform with the rules adopted by the department. The rules shall be consistent with national standards promulgated from time to time or as permitted by the appropriate authority of the federal government pursuant to 23 U.S.C. §131(f) except as provided in this section. The rules shall include but are not limited to the following: (1) Criteria for eligibility for signing. (2) Criteria for limiting or excluding businesses that maintain advertising devices that do not conform to the requirements of chapter 306B, this subchapter, or other statutes or administrative rules regulating outdoor advertising. (3) Provisions for a fee schedule to cover the direct and indirect costs of sign erection and maintenance and related administrative costs. (4) Provisions for specifying the maximum distance to eligible businesses. (5) Provisions specifying the maximum number of signs permitted per panel and per interchange. (6) Provisions for determining what businesses are signed when there are more applicants than the maximum number of signs permitted. (7) Provisions for removing signs when businesses cease to meet minimum requirements for participation and

related costs. b. Business signs supplied to the department by commercial vendors shall be on panels, with dimensional and material specifications established by the department. A business sign included under the provisions of this section shall not be posted unless it is in compliance with these specifications. The commercial vendor shall pay to the department a fee based upon the schedule adopted under this subsection for each business sign supplied for posting. Upon furnishing the business signs to the department and payment of all fees, the department shall post the business signs on eligible specific information panels. Faded signs shall be replaced and the commercial vendor charged for the cost of replacement based upon the fee schedule adopted. There is created in the office of the treasurer of state a fund to be known as the highway beautification fund and all funds received for the posting on specific information panels shall be deposited in the highway beautification fund. Information on motor fuel and associated services may include vehicle service and repair where the same is available. [C73, 75, 77, 79, 81, §306C.11; 82 Acts, ch 1240, §1] 90 Acts, ch 1183, §1, 2; 95 Acts, ch 135, §3; 97 Acts, ch 104, §2; 98 Acts, ch 1075, §19; 2006 Acts, ch 1068, §1; 2006 Acts, ch 1142, §83; 2007 Acts, ch 143, §1; 2009 Acts, ch 133, §112; 2016 Acts, ch 1011, §121; 2021 Acts, ch 39, §7 – 9 Referred to in §306C.13, 306C.18

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306C - JUNKYARD BEAUTIFICATION AND BILLBOARD CONTROL Section 306C.12 - None visible from highway.

306C.12 None visible from highway. An advertising device shall not be constructed or reconstructed beyond the adjacent area in unincorporated areas of the state if it is visible from the main-traveled way of any primary highway. Any advertising device permitted beyond an adjacent area in unincorporated areas of the state shall be subject to the applicable permit provisions of section 306C.18. [C73, 75, 77, 79, 81, §306C.12] 2006 Acts, ch 1068, §2; 2014 Acts, ch 1123, §8; 2021 Acts, ch 39, §10

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306C - JUNKYARD BEAUTIFICATION AND BILLBOARD CONTROL Section 306C.13 - Control by department of transportation.

306C.13 Control by department of transportation. The department shall control the erection and maintenance of advertising devices authorized by section 306C.11, subsection 1, in accord with the following criteria, except that in the case of bonus interstate highways the department shall maintain the controls required under chapter 306B or the controls required by this subchapter, whichever controls are stricter: 1. Advertising devices located within the adjacent area of interstate highways and freeway primary highways shall not be erected or maintained closer to another advertising device facing in the same direction than five hundred feet outside of cities, and within two hundred fifty feet if inside of cities. An advertising device may not be located within two hundred fifty feet of an interchange, or rest area. The measurement shall be from the nearest widening constructed for the purpose of acceleration or deceleration of traffic movement to or from the main-traveled way to the advertising device. 2. Advertising devices located within the adjacent area of nonfreeway primary highways shall not be erected or maintained closer than one hundred feet to another advertising device facing in the same direction if inside the corporate limits of a municipality. An advertising device shall not be located within the triangular area formed by the line connecting two points each fifty feet back from the point where the street right-of-way lines of the main-traveled way and the intersecting street meet, or would meet, if extended. 3. Advertising devices located within the adjacent area of nonfreeway primary highways shall not be erected or maintained closer than three hundred feet to another advertising device facing in the same direction if outside the corporate limits of a municipality. An advertising device shall not be located within the triangular area formed by a line connecting two points each one hundred feet back from the point where the street right-of-way lines of the main-traveled way and the intersecting street meet, or would meet, if extended. 4. The distance spacing measurements fixed by subsections 2 and 3 shall not apply to advertising devices which are separated by a building in such a manner that only one advertising device located within the minimum spacing distance is visible from a highway at any one time. 5. Within a triangular area, as defined by subsections 2 and 3, occupied by a building or structure, no advertising device shall be erected or maintained closer to the intersection than the building or structure itself, except that a wall advertising device may be attached to said building or structure not to protrude more than twelve inches. 6. The minimum distance between two advertising devices facing the same direction shall apply without regard to the side of the highway on which the advertising devices may be located and shall be measured along the center line of the highway between points directly opposite the advertising devices. 7. Advertising devices shall not be erected, maintained, or illuminated: a. In a manner to obscure or otherwise physically interfere with an official traffic sign, signal, or device, or to obstruct or physically interfere with any driver's view of approaching, merging, or intersecting traffic. b. Unless effectively shielded to prevent light from being directed at any portion of the traveled highway with such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle. c. Which contain, include, or are illuminated by any flashing, intermittent, or moving light. d. Which imitate or resemble an official sign or signal or device or which are erected or maintained within or closer than three hundred feet from scenic areas, as defined and determined by the department, or which are located or maintained upon trees, or painted or drawn upon rocks or natural features, or which are structurally unsafe or in substantial disrepair. e. Which exceed one thousand two hundred square feet in area or in the case of a back-to-back or V-type advertising device, with a maximum of two facings per advertising device, seven hundred fifty square feet in area, including border and trim but excluding base or apron, support, and other structural members. f. Which do not comply with all applicable state or local laws, regulations and ordinances, including but not limited to zoning, building, and sign codes as locally interpreted and applied and enforced, or which violate chapter 318; however, nothing in this subchapter shall prevent or restrict county or local zoning authorities from making a determination of customary use concerning size, lighting, and spacing of advertising devices in zoned commercial or industrial adjacent areas, and such determinations will be accepted in lieu of the

standards of this subchapter. The provisions of this subchapter shall not prevent or restrict county or local zoning authorities within their respective jurisdictions from establishing standards imposing controls stricter than those required by this subchapter. g. The standards contained in this section pertaining to size, lighting, and spacing shall not apply to advertising devices erected or maintained within six hundred sixty feet of the right-of-way of those portions of the interstate highway system exempted from control under chapter 306B by authority of section 306B.2, nor to advertising devices erected and maintained within adjacent areas along noninterstate primary highways within zoned and unzoned commercial and industrial areas, unless said advertising devices were erected subsequent to July 1, 1972. [C73, 75, 77, 79, 81, §306C.13] 2006 Acts, ch 1097, §15; 2014 Acts, ch 1123, §9, 10; 2016 Acts, ch 1011, §121; 2021 Acts, ch 39, §11 – 13 Referred to in §306C.11, 306C.24

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306C - JUNKYARD BEAUTIFICATION AND BILLBOARD CONTROL Section 306C.14 - Existing signs — six-year limit.

306C.14 Existing signs — six-year limit. Any advertising device lawfully in existence in an adjacent area on July 1, 1972, which does not conform with the provisions of this subchapter, shall be required to be brought into conformity or removed within six years after July 1, 1972. Any advertising device lawfully erected after said date which subsequently becomes nonconforming, shall be required to be brought into conformity or removed within five years after the date the nonconformity occurs. However, no advertising device shall be acquired or be required to be removed pursuant to this subchapter unless the department has received notification from the federal government that the federal share of just compensation to be paid is immediately available to contribute to the cost of acquisition or removal; this requirement shall not apply to the acquisition or removal of advertising devices for which no federal share is payable. [C73, 75, 77, 79, 81, §306C.14] 2016 Acts, ch 1011, §121 Referred to in §306C.24

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306C - JUNKYARD BEAUTIFICATION AND BILLBOARD CONTROL Section 306C.15 - Acquisition of signs.

306C.15 Acquisition of signs. The department shall acquire by purchase, gift, or condemnation, and shall pay just compensation upon the removal of any of the following advertising devices which are not in conformity with the provisions of this subchapter: 1. Advertising devices lawfully in existence on July 1, 1972. 2. Advertising devices lawfully in existence on land adjoining any highway made an interstate, freeway primary, or primary highway after July 1, 1972. 3. Advertising devices lawfully erected on or after July 1, 1972, but which subsequently become nonconforming. 4. Any advertising device erected on the mistaken or negligent advice of any official or employee of the state of Iowa as to the interpretation, effect, or operation of this subchapter, chapter 306B, or rules promulgated by the department. [C73, 75, 77, 79, 81, §306C.15] 2016 Acts, ch 1011, §121 Referred to in §306C.16, 306C.18

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306C - JUNKYARD BEAUTIFICATION AND BILLBOARD CONTROL Section 306C.16 - Compensation.

306C.16 Compensation. Compensation required by section 306C.15 or 306C.24 shall be paid for the following: 1. The taking from the owner of such advertising device of all right, title, leasehold, and interest in such advertising device. 2. The taking from the owner of real property on which an advertising device is located, of the right to erect and maintain such advertising devices upon that real property. [C73, 75, 77, 79, 81, §306C.16] 89 Acts, ch 317, §24 Referred to in §306C.24

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306C - JUNKYARD BEAUTIFICATION AND BILLBOARD CONTROL Section 306C.17 - Condemnation.

306C.17 Condemnation. The provisions of chapters 6A and 6B shall be applicable to any such condemnation commenced pursuant to this subchapter, and the department may take immediate possession of and remove such advertising devices under the procedures of section 6B.25. [C73, 75, 77, 79, 81, §306C.17] 2016 Acts, ch 1011, §121

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306C - JUNKYARD BEAUTIFICATION AND BILLBOARD CONTROL Section 306C.18 - Permit required.

306C.18 Permit required. The owner of every advertising device regulated by section 306C.11, subsection 1, shall be required to make application to the department for a permit. 1. The application for a permit shall be on a form provided by the department and shall contain the name and address of the owner of the advertising device and the name and address of the owner of the real property on which it is located; the date of its erection; a description of its location; its dimensions; and such other information required by the department, together with a permit fee as provided in this section or rule adopted by the department. 2. After July 1, 1972, no new advertising device for which an application for a permit is required may be erected without first obtaining a permit from the department, except in the case of advertising devices lawfully in existence in areas adjacent to any highway made an interstate, freeway primary, or primary highway after July 1, 1972. The owner shall be required to make application for a permit as provided for in this section within thirty days after the date the said highway acquired said designation. 3. Upon receipt of an application containing all the required information in due form and properly executed together with the fee required, the department shall issue a permit to be affixed to the advertising device if the advertising device will not violate any provision of this subchapter or chapter 306B, or any rule promulgated by the department, provided that in the case of advertising devices to be acquired pursuant to section

306C.15, a provisional permit shall be issued. 4. The fee for both types of permits for calendar years 1997 and 1998 shall be one hundred dollars for the initial fee and fifteen dollars for each annual renewal for signs up to three hundred seventy-five square feet in area, twenty-five dollars for each annual renewal for signs at least three hundred seventy-six, but not more than nine hundred ninety-nine, square feet in area, and fifty dollars for each annual renewal for signs one thousand square feet or more in area. Beginning January 1, 1999, fees shall be as determined by rule by the department. The fees collected for the above permits shall be credited to the highway beautification fund created in section 306C.11, subsection 2, and all salaries and expenses incurred in administering this chapter shall be paid from this fund or from specific appropriations for this purpose, except that surveillance of, and removal of, advertising devices performed by regular maintenance personnel are not to be charged against the fund. [C73, 75, 77, 79, 81, §306C.18] 91 Acts, ch 176, §1; 96 Acts, ch 1218, §34; 97 Acts, ch 104, §3; 2006 Acts, ch 1068, §3; 2013 Acts, ch 90, §74; 2016 Acts, ch 1011, §121; 2021 Acts, ch 39, §14 Referred to in §306C.12, 306C.24

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306C - JUNKYARD BEAUTIFICATION AND BILLBOARD CONTROL Section 306C.19 - Removal after notice.

306C.19 Removal after notice. Any advertising device erected or maintained after July 1, 1972, in violation of this subchapter or the rules promulgated by the department, is a public nuisance and may be removed by the department upon thirty days' notice, by certified mail, to the owner of the advertising device and to the owner of the land on which the advertising device is located. The notice shall require such owners to remove the advertising device if it is prohibited, or to cause it to conform to this subchapter or rules promulgated by the department if it is not prohibited. 1. If the owner of the advertising device or the landowner fails to act within thirty days as required in the notice, the advertising device shall be deemed to be forfeited and the department may enter upon the land and remove the advertising device. Such entry after notice, shall not be deemed a trespass and the department may be aided by injunction to abate the nuisance and to insure peaceful entry. 2. The cost of removal, including fees, costs and expenses which arise out of an action brought by the department to insure peaceful entry and removal, may be assessed against the owner of the advertising device. If the owner of the advertising device fails to pay the fees, costs, or expenses within thirty days after assessment, the department may commence an action to collect the fees, costs, or expenses, which when collected shall be paid into the highway beautification fund. [C73, 75, 77, 79, 81, §306C.19] 83 Acts, ch 186, §10068, 10201; 2016 Acts, ch 1011, §121 Nuisances in general, chapter 657

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306C - JUNKYARD BEAUTIFICATION AND BILLBOARD CONTROL Section 306C.2 - Junkyards prohibited — exceptions.

306C.2 Junkyards prohibited — exceptions. A person shall not establish, operate, or maintain a junkyard, any portion of which is within one thousand feet of the nearest edge of the right-of-way of any highway on the national highway system, except: 1. Those which are screened by natural objects, plantings, fences, or other appropriate means obscuring them from view from the main-traveled portion of the highway. 2. Those located within areas which are zoned for industrial use under authority of law. 3. Those located within unzoned industrial areas which areas shall be determined from actual land uses and defined by regulations to be promulgated by the department under the provisions of chapter 17A in accordance with the standards, criteria, and rules and regulations promulgated under authority of Tit. 23, United States Code. 4. Those which are not visible from the main-traveled portion of the highway. [C73, 75, 77, 79, 81, §306C.2] 2003 Acts, ch 8, §2; 2014 Acts, ch 1123, §4 Referred to in §306C.6

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306C - JUNKYARD BEAUTIFICATION AND BILLBOARD CONTROL Section 306C.20 - Bonus funds agreements.

306C.20 Bonus funds agreements. The department shall enter into agreements with the duly constituted federal authorities in order to secure for the state all bonus federal funds allotted and appropriations to the state and to avoid loss or reduction, under 23 U.S.C. §131, of federal aid funds apportioned or to be apportioned to the state under 23 U.S.C. §104. The department may accept funds from whatever source, including any allotment of funds by the United States, or any of its departments or agencies, appropriated to carry out the purposes of 23 U.S.C. §131. The department shall take such steps as may be necessary to obtain from the United States or any of its departments or agencies, funds allotted and appropriated for the purpose of paying the federal share of just compensation to be paid to advertising device owners and owners of the real property under the terms of this chapter and 23 U.S.C. §131(g). All moneys received pursuant to the provisions of this chapter shall be deposited in the highway beautification fund. [C73, 75, 77, 79, 81, §306C.20] 2010 Acts, ch 1061, §51

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306C - JUNKYARD BEAUTIFICATION AND BILLBOARD CONTROL Section 306C.21 - Information centers and rest areas.

306C.21 Information centers and rest areas. 1. The department may establish or enter into agreements with private persons, firms, or corporations for the establishment of information centers in rest areas on the interstate, freeway primary, and primary highways, subject to the approval of the appropriate authority of the federal government. After January 1, 1997, private persons, firms, or corporations entering into an agreement with the department under this section shall not develop, establish, or own any commercial business located on land adjacent to the rest area which is subject to the agreement. 2. An interstate rest area shall be located entirely on the interstate right-of-way, including, but not limited to, all entrance and exit ramps, all rest area buildings including information

centers, and all parking facilities. Department money and resources shall not be used for any other type of interstate rest area. Whenever an interstate rest area is reconstructed, the area available for parking shall be equal to or more than the area available for parking prior to the reconstruction. [C73, 75, 77, 79, 81, §306C.21] 97 Acts, ch 76, §1; 2021 Acts, ch 76, §150

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306C - JUNKYARD BEAUTIFICATION AND BILLBOARD CONTROL Section 306C.24 - Compensation for sign removal.

306C.24 Compensation for sign removal. 1. Definition. As used in this section, “off-premises advertising device” means an advertising device which does not qualify as an “on-premises sign” under rules adopted by the department pursuant to chapter 17A. 2. Just compensation required. Political subdivisions of this state shall not remove, take, alter, or cause to be removed, taken, or altered a lawfully erected off-premises advertising device without paying just compensation in cash to the owner of the advertising device and to the owner of the real property on which the advertising device is located, as provided in section 306C.16. The department shall not remove, take, alter or cause to be removed, taken, or altered a lawfully erected off-premises advertising device subject to control under chapter 306B or this chapter without paying just compensation when required under 23 U.S.C. §131(g) to the owner of the advertising device and to the owner of the real property on which the advertising device is located, as provided in section 306C.16. For the department, the sole intent of this section is to comply with 23 U.S.C. §131(g) and it is not the intent of this section to, in any manner, relinquish any powers of the department relating to the control and removal of advertising devices under police power. 3. Exceptions. This section does not apply to the removal, taking, or altering of an off-premises advertising device under any of the following conditions: a. The device is unlawfully erected or is being maintained in violation of the provisions of section 306C.13, subsection 7, or section 306C.18. b. The device has been abandoned or not used for a period of at least six months. 4. Department authorization. If required by 23 U.S.C. §131(g), the department may acquire through purchase or condemnation and shall pay just compensation as provided in section 306C.16 for off-premises advertising devices removed after July 1, 1989, through amortization by an ordinance of a political subdivision enacted prior to July 1, 1989. Notwithstanding the requirements of section 306C.14, the department may first pay just compensation from the highway beautification fund and then claim reimbursement for the federal share of the payment from the federal government. 5. Savings clause. If any provision of this section which relates to the department is inconsistent or conflicts with, or is not required by, 23 U.S.C. §131 to avoid the loss of federal funds, the provision shall be suspended but only to the extent necessary to eliminate the inconsistency, conflict, or requirement. If any part of this section is found to be invalid or unconstitutional, such judgment shall not affect the validity of the section as a whole or any provision or part of the section not found to be invalid or unconstitutional. 89 Acts, ch 317, §25; 2006 Acts, ch 1010, §83 Referred to in §306C.16

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306C - JUNKYARD BEAUTIFICATION AND BILLBOARD CONTROL Section 306C.3 - Junkyards lawfully in existence.

306C.3 Junkyards lawfully in existence. 1. Any junkyard located outside a zoned or unzoned industrial area lawfully in existence on July 1, 1972, which is within one thousand feet of the nearest edge of the right-of-way and visible from the main-traveled portion of any highway on the interstate system shall be screened, if feasible, by the department, or by the owner under rules and direction of the department, at locations on the highway right-of-way or in areas acquired for such purposes outside the right-of-way in order to obscure the junkyard from the main-traveled way of such highways. 2. Any junkyard located outside a zoned or unzoned industrial area lawfully in existence on July 1, 2014, which is within one thousand feet of the nearest edge of the right-of-way and visible from the main-traveled portion of any noninterstate highway which is on the national highway system shall be screened, if feasible, by the department, or by the owner under rules and direction of the department, at locations on the highway right-of-way or in areas acquired for such purposes outside the right-of-way in order to obscure the junkyard from the main-traveled way of such highways. [C73, 75, 77, 79, 81, §306C.3] 2003 Acts, ch 8, §3; 2014 Acts, ch 1123, §5 Referred to in §306C.6

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306C - JUNKYARD BEAUTIFICATION AND BILLBOARD CONTROL Section 306C.4 - Requirements as to screening.

306C.4 Requirements as to screening. The department may adopt rules pursuant to chapter 17A governing the location, planting, construction, and maintenance of screening or fencing required by this chapter including materials to be used. However, such rules shall be in accordance with the standards, criteria and rules promulgated under authority of Tit. 23, United States Code. [C73, 75, 77, 79, 81, §306C.4]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306C - JUNKYARD BEAUTIFICATION AND BILLBOARD CONTROL Section 306C.5 - Acquisition of land for screening or removal.

306C.5 Acquisition of land for screening or removal. When the department determines that it is in the best interests of the state, it may acquire by gift, purchase, exchange, or condemnation, as provided by law, such property or rights or interests in property as may be necessary to provide adequate screening for junkyards. When the department determines that the topography of the land adjoining the highway will not permit adequate screening, or screening would not be economically feasible, the department may acquire such property or rights or interests in property as may be necessary to secure the relocation, removal, or disposal of the junkyard, and shall pay the cost of such relocation, removal, or disposal, with federal participation. However, no plan for relocation,

removal, or disposal which qualifies for federal participation shall be undertaken unless the department has received notification from the federal government that the federal share to be paid is immediately available for that purpose. [C73, 75, 77, 79, 81, §306C.5]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306C - JUNKYARD BEAUTIFICATION AND BILLBOARD CONTROL Section 306C.6 - Nuisance — injunction.

306C.6 Nuisance — injunction. Any junkyard which does not conform to the requirements of this subchapter and which is not excepted under section 306C.2 or 306C.3, is a public nuisance. The department may apply for an injunction to abate any nuisance arising from a violation of the provisions of this subchapter or rules adopted pursuant to this subchapter. [C73, 75, 77, 79, 81, §306C.6] 2016 Acts, ch 1011, §121 Nuisances in general, chapter 657

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306C - JUNKYARD BEAUTIFICATION AND BILLBOARD CONTROL Section 306C.7 - Interpretation.

306C.7 Interpretation. Nothing in this chapter shall be construed to abrogate or affect the provisions of any lawful ordinance, regulation, or resolution, which are more restrictive than the provisions of this subchapter. [C73, 75, 77, 79, 81, §306C.7] 2016 Acts, ch 1011, §121

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306C - JUNKYARD BEAUTIFICATION AND BILLBOARD CONTROL Section 306C.8 - Agreements with the United States authorized.

306C.8 Agreements with the United States authorized. The department may enter into agreements with the United States secretary of transportation as provided by Tit. 23, United States Code, relating to control of junkyards in areas adjacent to the interstate system, and take action in the name of the state to comply with the terms of such agreements. [C73, 75, 77, 79, 81, §306C.8] 2003 Acts, ch 8, §4

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306C - JUNKYARD BEAUTIFICATION AND BILLBOARD CONTROL Section 306C.9 - Compensation.

306C.9 Compensation. Nothing in this subchapter shall be construed as permitting the taking of private property or the restriction of the reasonable and existing uses of such property without just compensation and in accordance with the provisions of chapter 6B and Tit. 23, United States Code. [C73, 75, 77, 79, 81, §306C.9] 2016 Acts, ch 1011, §121

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306D - SCENIC ROUTES Section 306D.1 - Statement of purpose — intent.

306D.1 Statement of purpose — intent. 1. The general assembly finds that: a. The state offers numerous regions through which people can drive for the pleasure of viewing unusually scenic and interesting landscapes; however, routes to and through these areas have not been adequately identified for Iowans and state visitors. b. Among those things that attract motorists to the state's landscape are agricultural lands, forests, river basins, distinctive landforms, interesting architecture, metropolitan areas, small rural towns, and historic sites. c. The landscape qualities of unusually scenic routes throughout the state have not been protected from visual and resource deterioration particularly along routes which pass near the state's nationally significant areas such as the bluffs of the Mississippi and Missouri rivers, the Amana colonies, the Herbert Hoover national historic site, federal reservoirs, communities surrounding the state's natural lakes, the Des Moines river greenbelt, the great river road, and many others. d. A principal goal of economic development in this state is to increase the influence which travel and tourism have on the state's economic expansion. e. Iowans and visitors should be encouraged to travel to and through unusually scenic areas of the state. f. A program should be established, following a statewide plan, to identify and promote highways and secondary routes which pass through unusually scenic landscapes and to protect and enhance the scenic qualities of the landscape through which these routes pass. 2. In addition to other goals for the program, it is the intention of the general assembly that the scenic highways program be coordinated with the state's open space program under chapter 465A. 87 Acts, ch 175, §1; 2014 Acts, ch 1092, §64 Referred to in §306D.2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306D - SCENIC ROUTES Section 306D.2 - Statewide scenic highways program — objectives and agency duties.

306D.2 Statewide scenic highways program — objectives and agency duties. 1. The state department of transportation shall prepare a statewide, long-range plan for the protection, enhancement, and identification of highways and secondary roads which pass through unusually scenic areas of the state as identified in section 306D.1. The department of natural resources, the economic development authority, private organizations, county conservation boards, city park and recreation departments, and the federal agencies having jurisdiction over land in the state shall be encouraged to assist in preparing the plan. The plan shall be coordinated with the state's open space plan if a state open space plan has been approved by the general assembly. The plan shall include, but is not limited to, the following elements: a. Preparation of a statewide inventory of scenic routes and ranking of relative uniqueness for each route. The degree to which these routes suffer from negative visual intrusions shall be documented. b. Recommended

techniques for preserving and enhancing the scenic qualities associated with each route. c. Forecasts of significant changes in traffic volumes and environmental, social, and economic impacts if scenic routes are publicly identified and promoted as tourism attractions. d. Recommended techniques for incorporating scenic highway routes in state and local tourism development and marketing programs. e. Landscape management needs including maintenance, rehabilitation, and improvements to scenic areas. f. Funding levels needed to accomplish the statewide scenic highway program. g. Recommendations of how federal and state transportation programs can be modified or developed to assist the state's scenic highway program. 2. The preparation of the plan is subject to an appropriation by the general assembly for that purpose. The plan shall be submitted to the general assembly by January 15, 1988. Prior to submission of the plan to the general assembly, the department shall request comments on the proposed plan from state agencies, federal agencies, and private organizations with interests in scenic highways. The comments shall be submitted to the general assembly. 87 Acts, ch 175, §2; 2011 Acts, ch 118, §85, 89; 2012 Acts, ch 1021, §64; 2023 Acts, ch 19, §2111 Subsection 1, unnumbered paragraph 1 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306D - SCENIC ROUTES Section 306D.3 - Plan recommendations and pilot projects.

306D.3 Plan recommendations and pilot projects. 1. The department's recommendations to the general assembly shall include proposed legislation for the state to acquire and protect scenic landscapes along public roads and highways. 2. Before January 1, 1989, the department shall identify four pilot scenic highway routes across two or more counties each for trial promotion in the state's tourism marketing program. 87 Acts, ch 175, §3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 306D - SCENIC ROUTES Section 306D.4 - Scenic highway advertising.

306D.4 Scenic highway advertising. 1. The department of transportation shall have the authority to adopt rules to control the erection of new advertising devices on a highway designated as a scenic highway or scenic byway in order to comply with federal requirements concerning the implementation of a scenic byways program. 2. Notwithstanding subsection 1, if an advertising device was lawfully erected along an interstate highway within the corporate limits of a city prior to designation of the highway as a scenic byway and, after such designation occurs, the advertising device is displaced due to the reconstruction, improvement, or relocation of the highway, the advertising device may be relocated to a location determined by the department to be substantially the same location, subject to approval by the federal highway administration, and shall not be considered an erection of a new advertising device, if all of the following apply: a. The location conforms to the requirements of chapters 306B and 306C. b. The materials, number and type of supports, lighting, face size, and height of the advertising device remain the same. 95 Acts, ch 135, §4; 2013 Acts, ch 140, §22 Referred to in §306C.11

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 307 - DEPARTMENT OF TRANSPORTATION (DOT) Section 307.1 - Definitions.

307.1 Definitions. When used in this chapter, unless the context otherwise requires: 1. "Director" means the director of transportation or the director's designee. 2. "Department" means the state department of transportation. 3. "Commission" means the state transportation commission established in section 307A.1A. [C75, 77, 79, 81, §307.1; 81 Acts, ch 22, §2] 86 Acts, ch 1245, §1903; 2019 Acts, ch 24, §40

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 307 - DEPARTMENT OF TRANSPORTATION (DOT) Section 307.11 - Director of transportation — qualifications — salary.

307.11 Director of transportation — qualifications — salary. 1. The governor shall appoint a director of transportation, subject to confirmation by the senate, who shall serve at the pleasure of the governor and who shall not be a member of the commission. The director shall not hold any other office under the laws of the United States or of this or any other state or hold any other position for profit. The director shall not engage in any occupation, business, or profession interfering with or inconsistent with the director's duties, serve on or under a committee of a political party, or contribute to the campaign fund of any person or political party. The director shall be appointed on the basis of executive and administrative abilities and shall devote full time to the duties of the position. 2. The director shall receive a salary as fixed by the governor. [C75, 77, 79, 81, §307.11] 86 Acts, ch 1245, §1907, 1908; 2020 Acts, ch 1062, §94; 2023 Acts, ch 19, §2800, 2802 Confirmation, see §2.32 Subsection 2 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 307 - DEPARTMENT OF TRANSPORTATION (DOT) Section 307.12 - Duties of the director.

307.12 Duties of the director. 1. The director shall: a. Manage the internal operations of the department and establish guidelines and procedures to promote the orderly and efficient administration of the department. b. Employ personnel as necessary to carry out the duties and responsibilities of the department, consistent with chapter 8A, subchapter IV. c. Assist the commission in developing state transportation policy and a state transportation plan. d. Establish temporary advisory boards of a size the director deems appropriate to advise the department. e. Prepare a budget for the department and prepare reports required by law. f. Present the department's proposed budget to the commission prior to December 31 of each year. g. Appoint the administrators within the

department. h. Review and submit legislative proposals necessary to maintain current state transportation laws. i. Enter into reciprocal agreements relating to motor vehicle inspections with authorized officials of any other state, subject to approval by the commission. The director may exempt or impose requirements upon nonresident motor vehicles consistent with those imposed upon vehicles of Iowa residents operated in other states. j. Adopt rules in accordance with chapter 17A as the director deems necessary for the administration of the department and the exercise of the director's and department's powers and duties. k. Reorganize the administration of the department as needed to increase administrative efficiency. l. Provide for the receipt or disbursement of federal funds allocated to the state and its political subdivisions for transportation purposes. m. Include in the department's annual budget all estimated federal funds to be received or allocated to the department. n. Prepare and submit a report to the general assembly on or before January 15 of each fiscal year describing the prior fiscal year's highway construction program, actual expenditures of the program, and contractual obligations of the program. o. Apply for, accept, and expend federal, state, or private funds for the improvement of transportation. p. Coordinate the transportation research activities within the department. 2. If in the interest of the state, the director may allow a subsistence expense to an employee under the supervision of the department's administrator responsible for highway programs and activities for continuous stay in one location while on duty away from established headquarters and place of domicile for a period not to exceed forty-five days; and allow automobile expenses in accordance with section 8A.363, for moving an employee and the employee's family from place of present domicile to new domicile, and actual transportation expense for moving of household goods. The household goods for which transportation expense is allowed shall not include pets or animals. [C75, 77, 79, 81, §307.12] 86 Acts, ch 1245, §1909; 91 Acts, ch 268, §510; 92 Acts, ch 1210, §1; 98 Acts, ch 1074, §19; 2003 Acts, ch 145, §239, 240; 2005 Acts, ch 35, §31; 2005 Acts, ch 179, §125; 2006 Acts, ch 1068, §5; 2010 Acts, ch 1061, §105; 2015 Acts, ch 123, §4 – 6; 2023 Acts, ch 85, §8 Referred to in §307A.2 Subsection 1, paragraph n stricken and former paragraphs o – q redesignated as n – p

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 307 - DEPARTMENT OF TRANSPORTATION (DOT) Section 307.13 - Reassignment of personnel.

307.13 Reassignment of personnel. The director may reassign personnel within the department among the various divisions of the department in order to properly coordinate the work of the divisions and perform the duties and responsibilities of the department efficiently and economically. However, any employee so transferred or transferred from one employment system to another, either administratively or legislatively, shall not be considered to be a probationary employee simply because of this action. [C75, 77, 79, 81, §307.13] 2020 Acts, ch 1062, §42

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 307 - DEPARTMENT OF TRANSPORTATION (DOT) Section 307.14 - Official Iowa map.

307.14 Official Iowa map. The department shall publish a map of the state of Iowa. At the request of a citizen of a particular city or town, the department shall add the city or town to the existing map of Iowa and identify the main road leading into the city or town if the city or town meets two or more of the following criteria: 1. Has a zip coded post office in the city or town. 2. Has a population of twenty-five or more. 3. Has a building on the national register of historic places in the city or town. 4. Has an association with a public recreation area managed by the department of natural resources in the city or town. 5. Has a high school, grade school, private school, church, or cemetery in the city or town. 6. Has a retail business in the city or town. 7. Has an annual festival or celebration. 91 Acts, ch 139, §1, 2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 307 - DEPARTMENT OF TRANSPORTATION (DOT) Section 307.2 - Department of transportation.

307.2 Department of transportation. There is created a state department of transportation which shall be responsible for the planning, development, regulation and improvement of transportation in the state as provided by law. [C75, 77, 79, 81, §307.2] Referred to in §7E.5

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 307 - DEPARTMENT OF TRANSPORTATION (DOT) Section 307.20 - Biodiesel and biodiesel blended fuel revolving fund.

307.20 Biodiesel and biodiesel blended fuel revolving fund. 1. A biodiesel and biodiesel blended fuel revolving fund is created in the state treasury. The biodiesel and biodiesel blended fuel revolving fund shall be administered by the department and shall consist of moneys received from the sale of EPA credits banked by the department on April 19, 2001, moneys appropriated by the general assembly, and any other moneys obtained or accepted by the department for deposit in the fund. Moneys in the fund are appropriated to and shall be used by the department for the purchase of biodiesel and biodiesel blended fuel for use in department vehicles. The department shall submit an annual report not later than January 31 to the members of the general assembly and the legislative services agency, of the expenditures made from the fund during the preceding fiscal year. Section 8.33 does not apply to any moneys in the fund and, notwithstanding section 12C.7, subsection 2, earnings or interest on moneys deposited in the fund shall be credited to the fund. 2. A departmental motor vehicle operating using biodiesel or biodiesel blended fuel shall be affixed with a brightly visible sticker that notifies the traveling public that the motor vehicle uses biodiesel blended fuel. 3. For purposes of this section the following definitions apply: a. "Biodiesel" and "biodiesel blended fuel" mean the same as defined in section 214A.1. b.

“EPA credit” means a credit issued pursuant to the federal Energy Policy Act (EPA), 42 U.S.C. §13201 et seq. 2001 Acts, ch 52, §1, 3; 2003 Acts, ch 35, §45, 49; 2006 Acts, ch 1142, §78

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 307 - DEPARTMENT OF TRANSPORTATION (DOT) Section 307.21 - Operations and finances.

307.21 Operations and finances. 1. The department’s administrator responsible for the operations and finances of the department shall: a. Provide for the proper maintenance and protection of the grounds, buildings, and equipment of the department, in cooperation with the department of administrative services. b. Establish, supervise, and maintain a system of centralized electronic data processing for the department, in cooperation with the department of administrative services. c. Assist the director in preparing the departmental budget. d. Provide centralized purchasing services for the department, if authorized by the department of administrative services. The administrator shall, when the price is reasonably competitive and the quality as intended, purchase soybean-based inks and plastic products with recycled content, including but not limited to plastic garbage can liners, and shall purchase these items in accordance with the schedule established in section 8A.315. However, the administrator need not purchase garbage can liners in accordance with the schedule if the liners are utilized by a facility approved by the environmental protection commission created under section 455A.6, for purposes of recycling. For purposes of this section, “recycled content” means that the content of the product contains a minimum of thirty percent postconsumer material. e. Assist the director in employing the professional, technical, clerical, and secretarial staff for the department and maintain employee records, in cooperation with the department of administrative services and provide personnel services, including but not limited to training, safety education, and employee counseling. f. Assist the director in coordinating the responsibilities and duties of the various divisions within the department. g. Carry out all other general administrative duties for the department. h. Perform such other duties and responsibilities as may be assigned by the director. 2. When performing the duty of providing centralized purchasing services under subsection 1, the administrator shall do all of the following: a. Purchase and use recycled printing and writing paper in accordance with the schedule established in section 8A.315. b. Establish a wastepaper recycling program in accordance with recommendations made by the department of natural resources and the requirements of section 8A.329. c. Require in accordance with section 8A.311 product content statements and compliance with requirements regarding procurement specifications. d. Comply with the requirements for the purchase of lubricating oils, industrial oils, greases, and hydraulic fluids as established pursuant to section 8A.316. e. Give preference to purchasing designated biobased products in the same manner as provided in section 8A.317. 3. The department shall report to the general assembly by February 1 of each year, the following: a. A listing of plastic products which are regularly purchased by the board for which recycled content product alternatives are available, including the cost of the plastic products purchased and the cost of the recycled content product alternatives. b. Information relating to soybean-based inks and plastic garbage can liners with recycled content regularly purchased by the department, including the cost of purchasing soybean-based inks and plastic garbage can liners with recycled content and the percentages of soybean-based inks and plastic garbage can liners with recycled content that have been purchased. 4. The administrator shall provide for the purchase of qualified renewable fuels to power internal combustion engines that are used to operate motor vehicles and for the purchase of motor vehicles operating using engines powered by qualified renewable fuels in the same manner required for the director of the department of administrative services pursuant to section 8A.368. The department of transportation shall compile information regarding compliance with the provisions of this subsection in the same manner as the department of administrative services pursuant to section 8A.369. The department of transportation shall cooperate with the department of administrative services in preparing the annual state fleet qualified renewable fuels compliance report regarding compliance with this subsection as provided in section 8A.369. 5. a. Of all new passenger vehicles and light pickup trucks purchased by the administrator, a minimum of ten percent of all such vehicles and trucks purchased shall be equipped with engines which utilize alternative methods of propulsion, including but not limited to any of the following: (1) A flexible fuel which is any of the following: (a) E-85 gasoline as provided in section 214A.2. (b) B-20 biodiesel blended fuel as provided in section 214A.2. (c) A renewable fuel approved by the office of renewable fuels and coproducts pursuant to section 159A.3. (2) Compressed or liquefied natural gas. (3) Propane gas. (4) Solar energy. (5) Electricity. b. The provisions of this subsection do not apply to vehicles and trucks purchased and directly used for law enforcement or off-road maintenance work. 6. The administrator shall, whenever technically feasible, purchase and use degradable loose foam packing material manufactured from grain starches or other renewable resources, unless the cost of the packing material is more than ten percent greater than the cost of packing material made from nonrenewable resources. For the purposes of this subsection, “packing material” means material, other than an exterior packing shell, that is used to stabilize, protect, cushion, or brace the contents of a package. 7. The administrator may purchase items from the department of administrative services and may cooperate with the director of the department of administrative services by providing purchasing services for the department of administrative services. [C75, 77, 79, 81, §307.21] 86 Acts, ch 1245, §1910, 1911; 88 Acts, ch 1185, §3; 89 Acts, ch 272, §24; 90 Acts, ch 1237, §4; 91 Acts, ch 97, §42; 91 Acts, ch 254, §18; 92 Acts, ch 1095, §3; 93 Acts, ch 26, §6; 93 Acts, ch 176, §40; 94 Acts, ch 1119, §28; 95 Acts, ch 44, §3; 95 Acts, ch 62, §4; 98 Acts, ch 1082, §6; 99 Acts, ch 114, §17; 99 Acts, ch 121, §10; 2000 Acts, ch 1109, §6; 2003 Acts, ch 145, §241, 242, 286; 2006 Acts, ch 1142, §66, 67; 2007 Acts, ch 22, §68; 2008 Acts, ch 1104, §6; 2008 Acts, ch 1169, §39, 42; 2009 Acts, ch 133, §113; 2010 Acts, ch 1031, §75; 2015 Acts, ch 123, §7, 8; 2022 Acts, ch 1067, §40 Referred to in §8A.369

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 307 - DEPARTMENT OF TRANSPORTATION (DOT) Section 307.22 - Planning and programming activities.

307.22 Planning and programming activities. 1. The department's administrator responsible for transportation planning and infrastructure program development shall: a. Assist the director in planning all modes of transportation in order to develop an integrated transportation system providing adequate transportation services for all citizens of the state. b. Develop and maintain transportation statistical data for the department. c. Assist the director in establishing, analyzing, and evaluating alternative transportation policies for the state. d. Coordinate planning duties and responsibilities with the planning functions carried on by other administrators of the department. e. (1) Annually report by July 1 of each year, for both secondary and farm-to-market systems, miles of earth, granular, and paved surface roads; the daily vehicle miles of travel; and lineal feet of bridge deck under the jurisdiction of each county's secondary road department, as of the preceding January 1, taking into account roads whose jurisdiction has been transferred from the department to a county or from a county to the department during the previous year. The annual report shall include those roads transferred to a county pursuant to section 306.8A. (2) Miles of secondary and farm-to-market roads shall not include those miles of farm-to-market extensions within cities under five hundred population that are placed under county secondary road jurisdiction pursuant to section 306.4. (3) The annual report of updated road and bridge data of both the secondary and farm-to-market roads shall be submitted to the Iowa county engineers association service bureau. f. Advise and assist the director to study and develop highway transport economics to assure availability and productivity of highway transport services. g. Perform such other planning functions as may be assigned by the director. 2. The function of planning does not include the detailed design of highways or other modal transportation facilities, but is restricted to the needs of this state for multimodal transportation systems. [C75, 77, 79, 81, §307.22] 86 Acts, ch 1245, §1912, 1913; 2002 Acts, ch 1063, §6, 16; 2003 Acts, ch 144, §4; 2005 Acts, ch 20, §2; 2005 Acts, ch 142, §1; 2010 Acts, ch 1061, §180; 2015 Acts, ch 123, §9

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 307 - DEPARTMENT OF TRANSPORTATION (DOT) Section 307.23 - Legal counsel.

307.23 Legal counsel. 1. It shall be the duty of the attorney general to do all of the following: a. Act as legal advisor to the department, commission, and director. b. Provide all legal services for the department. 2. The attorney general shall appoint assistant attorneys general as necessary to carry out these duties. [SS15, §1527-s, -s2; C24, 27, §307.8; C31, 35, §4630, 4630-c1; C39, §4630, 4630.1; C46, 50, 54, 58, 62, 66, 71, 73, §307.8, 307.9; C75, 77, 79, 81, §307.23] 86 Acts, ch 1245, §1914, 1915; 2014 Acts, ch 1092, §65; 2023 Acts, ch 19, §2065, 2073 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 307 - DEPARTMENT OF TRANSPORTATION (DOT) Section 307.24 - Administration of highway programs and activities.

307.24 Administration of highway programs and activities. The department's administrator responsible for highway programs and activities shall plan, design, construct, and maintain the state primary highways and shall administer chapters 306 through 306C, chapters 309 through 314, chapters 316 through 318, and chapter 320 and perform other duties as assigned by the director. The department shall: 1. Be organized to provide assistance for urban systems and secondary roads, and to provide other categories of assistance as necessary. 2. Devise and adopt standard plans of highway construction and furnish the same to the counties and provide information to the counties on the maintenance practices and policies of the department. 3. Order the removal or alteration of any lights or light-reflecting devices, whether on public or private property, other than railroad signals or crossing lights, located adjacent to a primary road and within three hundred feet of a railroad crossing at grade, which in any way interfere with the vision of or may be confusing to a person operating a motor vehicle on such primary road in observing the approach of trains or in observing signs erected for the purpose of giving warning of such railroad crossing. 4. Order the removal or alteration of any lights or light-reflecting devices, whether on public or private property, located adjacent to a primary road and within three hundred feet of an intersection with another primary road, which in any way interfere with the vision of or may be confusing to a person operating a motor vehicle on such primary road in observing the approach of other vehicles or signs erected for the purpose of giving warning of such intersection. 5. Construct, reconstruct, improve, and maintain state institutional roads and state park roads which are part of the state park, state institution, and other state land road system as defined in section 306.3, and bridges on such roads, roads located on state fairgrounds as described in chapter 173, and the roads and bridges located on property of community colleges as defined in section 260C.2, upon the request of the state board, department, or commission which has jurisdiction over such roads. This shall be done in such manner as may be agreed upon by the state transportation commission and the state board, department, or commission which has jurisdiction. The commission may contract with any county or municipality for the construction, reconstruction, improvement, or maintenance of such roads and bridges. Any state park road which is an extension of either a primary or secondary highway which both enters and exits from a state park at separate points shall be constructed, reconstructed, improved, and maintained as provided in section 306.4. Funds allocated from the road use tax fund for the purposes of this subsection shall be apportioned in the following manner and amounts: a. For department of natural resources facility roads, forty-five and one-half percent. b. For department of health and human services facility roads, six and one-half percent. c. For department of corrections facility roads, five and one-half percent. d. For national guard facility roads, four percent. e. For state board of regents facility roads, thirty percent. f. For state fair board facility roads, two percent. g. For department of administrative services facility roads, one-half percent. h. For department of education facility roads, six percent. [C75, 77, 79, 81, §307.24] 86 Acts, ch 1245, §1916; 2009 Acts, ch 97, §8; 2015 Acts, ch 123, §10; 2016 Acts, ch 1073, §93; 2023 Acts, ch 19, §1054 Referred to in §173.16, 312.2, 312.4, 313.4 Subsection 5, paragraph b amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 307 - DEPARTMENT OF TRANSPORTATION (DOT) Section 307.26 - Administration of modal programs and activities.

307.26 Administration of modal programs and activities. The department's administrator responsible for modal programs and activities shall: 1. Advise and assist the director in the development of aeronautics, including but not limited to the location of air terminals; accessibility of air terminals by other modes of public transportation; protective zoning provisions considering safety factors, noise, and air pollution; facilities for private and commercial aircraft; air freight facilities; and such other physical and technical aspects as may be necessary to meet present and future needs. 2. Advise and assist the director in the study of local and regional transportation of goods and people including intracity and intercity bus systems, dial-a-bus facilities, rural and urban bus and taxi systems, the collection of data from these systems, the study of the feasibility of increased government subsidy assistance and the allocation of such subsidies to each mass transportation system, the study of such other physical and technical aspects which may be necessary to meet present and future needs, and the application for, acceptance of, and expending of federal, state, or private funds for the improvement of mass transit. 3. Advise and assist the director in the development of transportation systems and programs for improving passenger and freight services. 4. Advise and assist the director in developing programs in anticipation of railroad abandonment, including: a. Development and evaluation of programs which will encourage improvement of rail freight and the upgrading of rail lines in order to improve freight service. b. Advising the director when it may appear in the best interest of the state to assume the role of advocate in railroad abandonments and railroad rate schedules. 5. Develop and maintain a federal-state relationship of programs relating to railroad safety enforcement, track standards, rail equipment, operating rules, and transportation of hazardous materials. 6. Make surveys, plans, and estimates of cost for the elimination of danger at railroad crossings on highways and confer with local and railroad officials with reference to elimination of the danger. 7. Advise and assist the director in the conduct of research on railroad-highway grade crossings and encourage and develop a safety program in order to reduce injuries or fatalities including but not limited to the following: a. The establishment of standards for warning devices for particularly hazardous crossings or for classes of crossings on highways, which standards shall be designed to reduce injuries, fatalities, and property damage. Such standards shall regulate the use of warning devices and signs, which shall be in addition to the requirements of section 327G.2. Implementation of such standards shall be the responsibility of the government agency or department or political subdivision having jurisdiction and control of the highway and such implementation shall be deemed adequate for the purposes of railroad grade crossing protection. The department, or the political subdivision having jurisdiction, may direct the installation of temporary protection while awaiting installation of permanent protection. A railroad crossing shall not be found to be particularly hazardous for any purpose unless the department has determined it to be particularly hazardous. b. The development and adoption of classifications of crossings on public highways based upon their characteristics, conditions, and hazards, and standards for warning devices, signals, and signs of each crossing classification. The department shall recommend a schedule for implementation of the standards to the government agency, department, or political subdivision having jurisdiction of the highway and shall provide an annual report to the general assembly on the development and adoption of classifications and standards under this paragraph and their implementation, including information about financing installation of warning devices, signals, and signs. The department shall not be liable for the development or adoption of the classifications or standards. A government agency, department, or political subdivision shall not be liable for failure to implement the standards. A crossing warning or improvement installed or maintained pursuant to standards adopted by the department under this paragraph shall be deemed an adequate and appropriate warning for the crossing. 8. Advise and assist the director to assure availability, efficiency, and productivity of freight and passenger services and to promote the coordination of service between all transportation modes. 9. Advise and assist the director with studies of regulatory changes deemed necessary to effectuate economical and efficient railroad service. 10. Advise and assist the director regarding agreements with railroad corporations for the restoration, conservation, or improvement of railroad as defined in section 327D.2, subsection 3, on such terms, conditions, rates, rentals, or subsidy levels as may be in the best interest of the state. The commission may enter into contracts and agreements which are binding only to the extent that appropriations have been or may subsequently be made by the legislature to effectuate the purposes of this subsection. 11. Administer chapters 324A, 327C through 327H, 327J, 328, 329, and 330. 12. Administer programs and activities in chapters 306D, 307C, 308A, and 315. 13. Perform such other duties and responsibilities as may be assigned by the director. 14. Promote river transportation and coordinate river programs with other transportation modes. 15. Advise and assist the director in the development of river transportation and port facilities in the state. [C75, 77, §307.26, 327H.19; C79, 81, §307.26] 86 Acts, ch 1245, §1920, 1921; 90 Acts, ch 1233, §13; 94 Acts, ch 1199, §50; 2006 Acts, ch 1010, §84; 2015 Acts, ch 123, §11; 2016 Acts, ch 1011, §45 Referred to in §321.342

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 307 - DEPARTMENT OF TRANSPORTATION (DOT) Section 307.27 - Motor vehicles, motor carriers, and drivers.

307.27 Motor vehicles, motor carriers, and drivers. The department's administrator responsible for the enforcement and regulation of motor carriers, registration of motor vehicles, and licensing of drivers shall: 1. Administer and supervise the registration of motor vehicles and the licensing of drivers pursuant to chapter 321. 2. Administer and supervise the licensing of motor vehicle manufacturers, distributors, and dealers pursuant to chapter 322. 3. Administer the inspection of motor vehicles pursuant to chapter 321. 4. Administer motor vehicle registration reciprocity pursuant to chapter 326. 5. Administer the provisions of chapters 321A, 321E, 321F, and 321J relating to motor vehicle financial responsibility, the implied consent law, the movement of vehicles of excessive size and weight, and the leasing and renting of vehicles. 6. Administer the regulation of motor vehicle franchisers pursuant

to chapter 322A. 7. Administer the regulation of motor carriers pursuant to chapters 325A, 326, and 327B. 8. Administer the registration of interstate authority of motor carriers pursuant to chapter 327B as provided in 49 U.S.C. §14504a and United States department of transportation regulations. 9. Administer chapters 321C, 321D, 321H, 321L, 321M, and 322C. [C75, 77, 79, 81, §307.27] 86 Acts, ch 1220, §27; 86 Acts, ch 1245, §1922; 90 Acts, ch 1233, §14; 98 Acts, ch 1100, §39, 40; 2003 Acts, ch 108, §53; 2011 Acts, ch 38, §1; 2015 Acts, ch 123, §12

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 307 - DEPARTMENT OF TRANSPORTATION (DOT) Section 307.28 - Prorating departmental costs.

307.28 Prorating departmental costs. The director shall, with the approval of the commission, prorate the costs of the department which will be expended for highways and such costs shall be paid from money appropriated from the road use tax fund. Prorated costs payable from the road use tax fund shall be based upon that portion of the department's duties related to the construction, maintenance, and supervision of the public highways within the state or for the payment of bonds issued for the construction of public highways and the payment of interest on such bonds. The general assembly shall appropriate from the general fund of the state the remaining necessary departmental costs. [C75, 77, 79, 81, §307.28]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 307 - DEPARTMENT OF TRANSPORTATION (DOT) Section 307.30 - Federal tax compliance.

307.30 Federal tax compliance. The department shall adopt rules under chapter 17A to provide for certification of federal heavy vehicle use tax collections required by the Surface Transportation Assistance Act of 1982. 83 Acts, ch 9, §2, 8

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 307 - DEPARTMENT OF TRANSPORTATION (DOT) Section 307.31 - Periodic review of revenues — evaluation of alternative funding sources.

307.31 Periodic review of revenues — evaluation of alternative funding sources. 1. The department shall periodically review the current revenue levels of the road use tax fund and the sufficiency of those revenues for the projected construction and maintenance needs of city, county, and state governments in the future. The department shall submit a written report to the general assembly regarding its findings by December 31 every five years, beginning in 2011. The report may include recommendations concerning funding levels needed to support the future mobility and accessibility for users of Iowa's public road system. 2. The department shall evaluate alternative funding sources for road maintenance and construction and report to the general assembly at least every five years on the advantages and disadvantages and the viability of alternative funding mechanisms. The department's evaluation of alternative funding sources may be included in the report submitted to the general assembly under subsection 1. 2007 Acts, ch 200, §5

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 307 - DEPARTMENT OF TRANSPORTATION (DOT) Section 307.32 - Annual report — secondary road construction program — structurally deficient bridges.

307.32 Annual report — secondary road construction program — structurally deficient bridges. On or before February 15 of each year, the department, in collaboration with the Iowa county engineers association, shall compile the annual reports received from counties pursuant to sections 309.22 and 309.22A into a cumulative report and submit the cumulative report in electronic format to the chairpersons of the senate and house of representatives standing committees on transportation and the legislative services agency. 2016 Acts, ch 1072, §1; 2018 Acts, ch 1077, §1

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 307 - DEPARTMENT OF TRANSPORTATION (DOT) Section 307.36 - Project needs — retention of property.

307.36 Project needs — retention of property. It is the intent of the general assembly that not later than July 1, 1992, the state department of transportation shall dispose of all right-of-way owned by the department and not needed for projects. In determining need, the department shall consider both its five-year program requirements and its long-range, statewide corridor development needs, including the development of the network of commercial and industrial highways. The department may also act to preserve right-of-way for improvements to the network of commercial and industrial highways by acquiring options, easements, rights of first refusal, or other property interests less than fee title. In determining need based upon long-range, statewide corridor development, the department shall give careful consideration to economically depressed urban areas not served directly by the national system of interstate and defense highways. 83 Acts, ch 114, §1; 89 Acts, ch 134, §3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 307 - DEPARTMENT OF TRANSPORTATION (DOT) Section 307.37 - Motor vehicle fraud and odometer law enforcement.

307.37 Motor vehicle fraud and odometer law enforcement. The department shall investigate and prosecute violators of the laws concerning motor vehicle fraud including, but not limited to, the state and federal odometer law. The department shall refer available evidence concerning a possible violation of the laws concerning motor vehicle fraud including, but not limited to, section 321.71 or the federal odometer law or a rule or order issued under section 321.71 or the federal odometer law, to the attorney general. The attorney general, with or without the referral, may institute appropriate criminal proceedings or may direct the case to

the appropriate county attorney to institute appropriate criminal proceedings. The attorney general may use those funds available to the department of justice for this purpose and law enforcement agencies may be reimbursed for expenses incurred in the enforcement of those laws, rules, or orders with the approval of the attorney general. 84 Acts, ch 1305, §45; 88 Acts, ch 1089, §1 Referred to in §321.477

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 307 - DEPARTMENT OF TRANSPORTATION (DOT) Section 307.40 - Copies of contracts to legislative services agency.

307.40 Copies of contracts to legislative services agency. The department shall give a copy of each contract for construction or reconstruction of roads, streets, or bridges entered into by the department in which the contract price is for five million dollars or more to the legislative services agency. 88 Acts, ch 1278, §26; 2003 Acts, ch 35, §45, 49

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 307 - DEPARTMENT OF TRANSPORTATION (DOT) Section 307.44 - Use of federal moneys — cooperation.

307.44 Use of federal moneys — cooperation. 1. If funds are allotted or appropriated by the government of the United States for the improvement of transportation facilities and services in this state, the department may cooperate with the government of the United States, and any agency or department thereof, in the planning, acquisition, contract letting, construction, improvement, maintenance, and operation of transportation facilities and services in this state; may comply with the federal statutes and rules; and may cooperate with the federal government in the expenditure of the federal funds. 2. In order to avoid delays, payment for the street and highway projects or improvements constructed in cooperation with the federal government may be advanced from the primary road fund. 86 Acts, ch 1244, §39; 93 Acts, ch 87, §2; 2020 Acts, ch 1062, §94 Referred to in §263B.6

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 307 - DEPARTMENT OF TRANSPORTATION (DOT) Section 307.45 - State-owned lands — assessment.

307.45 State-owned lands — assessment. 1. Cities and counties may assess the cost of a public improvement against the state when the improvement benefits property owned by the state and under the jurisdiction and control of the department. The director shall pay from the primary road fund the portion of the cost of the improvement which would be legally assessable against the land if privately owned. 2. Assessments against property under the jurisdiction of the department shall be made in the same manner as those made against private property, except that the city or county making the assessment shall cause a copy of the public notice of hearing to be mailed to the director by certified mail. 3. Assessments against property owned by the state and not under the jurisdiction and control of the department shall be made in the same manner as those made against private property and payment shall be subject to authorization by the executive council. There is appropriated from moneys in the general fund not otherwise appropriated an amount necessary to pay the expense authorized by the executive council. 86 Acts, ch 1244, §40; 91 Acts, ch 268, §511; 2009 Acts, ch 179, §77; 2011 Acts, ch 131, §33, 158; 2015 Acts, ch 123, §13 Referred to in §312.2, 312.4, 313.4, 384.56

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 307 - DEPARTMENT OF TRANSPORTATION (DOT) Section 307.46 - Use of reversions.

307.46 Use of reversions. 1. Notwithstanding the provisions of section 8.33 or any other provision of law to the contrary, if on June 30 of a fiscal year a balance of an operational appropriation remains unexpended or unencumbered, not more than fifty percent of the balance may be encumbered by the department and used as provided in this section and the remaining balance shall be deposited in the fund from which the money was appropriated. The department shall not encumber an amount in excess of five hundred thousand dollars under this section in any fiscal year. Moneys encumbered under this section shall be used by the department during the succeeding fiscal year for employee training and for technology enhancement. Moneys which are encumbered under this section but not used shall revert to the fund from which the money was appropriated on June 30 of the succeeding fiscal year. 2. On or before June 30 of the fiscal year following the fiscal year in which funds were encumbered under this section, the department shall report to the joint transportation, infrastructure, and capitals appropriations subcommittee, the legislative services agency, the department of management, the general assembly's standing committees on government oversight, and the legislative fiscal committee of the legislative council detailing how the moneys were expended. Moneys shall not be encumbered under this section from an appropriation which received a transfer from another appropriation pursuant to section 8.39. 3. For purposes of this section, "operational appropriation" means an appropriation from the road use tax fund or primary road fund providing for salaries, support, maintenance, and miscellaneous purposes. 99 Acts, ch 120, §1, 5; 2003 Acts, ch 35, §45, 49; 2016 Acts, ch 1073, §94

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 307 - DEPARTMENT OF TRANSPORTATION (DOT) Section 307.47 - Materials and equipment revolving fund — annual purchase report.

307.47 Materials and equipment revolving fund — annual purchase report. 1. The highway materials and equipment revolving fund is created from moneys appropriated out of the primary road fund. From this fund shall be paid all costs for materials and supplies, inventoried stock supplies, maintenance and operational costs of equipment, and equipment replacements incurred in the operation of centralized purchasing under the supervision of the administrator responsible for highway programs and activities. Direct salaries and expenses properly chargeable to direct salaries shall be paid from the fund. For each month the administrator responsible for the

operations and finances of the department shall render a statement to each highway unit for the actual cost of materials and supplies, operational and maintenance costs of equipment, and equipment depreciation used. The expense shall be paid by the administrator responsible for the operations and finances of the department in the same manner as other interdepartmental billings are paid. The sum paid shall be credited to the highway materials and equipment revolving fund. 2. If surplus accrues to the revolving fund in excess of one hundred thousand dollars for which there is no anticipated need or use, the governor shall order that surplus reverted to the primary road fund. 3. When a highway unit shares equipment with another administrative unit of the department, the director shall prorate the costs of the equipment among the administrative units using the equipment. 4. The department shall present a purchase report to the legislative services agency prior to the beginning of each regular annual session of the general assembly. The report shall cover all equipment and vehicle purchases through the highway materials and equipment revolving fund during the preceding fiscal year. 86 Acts, ch 1244, §41; 88 Acts, ch 1278, §27; 2003 Acts, ch 35, §45, 49; 2015 Acts, ch 123, §14 Referred to in §12.28

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 307 - DEPARTMENT OF TRANSPORTATION (DOT) Section 307.48 - Longevity pay.

307.48 Longevity pay. 1. An employee of the department who was hired by the state highway commission on or before June 30, 1971, is entitled to longevity pay. An employee eligible for longevity pay under this section whose employment is terminated on or after July 1, 1971, if reemployed by the department, forfeits any right the employee may have had to longevity pay. 2. An employee under the supervision of the department's administrator of highways who became an employee of the state department of transportation on July 1, 1974, retains all rights to longevity pay so long as the employee continues employment with the department. 3. An employee of the office of motor vehicle enforcement of the department of transportation on June 30, 2023, who is transferred to the department of public safety pursuant to 2023 Acts, ch. 85, retains all rights to longevity pay. 86 Acts, ch 1245, §1925; 88 Acts, ch 1158, §63; 2020 Acts, ch 1062, §94; 2020 Acts, ch 1063, §134; 2023 Acts, ch 85, §9 Referred to in §8A.439 NEW subsection 3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 307 - DEPARTMENT OF TRANSPORTATION (DOT) Section 307.49 - Contract bids.

307.49 Contract bids. 1. A bidder awarded a contract with the department shall disclose the names of all subcontractors, who will work on the project being bid or who the bidder anticipates will work on the project being bid, within forty-eight hours after the award of the contract. If a subcontractor named by a bidder awarded a contract is replaced, or if the cost of work to be done by a subcontractor is reduced, the bidder shall disclose the name of the new subcontractor or the amount of the reduced cost. If a subcontractor is added by a bidder awarded a contract, the bidder shall disclose the name of the new subcontractor. 2. The department shall issue electronic project bid notices for distribution to the targeted small business internet site located at the economic development authority. The notices shall be provided to the targeted small business marketing manager forty-eight hours prior to the issuance of all project bid notices. The notices shall contain a description of the project, a point of contact for each project, and any subcontract goals included in the bid. 90 Acts, ch 1161, §3; 98 Acts, ch 1212, §5; 2011 Acts, ch 118, §85, 89; 2013 Acts, ch 90, §257

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 307 - DEPARTMENT OF TRANSPORTATION (DOT) Section 307.8 - Expenses.

307.8 Expenses. The director and other employees of the department shall be allowed their actual and necessary expenses incurred in the performance of their duties. All expenses and salaries shall be paid from appropriations for such purposes and the department shall be subject to the budget requirements of chapter 8. [C75, 77, 79, 81, §307.8] 2015 Acts, ch 123, §3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 307A - TRANSPORTATION COMMISSION Section 307A.1 - Definitions.

307A.1 Definitions. As used in this chapter, unless the context otherwise requires: 1. "Commission" means the state transportation commission of the state department of transportation. 2. "Department" means the state department of transportation. [C75, 77, 79, 81, §307A.1]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 307A - TRANSPORTATION COMMISSION Section 307A.1A - Transportation commission.

307A.1A Transportation commission. 1. There is created a state transportation commission which shall consist of seven members, not more than four of whom shall be from the same political party. The governor shall appoint the members of the state transportation commission for a term of four years beginning at 12:01 a.m. on July 1 in the year of appointment and expiring at 12:00 midnight on June 30 in the year of expiration, subject to confirmation by the senate. 2. The commission shall meet in July of each year for the purpose of electing one of its members as chairperson. 2015 Acts, ch 123, §16; 2018 Acts, ch 1065, §2 – 4 Referred to in §69.19, 307.1 Confirmation, see §2.32 2018 amendment applies to members appointed and confirmed on or after January 1, 2018; the term of office of any current member appointed and confirmed prior to January 1, 2018, is extended from 12:00

midnight on April 30 to 12:00 midnight on June 30 in the year of expiration of the member's term of office; 2018 Acts, ch 1065, §4

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 307A - TRANSPORTATION COMMISSION Section 307A.2 - Commission duties.

307A.2 Commission duties. Said commission shall: 1. Develop, coordinate, and annually update a comprehensive transportation policy and plan for the state. 2. Promote the coordinated and efficient use of all available modes of transportation for the benefit of the state and its citizens including but not limited to the designation and development of multimodal public transfer facilities if carriers or other private businesses fail to develop such facilities. 3. Prepare, adopt, and cause to be published a long-range program for the primary road system, in conjunction with the state transportation plan adopted by the commission. Such program shall be prepared for a period of at least five years and shall be revised, brought up-to-date, and republished at least once every year in order to have a continuing five-year program. The program shall include, insofar as such estimates can be made, an estimate of the money expected to become available during the period covered by the program and a statement of the construction, maintenance, and other work planned to be performed during such period. The commission shall conduct periodic reinspections of the primary roads in order to revise, from time to time, its estimates of future needs to conform to the physical and service conditions of the primary roads. Before the last day of December of each year, the commission shall adopt and cause to be published from its long-range program, a plan of improvements to be accomplished during the next calendar year. However, in years when the federal government is reauthorizing federal highway funding, the commission shall not be required to adopt and publish the annual plan of improvements to be accomplished until at least ninety days from the enactment of the new federal funding formula. This annual program shall list definite projects in order of urgency and shall include a reasonable year's work with the funds estimated to be available. The annual program shall be final and followed by the commission in the next year except that deviations may be made in case of disaster or other unforeseen emergencies or difficulties. The relative urgency of the proposed improvements shall be determined by a consideration of the physical condition, safety, and service characteristics of the various primary roads. 4. Adopt rules pursuant to chapter 17A establishing the criteria to be used by the commission for allocating funds as a result of any long-range planning process. The commission shall adopt such rules and regulations in accordance with the provisions of chapter 17A as it may deem necessary to transact its business and for the administration and exercise of its powers and duties. 5. Identify, within the primary road system, a network of commercial and industrial highways in accordance with section 313.2A. The improvement of this network shall be considered in the development of the long-range program and plan of improvements under this section. 6. Approve all rules prior to their adoption by the director pursuant to section 307.12, subsection 1, paragraph "j". [C97, §1532; S13, §1532; SS15, §1527-s1, -s2; C24, 27, 31, 35, 39, §4626, 4631, 4632, 4633; C46, 50, 54, 58, §307.5, 308.1, 308.3, 308.4; C62, 66, 71, 73, §307.5; C75, 77, 79, 81, §307A.2] 84 Acts, ch 1043, §1; 86 Acts, ch 1245, §1926; 88 Acts, ch 1019, §1; 89 Acts, ch 134, §4; 90 Acts, ch 1253, §120; 92 Acts, ch 1100, §2; 96 Acts, ch 1064, §1; 96 Acts, ch 1126, §2; 98 Acts, ch 1075, §7; 2002 Acts, ch 1063, §7, 8, 16; 2005 Acts, ch 20, §3; 2015 Acts, ch 123, §17 – 20; 2016 Acts, ch 1073, §95

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 307A - TRANSPORTATION COMMISSION Section 307A.3 - Conflict of interest.

307A.3 Conflict of interest. A person shall not serve as a member of the commission if the person has an interest in a contract or job of work or material or the profits thereof or service to be performed for the department. Any member of the commission who accepts employment with or acquires any stock, bonds, or other interest in any company or corporation doing business with the department shall be disqualified from remaining a member of the commission. 2015 Acts, ch 123, §21

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 307A - TRANSPORTATION COMMISSION Section 307A.4 - Vacancies on commission.

307A.4 Vacancies on commission. Any vacancy in the membership of the commission shall be filled in the same manner as regular appointments are made for the unexpired portion of the regular term. In the event the governor fails to make an appointment to fill a vacancy or fails to submit the appointment to the senate for confirmation as required by section 2.32, the senate may make the appointment prior to adjournment of the general assembly. 2015 Acts, ch 123, §22

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 307A - TRANSPORTATION COMMISSION Section 307A.5 - Compensation — commission members.

307A.5 Compensation — commission members. Each member of the commission shall be compensated as provided in section 7E.6. 2015 Acts, ch 123, §23

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 307A - TRANSPORTATION COMMISSION Section 307A.6 - Commission meetings.

307A.6 Commission meetings. The commission shall meet at the call of the chairperson or when any four members of the commission file a written request with the chairperson for a meeting. Written notice of the time and place of each meeting shall be given to each member of the commission. A majority of the commission members shall constitute a quorum. 2015 Acts, ch 123, §24

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 307A - TRANSPORTATION COMMISSION Section 307A.7 -

Expenses.

307A.7 Expenses. Members of the commission shall be allowed their actual and necessary expenses incurred in the performance of their duties. All expenses and salaries shall be paid from appropriations for such purposes and the commission shall be subject to the budget requirements of chapter 8. 2015 Acts, ch 123, §25

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 307A - TRANSPORTATION COMMISSION Section 307A.8 - Removal from office.

307A.8 Removal from office. Any member of the commission may be removed for any of the causes and in the manner provided in chapter 66 and such removal shall not be in lieu of any other punishment that may be prescribed by the laws of this state. 2015 Acts, ch 123, §26

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 307C - MISSOURI RIVER BARGE COMPACT Section 307C.1 - Missouri river barge compact.

307C.1 Missouri river barge compact. The Missouri river interstate barge compact is enacted into law and entered into with all other states which legally join in the compact in substantially the following form: 1. Article I. The purposes of this compact are to provide for planning for the most efficient use of the waters of the Missouri river, to increase the amount of barge traffic on that segment of the Missouri river below Sioux City, Iowa, to take necessary steps to develop the Missouri river and its banks to handle more barge traffic than is presently handled, to encourage barge use on that segment of the Missouri river for transporting bulk goods, especially farm commodities, to insure that the intended increase in barge traffic does not impose unacceptable damage on the Missouri river in all its various uses, including agriculture, wildlife management, and recreational opportunities, to consider the effects of diversion of the waters of the Missouri river on navigation, and to promote joint action between the compact parties to accomplish these purposes. The purposes of the compact do not include lobbying activities against user fees for barge traffic and such activities under this compact are prohibited. 2. Article II. It is the responsibility of the four states to accomplish the purposes in article I through the official in each state charged with the duty of administering the public waters and to collect and correlate through those officials the data necessary for the proper administration of the compact. Those officials may, by unanimous action, adopt rules and regulations to accomplish the purposes of this compact. 3. Article III. The states of Iowa, Missouri, Kansas, and Nebraska agree that within a reasonable time they shall fulfill the obligations of this compact and that each shall authorize the proper official or agency in its state to take the necessary steps to promote barge use and develop the Missouri river as it flows between and within the compact states for additional barge traffic. 4. Article IV. This compact does not limit the powers granted in any other act to enter into interstate or other agreements relating to the Missouri river flowing between and within the compact states, alter the relations between the respective internal responsibilities of the government of a party state and its subdivisions, or impair or affect any rights, powers, or jurisdiction of the United States, or those acting by or under its authority, in, over, and to those waters of the Missouri river. Adoption of this compact by the general assembly shall not require the signatory states to adopt any legislation or to appropriate funds for its implementation. 5. Article V. a. Other states having an interest in the promotion of barge traffic on the Missouri river can join in this compact by unanimous consent of the member states. b. Any member state can withdraw at any time by appropriate action of its legislature. 84 Acts, ch 1257, §1; 2008 Acts, ch 1032, §201

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 307C - MISSOURI RIVER BARGE COMPACT Section 307C.2 - Jurisdiction and control.

307C.2 Jurisdiction and control. The state department of transportation has jurisdiction and authority to implement the Missouri river barge compact. 84 Acts, ch 1257, §2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 307C - MISSOURI RIVER BARGE COMPACT Section 307C.3 - Duties of the state department of transportation.

307C.3 Duties of the state department of transportation. The state department of transportation shall, with the cooperation of the economic development authority, the department of natural resources, and the member states' officials or agencies, take the necessary steps to achieve the purposes set forth in this chapter. 84 Acts, ch 1257, §3; 2011 Acts, ch 118, §85, 89

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 307C - MISSOURI RIVER BARGE COMPACT Section 307C.4 - Liberal interpretation.

307C.4 Liberal interpretation. This compact shall be liberally construed so as to effectuate its purposes. The compact is severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any state or of the United States or the applicability of the compact to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability of it to any government, agency, person or circumstance shall not be affected. If this compact is held to be contrary to the constitution of any state participating in the compact, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters. 84 Acts, ch 1257, §4

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 307C - MISSOURI RIVER BARGE COMPACT Section 307C.5 - No conflict of local functions.

307C.5 No conflict of local functions. The Missouri river barge compact does not supersede or limit the functions, powers, duties and discretions of counties, townships, school districts, cities, levee districts, drainage districts, levee and drainage districts, or any other governmental subdivisions or of their governing officials. 84 Acts, ch 1257, §5

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 308 - MISSISSIPPI RIVER PARKWAY Section 308.1 - Planning commission.

308.1 Planning commission. 1. The Mississippi parkway planning commission shall be composed of ten members appointed by the governor, five members to be appointed for two-year terms beginning July 1, 1959, and five members to be appointed for four-year terms beginning July 1, 1959. In addition to the above members there shall be seven advisory ex officio members who shall be as follows: a. One member from the state transportation commission. b. One member from the natural resource commission. c. One member from the state soil conservation and water quality committee. d. One member from the state historical society of Iowa. e. One member from the faculty of the landscape architectural division of the Iowa state university of science and technology. f. One member from the economic development authority. g. One member from the environmental protection commission. 2. Members and ex officio members shall serve without pay, but the actual and necessary expenses of members and ex officio members may be paid if the commission so orders and if the commission has funds available for that purpose. [C62, 66, 71, 73, 75, 77, 79, 81, §308.1; 82 Acts, ch 1199, §61, 96] 2003 Acts, ch 108, §54; 2011 Acts, ch 118, §84, 89; 2017 Acts, ch 159, §54; 2018 Acts, ch 1041, §78

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 308 - MISSISSIPPI RIVER PARKWAY Section 308.2 - Assent to federal Act.

308.2 Assent to federal Act. The general assembly of the state of Iowa hereby declares that the intent of this chapter is to assent to any Act of the United States Congress authorizing the development of any national parkway located wholly or partly within the state of Iowa, to the full extent that is necessary to secure any benefits under such Act, provided that the hunting of migratory game birds and other game and fishing shall not be prohibited or otherwise restricted by the United States government or any of its designated agencies in control of said project, and to authorize the appropriate state boards, commissions, departments and the governing bodies of counties, cities and villages and especially the state transportation commission to cooperate in the planning and development of all national parkways that may be proposed for development in Iowa, with any agency or department of the government of the United States in which is vested the necessary authority to construct or otherwise develop such national parkways. Whenever authority shall exist for the planning and development of any national parkway, of which any portion shall be located in the state of Iowa, it shall be the duty of the state transportation commission to make such investigations and studies in cooperation with the appropriate federal agency, and such state boards, commissions, and departments as shall have an interest in such parkway development, to the extent that shall be desirable and necessary in order to provide that the state shall secure all advantages that may accrue through such parkway development and that the interests of the counties, cities, and villages along the route shall be served. [C62, 66, 71, 73, 75, 77, 79, 81, §308.2] 98 Acts, ch 1199, §1, 27; 98 Acts, ch 1223, §30

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 308 - MISSISSIPPI RIVER PARKWAY Section 308.3 - Definitions.

308.3 Definitions. As used in this chapter: 1. "Conservation area" means land in which the state department of transportation or the department of natural resources has acquired rights, other than that land necessary for a right-of-way. 2. "Great river road" means a scenic and recreational highway consisting of a designated system of roads and streets along the Mississippi river in this state. 3. "National parkway" has the same meaning as defined in Pub. L. No. 93-87, first session, Ninety-third Congress of the United States. 4. "Right-of-way" means land area dedicated to public use for a highway and its maintenance, and includes land acquired in fee simple or by permanent easement for highway purposes, but does not include temporary easements or rights for supplementary highway appurtenances. 5. "A scenic and recreational highway" means a public highway designated to allow enjoyment of aesthetic and scenic views, points of historical, archaeological and scientific interest, state parks and other recreational areas and includes both the right-of-way and conservation area. 6. "Scenic easement" means a servitude which is acquired by gift, purchase, exchange or condemnation and is designed to permit land to remain in private ownership for its normal agricultural, residential or other use and, at the same time, to restrict and control the future use of the land for the purpose of preserving, restoring or enhancing the natural and historic beauty of the land subject to the scenic easement. 7. "Secretary", "parkway", "scenic landscape", "sightly or safety easement", "access", "parkway road", "parkway development", "frontage" and other similar terms have the same meaning as defined in any Act of the Congress of the United States related to a national parkway. [C62, 66, 71, 73, 75, 77, 79, 81, §308.3] 86 Acts, ch 1245, §1928; 2006 Acts, ch 1010, §85; 2008 Acts, ch 1032, §44

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 308 - MISSISSIPPI RIVER PARKWAY Section 308.4 - Transportation commission duties.

308.4 Transportation commission duties. 1. The state transportation commission shall make such investigations, surveys, studies and plans in connection with any proposed national parkway or parkway development as it shall deem necessary or desirable to

determine if the proposed development is under the terms of the Act of the United States Congress applicable to such parkway or any regulations under such Act and is advantageous to the state. Such parkway development may be any portion of the proposed parkway which is proposed to be constructed as a project under such Act. 2. The state transportation commission, with the cooperation of the department of natural resources, shall plan, designate, and establish the exact routing of the great river road, utilizing the general guidelines established in Tit. 23, United States Code. 3. The director of transportation, with the cooperation of the department of natural resources, shall: a. Acquire all rights in land necessary for reconstruction or relocation of any portions of the great river road where reconstruction or relocation is imperative for the safety of the traveling public, or where the condition or location of existing segments of the highway is not in keeping with the intent of this chapter. Acquisitions of such rights in land shall be by gift, purchase, exchange, or by instituting and maintaining proceedings for condemnation. Gift, purchase, exchange, and condemnation include acquisition of a scenic easement. A scenic easement acquired under this chapter constitutes an easement both at law and in equity, and all legal and equitable remedies, including prohibitory and mandatory injunctions, are available to protect and enforce the state's interest in such scenic easements. A scenic easement acquired under this chapter is deemed to be appurtenant to the roadway to which it is adjacent or from which it is visible. The duties created by a scenic easement acquired under this chapter are binding upon and enforceable against the original owner of the land subject to the scenic easement and the original owner's heirs, successors, and assigns in perpetuity, unless the instrument creating the scenic easement expressly provides for a lesser duration. A court shall not declare a scenic easement acquired under this chapter to have been extinguished or to have become unenforceable by virtue of changed conditions or frustration of purpose. b. Accept and administer state, federal, and any other public or private funds made available for the acquisition of rights in land and for the planning and construction or reconstruction of any segment of the great river road, and state and federal funds for the maintenance of that part of the great river road constituting the right-of-way. [C62, 66, 71, 73, 75, 77, 79, 81, §308.4; 81 Acts, ch 14, §23] 83 Acts, ch 198, §17; 85 Acts, ch 108, §1; 86 Acts, ch 1245, §1929; 86 Acts, ch 1246, §28; 2008 Acts, ch 1032, §45 Referred to in §308.7

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 308 - MISSISSIPPI RIVER PARKWAY Section 308.5 - Jurisdiction and control.

308.5 Jurisdiction and control. Jurisdiction and control of the great river road is vested as provided in section 306.4. [C75, 77, 79, 81, §308.5] 85 Acts, ch 108, §2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 308 - MISSISSIPPI RIVER PARKWAY Section 308.6 - Transferring jurisdiction.

308.6 Transferring jurisdiction. The director of transportation, with the concurrence of the department of natural resources, shall transfer jurisdiction of any adjacent conservation area to the department of natural resources upon completion of a new segment of the great river road. [C75, 77, 79, 81, §308.6] 86 Acts, ch 1245, §1930

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 308 - MISSISSIPPI RIVER PARKWAY Section 308.7 - Duties of department of natural resources.

308.7 Duties of department of natural resources. The department of natural resources, with the cooperation of the director of transportation, shall: 1. Control the conservation area acquired by the director of transportation. 2. Protect all scenic easements. 3. Maintain, improve, and beautify according to plans made under section 308.4, subsection 2, all conservation areas, including the establishment of off-road-vehicle trails, equestrian trails and hiking paths. 4. Accept and administer state, federal and any other public or private funds made available for the maintenance, improvement and beautification of conservation areas. [C75, 77, 79, 81, §308.7] 86 Acts, ch 1245, §1931

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 308 - MISSISSIPPI RIVER PARKWAY Section 308.8 - Agreements authorized.

308.8 Agreements authorized. The director of transportation and the department of natural resources may enter into agreements with the United States secretary of transportation, as provided under the United States Code, Tit. 23 relating to the scenic and recreational highway system, and with any other agency and jurisdiction, and take action in the name of the state to comply with the terms of any agreement. [C75, 77, 79, 81, §308.8] 86 Acts, ch 1245, §1932

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 308 - MISSISSIPPI RIVER PARKWAY Section 308.9 - Establishing locations for the highway.

308.9 Establishing locations for the highway. 1. a. When, as a result of its investigations and studies, the state transportation commission, in cooperation with the department of natural resources, finds that there may be a need in the future for the development and construction or reconstruction of segments of the great river road, and when the state transportation commission determines that in order to prevent conflicting costly economic development on areas of lands to be available for the great river road when needed for future development, there is need to establish and to inform the public of the approximate location and widths of new or improved segments of the great river road to be needed, the state transportation commission may proceed to establish the location and the approximate widths in the manner provided in this section. b. The state transportation commission shall give notice

and hold a public hearing on the matter in a convenient place in the area to be affected by the proposed improvement of the great river road. The state transportation commission shall consider and evaluate the testimony presented at the public hearing and shall make a study and prepare a map showing the location of the proposed new or reconstructed segment of the great river road and the approximate widths of right-of-way needed. The map shall show the existing roadway and the property lines and record owners of lands to be needed. The approval of the map shall be recorded by reference in the state transportation commission's minutes, and a notice of the action and a copy of the map showing the lands or interest in the lands needed in any county shall be filed in the office of the county recorder of that county. Notice of the action and of the filing shall be published once in a newspaper of general circulation in the county, and within sixty days following the filing, notice of the filing shall be served by registered mail on the owners of record on the date of filing. Using the same procedures for approval, notice and publications, and notice to the affected record owners, the state transportation commission may amend the map. 2. After such location is established, within the area of the great river road as shown on the map or in such proximity to it as to result in consequential damages when the rights in land for the great river road are acquired, a person shall not erect or move in any additional structure or rebuild, alter or add to any existing structure, without giving to the state transportation commission by registered mail sixty days' notice of such contemplated construction, alteration, or addition describing the same. However, this prohibition and requirement shall not apply to any normal or emergency repairs or replacements which are necessary to maintain an existing structure of a facility in approximately its previously existing functioning condition. When the rights in land for a segment of the great river road are acquired, damages shall not be allowed for any construction, alterations, or additions in violation of this subsection. 3. Without limiting any authority otherwise existing, rights in land needed for the great river road may be acquired at any time by the state, the county, or the municipality in which such segment of the great river road is located. If an owner's contiguous land is acquired to an extent which is less than the total amount shown on the map as needed, consequential damages to the land not acquired shall be allowed as found to exist. [C62, 66, 71, 73, §308.5; C75, 77, 79, 81, §308.9] 88 Acts, ch 1158, §64; 98 Acts, ch 1075, §8; 2008 Acts, ch 1032, §46

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 308A - RECREATIONAL BIKEWAYS Section 308A.1 - Department of natural resources and transportation commissions to cooperate.

308A.1 Department of natural resources and transportation commissions to cooperate. 1. The department of natural resources, in consultation with the state transportation commission, is hereby authorized to establish recreational bikeways within this state for the use, enjoyment, and participation of the public in bicycling, not including the use of motorized bicycles as defined in section 321.1. The routes established for such bikeways shall be designed to maximize the safety of cyclists and motorists and may utilize secondary roads when the normal flow of motor vehicle traffic will not be hindered, as well as other infrequently traveled roads, streets, parkways, and appropriate thoroughfares. Such bikeways shall be routed, wherever possible, to allow the enjoyment of scenic views and points of historical interest, and may connect state parks and other recreational areas throughout the state. 2. Bikeway routes shall be clearly marked with appropriate signs to guide cyclists and to alert motorists. Such signs shall be placed at intervals and designed in such form as prescribed by the department of natural resources in consultation with the state transportation commission. 3. The department of natural resources is hereby authorized to cooperate with county conservation boards, boards of supervisors, city councils, or any private organizations interested in the establishment of bikeways, and may consult with such groups in the planning of appropriate bikeway routes and related activities. [C71, 73, 75, 77, 79, 81, §308A.1] 2017 Acts, ch 54, §76; 2021 Acts, ch 125, §1 Referred to in §308A.2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 308A - RECREATIONAL BIKEWAYS Section 308A.2 - Funds.

308A.2 Funds. The department of natural resources may accept in the name of the state funds contributed by the groups specified in section 308A.1 and the funds shall be used exclusively in the establishment of bikeways as provided in this chapter. Additional funds as may be necessary in purchasing signs and otherwise carrying out the provisions of this chapter may be expended by the department of natural resources if authorized by the general assembly pursuant to appropriations for such purposes. The department shall be authorized to accept and expend federal funds made available for the purposes of aiding in the implementation of this chapter. [C71, 73, 75, 77, 79, 81, §308A.2] 2019 Acts, ch 59, §86

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 308A - RECREATIONAL BIKEWAYS Section 308A.3 - Certain elevated structures prohibited — exception.

308A.3 Certain elevated structures prohibited — exception. Bikeways and walkways approved as either incidental features of highway construction projects primarily for motor vehicular traffic or as an independent bikeway or walkway construction project constructed pursuant to the Highway Act of 1973, 23 U.S.C. §217, shall not be constructed as elevated structures joining private buildings or so constructed to provide elevated access or egress facilities to private buildings unless the portion of project funds that is necessary to obtain federal funds is provided by private parties benefited by the facilities. [C77, 79, 81, §308A.3] 2018 Acts, ch 1041, §79

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.1 - Definitions.

309.1 Definitions. As used in this chapter, unless the context otherwise requires: 1. "Book", "list", "record", or "schedule" kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1. 2.

“Bridge” includes any structure including supports, erected over a depression or an obstruction, such as water, a highway, or railway. A bridge has a track or passageway for carrying traffic or other moving loads and has an opening measured along the center of the roadway of more than twenty feet. The measurement shall be between the inside faces of abutments, the inside faces of the exterior walls of multiple box culverts, the spring lines of arches, and the horizontal measurement of circular or elliptical structures. a. The length of a bridge is the overall measurement from back to back of backwalls and abutments measured along the center of the roadway. b. Multiple pipes, where the distance between openings is less than half the smaller contiguous opening, may be included as a bridge, provided the pipes meet the other definitional requirements for bridges in this subsection. 3. “Culvert” includes any structure not classified as a bridge which provides an opening under any roadway, except that this term does not include tile crossing the road, or intakes thereto, where the tile are a part of a tile line or system designed to aid subsurface drainage. 4. “Department” means the state department of transportation. 5. “Fiscal year” means the period of twelve months beginning on July 1 and ending on June 30. [C75, 77, 79, 81, §309.1] 84 Acts, ch 1102, §2; 2000 Acts, ch 1148, §1; 2002 Acts, ch 1119, §40, 200, 201

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.10 - Use of farm-to-market road fund.

309.10 Use of farm-to-market road fund. 1. Notwithstanding section 310.4, if the board of supervisors of a county does not plan to utilize its farm-to-market road fund allocation for the succeeding fiscal year for farm-to-market projects, the board may annually, by stipulation in the secondary road construction program and secondary road budget submitted to the department in accordance with sections 309.22 and 309.93, determine an amount of the unobligated portion of its allocation, up to a maximum of fifty percent of its anticipated total annual allocation, for the construction and reconstruction of local secondary roads. However, moneys from the farm-to-market road fund shall not be so used if the moneys are needed to match federal funds available for farm-to-market road projects. 2. A county shall not use farm-to-market road funds as described in this section unless the total funds that the county transferred or provided during the prior fiscal year pursuant to section 331.429, subsection 1, paragraphs “a”, “b”, “d”, and “e”, are at least seventy-five percent of the sum of the following: a. From the general fund of the county, the dollar equivalent of a tax of sixteen and seven-eighths cents per thousand dollars of assessed value on all taxable property in the county. b. From the rural services fund of the county, the dollar equivalent of a tax of three dollars and three-eighths of a cent per thousand dollars of assessed value on all taxable property not located within the corporate limits of a city in the county. [C81, S81, §309.10; 81 Acts, ch 117, §1045] 83 Acts, ch 123, §108, 208, 209; 84 Acts, ch 1102, §3; 84 Acts, ch 1178, §4; 90 Acts, ch 1267, §29; 91 Acts, ch 258, §42; 2010 Acts, ch 1061, §180 Referred to in §331.401

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.16 - Duty of department.

309.16 Duty of department. The department shall when requested by the board of supervisors advise with said board as to the manner of constructing and maintaining the secondary roads. [C31, 35, §4644-c18; C39, §4644.16; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.16]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.17 - Engineer — term.

309.17 Engineer — term. The board of supervisors shall employ one or more licensed civil engineers as county engineers. The board shall fix the term of employment for county engineers, which shall not exceed three years, but the tenure of office may be terminated at any time by the board. [C24, 27, §4641; C31, 35, §4644-c19; C39, §4644.17; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.17] 2007 Acts, ch 126, §52; 2022 Acts, ch 1021, §57 Referred to in §331.321

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.18 - Compensation.

309.18 Compensation. 1. The board of supervisors shall fix the compensation of the county engineers. 2. The county engineers shall, in the performance of their duties, work under the directions of the board and shall give bonds for the faithful performance of their duties in a sum not less than two thousand nor more than five thousand dollars, to be approved by the board. [C24, 27, §4641; C31, 35, §4644-c20, -c21; C39, §4644.18, 4644.19; C46, 50, 54, 58, 62, 66, §309.18, 309.19; C71, 73, 75, 77, 79, 81, §309.18] 83 Acts, ch 123, §109, 209; 2023 Acts, ch 66, §63 Referred to in §331.321, 331.429 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.19 - Counties joining in employment.

309.19 Counties joining in employment. The boards of supervisors of two or more counties may enter into an agreement to jointly employ a county engineer, employ professional and clerical assistants for the engineer, and to provide such services as can be carried on jointly and will operate to their mutual benefit. Such agreement shall be written and entered in their respective minutes. The engineer employed under such agreement shall be the official county engineer for each of the respective boards and shall be employed for such term of years as shall be determined by the boards but in no event longer than the period of time the mutual agreement between the boards is to be in effect. The written agreement shall provide for the determination of the cost of such joint program and the manner of allocation of the cost to each board for inclusion in the respective budgets. The boards by mutual agreement shall designate one board to make payments for salaries and other costs of the joint program. The board shall be reimbursed by the other board or boards in accordance with the joint agreement. The provisions of chapter 28E shall be applicable to

this section. [C71, 73, 75, 77, 79, 81, §309.19] 2020 Acts, ch 1005, §1 Referred to in §331.321

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.20 - Engineers — itemized account.

309.20 Engineers — itemized account. County engineers and their assistants shall file an itemized and verified account with the board of supervisors for the reimbursement of all expenses incurred. Mileage may be claimed as provided in section 70A.9. [C24, 27, §4642; C31, 35, §4644-c22; C39, §4644.20; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.20]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.21 - Supervision of construction and maintenance work.

309.21 Supervision of construction and maintenance work. All construction and maintenance work shall be performed under the direct and immediate supervision of the county engineer who shall be deemed responsible for the efficient, economical and good-faith performance of said work. [C31, 35, §4644-c23; C39, §4644.21; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.21] Referred to in §309.67

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.22 - Construction project — progress report by engineer.

309.22 Construction project — progress report by engineer. 1. On or before May 15 of each year the board of supervisors, with the assistance of the county engineer, shall, subject to the approval of the department, adopt a secondary road construction program which shall include a project accomplishment list for the next fiscal year, and a project priority list for the succeeding four fiscal years based upon the construction funds, local secondary and farm-to-market, estimated to be available for the period. Subject to departmental approval, any project on the approved priority list may be advanced to and constructed in the accomplishment year and the project accomplishment list may be revised due to unforeseen conditions. 2. After the close of each fiscal year, and not later than September 15, the county engineer shall submit an annual report to the department. The annual report shall include a statement of the progress made toward the completion of each project contained in the approved project accomplishment list on which work was accomplished, a statement of the total amount expended on each project during the year, and a statement of what portion of the work on each project was done on contract and the amount expended on each contract for each project. [C31, 35, §4644-c24; C39, §4644.22; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.22] 84 Acts, ch 1102, §4; 2019 Acts, ch 24, §104; 2023 Acts, ch 71, §79, 98 Referred to in §307.32, 309.10, 309.22A, 309.27 2023 amendment to subsection 1 applies to political subdivision budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §98 Subsection 1 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.22A - Annual report — replacement and repair of structurally deficient bridges.

309.22A Annual report — replacement and repair of structurally deficient bridges. On or before September 15 of each year, the county engineer of each county in the state shall certify and file a report with the department, as part of the annual report required under section 309.22, detailing the manner in which moneys received by the county that originated from the road use tax fund were used to replace or repair structurally deficient bridges in the county. The report shall include all of the following: 1. The number of bridges under the county's jurisdiction that have been replaced or repaired to the point that they function at full capacity. 2. The number of bridges under the county's jurisdiction that have been partially replaced or partially repaired to alleviate some structural deficiencies, but not to the point that the bridges function at full capacity, and a brief description of the replacements or repairs necessary to allow them to function at full capacity. 3. The number of bridges under the county's jurisdiction that are in the process of being replaced or repaired and a description of the timeline of each replacement or repair project. 4. The number of bridges under the county's jurisdiction that remain structurally deficient and a description of the timeline for replacement or repair of each bridge, if any. 2016 Acts, ch 1072, §2; 2018 Acts, ch 1077, §2 Referred to in §307.32, 309.27

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.23 - Review by department and operation of program.

309.23 Review by department and operation of program. The secondary road construction program is subject to review by the department under section 309.94 and subject to program operation requirements under section 309.96, subsection 2. 84 Acts, ch 1102, §5 Referred to in §309.27

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.24 - Uniform and unified plan required.

309.24 Uniform and unified plan required. The secondary road construction program or project shall be planned on the basis of one general, uniform, and unified plan for the complete and permanent construction of the roads embraced in the program or project as to bridge, culvert, tile, and grading or other improvements. [C31, 35, §4644-c26; C39, §4644.24; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.24] 2020 Acts, ch 1063, §135 Referred to in §309.27

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.25 - Material considerations for farm-to-market roads.

309.25 Material considerations for farm-to-market roads. In planning and in adopting the secondary road program or project by the board of supervisors, the board and the county engineer shall give due and careful consideration, to the location of primary roads, and of roads previously improved as county roads, to the market centers and main roads leading thereto, and to rural mail and school bus routes. It is the intent of this chapter that the secondary road program or project will, when finally executed, afford the highest possible systematic, intracounty and intercounty connections of all roads of the county. [C31, 35, §4644-c27; C39, §4644.25; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.25] 2021 Acts, ch 80, §160 Referred to in §309.27 Farm-to-market roads, chapter 310

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.26 - Provisional selection of roads.

309.26 Provisional selection of roads. The board after due consultation with the county engineer, shall first select in a provisional way the roads which they then consider advisable to embrace in the secondary road program. The board shall direct the county engineer to make a reconnaissance survey and estimate of all of the roads selected, or of such part of the roads as, in view of the public necessity and convenience, present the most urgent need and necessity for early construction. [C24, 27, §4643; C31, 35, §4644-c28; C39, §4644.26; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.26] 2021 Acts, ch 80, §161 Referred to in §309.27

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.27 - Report of engineer.

309.27 Report of engineer. In addition to meeting the requirements of sections 309.22 through 309.26, the county engineer, when so ordered by the board, shall make a written report to the board designating, in the order of importance, the roads which, in the engineer's judgment, are most urgently in need of construction. [C24, 27, §4643; C31, 35, §4644-c29; C39, §4644.27; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.27] 2020 Acts, ch 1063, §136; 2022 Acts, ch 1021, §58

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.28 - Recommendations.

309.28 Recommendations. The county engineer may in the engineer's report recommend that certain definitely described roads or parts of a road be omitted from or added to the provisional program or project. In such a case, the county engineer shall clearly enter on the report the reasons for the recommendations. [C31, 35, §4644-c30; C39, §4644.28; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.28] 2022 Acts, ch 1021, §59

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.29 - Map required.

309.29 Map required. A map of the county showing the location of the proposed program or project shall accompany the report of the county engineer. [C24, 27, §4644; C31, 35, §4644-c31; C39, §4644.29; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.29] 2022 Acts, ch 1021, §60

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.3 - Secondary bridge system.

309.3 Secondary bridge system. The secondary bridge system of a county shall embrace all bridges and culverts on secondary roads as defined in section 306.3. [C24, 27, §4664, 4665; C31, 35, §4644-c3; C39, §4644.03; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.3] 98 Acts, ch 1075, §9

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.30 - Additional estimates.

309.30 Additional estimates. Additional reconnaissance surveys and estimates may be ordered by the board when it deems the same necessary or advisable. [C31, 35, §4644-c32; C39, §4644.30; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.30]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.34 - Record required.

309.34 Record required. After the construction program or project is finally determined, the county auditor shall record the same at length in a county road book. [C24, 27, §4646; C31, 35, §4644-c36; C39, §4644.34; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.34]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.35 - When surveys required.

309.35 When surveys required. Before proceeding to the construction of any road or roads included in the secondary road construction program where the grading, exclusive of bridges and culverts, is estimated to cost over ten thousand dollars per mile, the county engineer shall cause detailed surveys and plans for the road or roads to be prepared. [C24, 27, §4643; C31, 35, §4644-c37; C39, §4644.35; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.35] 2001 Acts, ch 32, §2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.36 - Nature of survey.

309.36 Nature of survey. The county engineer's survey shall be on the basis of the permanent improvement of said roads, as to bridge, culvert, tile, and road work. [C24, 27, §4644; C31, 35, §4644-c38; C39, §4644.36; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.36] 2023 Acts, ch 66, §64 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.37 - Details of survey.

309.37 Details of survey. The county engineer's survey shall show all of the following: 1. A division into sections of all of the roads embraced in said provisional program, a designation of each section by some appropriate number, name, or letter, the starting point and terminus of each section, and the mileage of each section. 2. An accurate plan and profile of the roads surveyed, showing all of the following: a. Cuts and fills. b. Outline of grades. c. All existing permanent bridges, culverts and grades. d. Proper bench marks on each bridge and culvert. 3. The drainage, both surface and subdrainage, necessary to prepare said roads for complete construction. 4. The location of all lines of tile and size thereof. 5. All necessary bridges and culverts, their length, height, and width and foundation soundings. 6. An estimate of the watershed having relation to each bridge and culvert. 7. An estimate of the construction cost of said roads on the basis of permanent bridges, culverts, tile, and road work. [C24, 27, §4644; C31, 35, §4644-c39; C39, §4644.37; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.37] 2011 Acts, ch 34, §76; 2020 Acts, ch 1063, §137; 2022 Acts, ch 1021, §61

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.38 - Existing surveys.

309.38 Existing surveys. The county engineer may adopt any existing survey of any road or part of a road which is embraced in the program or project, provided that the existing survey substantially complies, or is made to comply, with the requirements of this chapter. [C31, 35, §4644-c40; C39, §4644.38; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.38] 2022 Acts, ch 1021, §62

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.39 - Contracts and specifications.

309.39 Contracts and specifications. The various contracts for the carrying out of said construction program or project in the most efficient, practicable and economical manner shall, as far as possible, be accompanied by standard specifications, and no traveled roadway shall be less than twenty-two feet from shoulder to shoulder. [C31, 35, §4644-c41; C39, §4644.39; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.39]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.40 - Advertisement and letting.

309.40 Advertisement and letting. All contracts for road or bridge construction work and materials for which the county engineer's estimate exceeds fifty thousand dollars, except surfacing materials obtained from local pits or quarries, shall be advertised and let at a public letting. [C24, 27, §4647; C31, 35, §4644-c42; C39, §4644.40; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.40] 91 Acts, ch 53, §1; 2023 Acts, ch 66, §65 Referred to in §309.40A, 309.41, 314.1, 314.1B, 331.341 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.40A - Emergency highway and bridge projects.

309.40A Emergency highway and bridge projects. Notwithstanding section 309.40, a county may contract for the emergency repair, restoration, or reconstruction of a highway or bridge under the county's jurisdiction without advertising for bids if all of the following conditions are met: 1. The emergency was caused by an unforeseen event causing the failure of a highway, bridge, or other highway structure so that the highway is unserviceable, or where immediate action is necessary to prevent further damage or loss. 2. The county solicits written bids from three or more contractors engaged in the type of work needed. 3. The necessary work can be done for less than one hundred thousand dollars. 4. If possible, the county notifies the appropriate Iowa highway contractors' associations of the proposed work. 2001 Acts, ch 32, §3 Referred to in §309.41, 314.1, 331.341

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.41 - Optional advertisement and letting.

309.41 Optional advertisement and letting. 1. Contracts not embraced within the provisions of section 309.40 or 309.40A shall be either advertised and let at a public letting or, where the cost does not exceed the county engineer's estimate, let through informal bid procedure by contacting at least three qualified bidders prior to letting the contract. The informal bids received together with a statement setting forth the reasons for use of the informal procedure and bid acceptance shall be entered in the minutes of the board of supervisors meeting at which such action was taken. 2. Nothing contained in this section shall be deemed to prohibit the board of supervisors from purchasing material and using county equipment and regularly employed county road personnel on a project within their capability as determined by the county engineer. [C24, 27, §4648; C31, 35, §4644-c43; C39, §4644.41; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.41] 2002 Acts, ch 1119, §41; 2014 Acts, ch 1092, §66; 2023 Acts, ch 66, §66 Referred to in §331.341 Subsection 1 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.43 - Record of bids.

309.43 Record of bids. All bids received shall be publicly opened, at the time and place specified in the advertisement, and shall be recorded in detail in the road book by the county auditor. The county engineer shall in all instances of day labor and private or public contracts file a detailed cost accounting sheet with the county auditor. The road book and cost sheets shall at all times be open to public inspection. [C24, 27, §4649; C31, 35, §4644-c45; C39, §4644.43; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.43] 2014 Acts, ch 1092, §67 Referred to in §331.341

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.46 - Construction fund anticipated.

309.46 Construction fund anticipated. The board before issuing anticipatory certificates shall seek the advice of the department and issue said certificates to an amount not exceeding fifty percent of the estimated funds which will accrue to the secondary road fund during any stated period of from one to two years. [C31, 35, §4644-c48; C39, §4644.46; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.46] Referred to in §331.402, 331.478

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.47 - Anticipatory resolution.

309.47 Anticipatory resolution. Certificates issued under this subchapter shall be authorized by a duly adopted resolution which shall specify all of the following: 1. The secondary road funds, specifying the year or years, which are to be anticipated. 2. The amount of certificates authorized. 3. The denomination of each certificate. 4. The rate of interest which each certificate shall bear which shall not exceed that permitted by chapter 74A, payable annually. 5. The authorization of the chairperson of the board of supervisors and of the county auditor, respectively, to sign and countersign such certificates. [C31, 35, §4644-c49; C39, §4644.47; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.47] 2020 Acts, ch 1063, §138 Referred to in §331.402, 331.478

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.48 - Recitals.

309.48 Recitals. Each certificate shall recite: 1. The annual accruing secondary road funds, naming the year, of which the certificate is anticipatory. 2. That said certificate shall be payable on or before December 31 of said year. 3. That said certificate is payable solely from said accruing secondary road funds. [C31, 35, §4644-c50; C39, §4644.48; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.48] 2022 Acts, ch 1032, §51 Referred to in §331.402, 331.478

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.49 - Consecutive numbering and payment.

309.49 Consecutive numbering and payment. The series of certificates which anticipate the accruing of funds during a given year shall be numbered consecutively and paid in the order of said numbering. [C31, 35, §4644-c51; C39, §4644.49; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.49] Referred to in §331.402, 331.478

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.50 - Execution.

309.50 Execution. Upon the signing of each of said certificates by the chairperson of the board, said certificates shall be delivered to the county auditor, who shall countersign the same, charge the county treasurer with the amount thereof, and deliver the same to such latter officer, who shall be responsible therefor on the county treasurer's bond. [C31, 35, §4644-c52; C39, §4644.50; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.50] Referred to in §331.402, 331.478, 331.552

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.51 - Taxation.

309.51 Taxation. Certificates issued under this subchapter shall be exempt from taxation. [C31, 35, §4644-c53; C39, §4644.51; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.51] 2020 Acts, ch 1063, §139 Referred to in §331.402, 331.478, 331.552

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.52 - Duty of treasurer.

309.52 Duty of treasurer. The treasurer shall sell the certificates in accordance with chapter 75, or if unable to sell the certificates for par plus accrued interest, the treasurer may apply the certificates at par plus accrued interest in payment of any warrants duly authorized and issued for secondary road work. [C31, 35, §4644-c54; C39, §4644.52; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.52] 83 Acts, ch 123, §110, 209 Referred to in §331.402, 331.429, 331.478, 331.552

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.53 - Registration of certificate holders.

309.53 Registration of certificate holders. The county treasurer shall enter on a record to be kept by the county treasurer the name and post office address of all persons to whom any of said certificates are issued, with a particular designation of the certificates delivered to each person. [C31, 35, §4644-c55; C39, §4644.53; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.53] Referred to in §331.402, 331.478, 331.552

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.54 - Registration of new

holder.

309.54 Registration of new holder. Any subsequent holder may present certificates to the county treasurer and cause the subsequent holder's name and post office address to be entered in lieu of that of such former holder. [C31, 35, §4644-c56; C39, §4644.54; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.54] Referred to in §331.402, 331.478, 331.552

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.55 - Terminating interest.

309.55 Terminating interest. When the accruing funds in the hands of the county treasurer, for a year covered by anticipatory certificates, are sufficient to pay the first retirable certificate or certificates, the county treasurer shall, by mail, as shown by the county treasurer's records, promptly notify the holder of such certificate of such fact, and ten days from and after the mailing of such letter all interest on such certificates shall cease. [C31, 35, §4644-c57; C39, §4644.55; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.55] 98 Acts, ch 1107, §3 Referred to in §331.402, 331.478, 331.552

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.57 - Area service classification.

309.57 Area service classification. 1. The county board of supervisors, after consultation with the county engineer, and for purposes of specifying levels of maintenance effort and access, may classify the area service system into three classifications termed area service "A", area service "B", and area service "C". a. Area service "A" classification roads shall be maintained in conformance with applicable statutes. b. Area service "B" classification roads may have a lesser level of maintenance as specified by the county board of supervisors, after consultation with the county engineer. c. Area service "C" classification roads may have restricted access and a minimal level of maintenance as specified by the county board of supervisors after consultation with the county engineer. (1) Area service "C" classification roads shall adequately warn the public that access is limited. (2) Roads may only be classified as area service "C" by ordinance or resolution. The ordinance or resolution shall specify the level of maintenance effort and the persons who will have access rights to the road. The county shall only allow access to the road to the owner, lessee, or person in lawful possession of any adjoining land, or the agent or employee of the owner, lessee, or person in lawful possession, or to any peace officer, magistrate, or public employee whose duty it is to supervise the use or perform maintenance of the road. Access to the road shall be restricted by means of a gate or other barrier. (3) An area service "C" classification shall apply to the entire portion of a road between the road's access points. The county board of supervisors shall not classify only part of a road between the road's access points, or only a bridge on the road, as area service "C". This subparagraph does not apply to a road that terminates in a dead end. For purposes of this subparagraph, "access point" includes but is not limited to a driveway as defined in section 306.19. (4) Notwithstanding section 716.7, subsection 2, paragraph "b", subparagraph (2), entering or remaining upon an area service "C" classification road without justification after being notified or requested to abstain from entering or to remove or vacate the road by any person lawfully allowed access shall be a trespass as defined in section 716.7. (5) A road with an area service "C" classification shall retain the classification until such time as a petition for reclassification is submitted to the board of supervisors. The petition shall be signed by one or more adjoining landowners. The board of supervisors shall approve or deny the request for reclassification within sixty days of receipt of the petition. 2. a. Roads within area service "B" and "C" classifications shall have appropriate signs, conforming to the manual of uniform traffic-control devices adopted by the department, installed and maintained by the county at all access points to roads on this system from other public roads, to adequately warn the public they are entering a section of road which has a lesser level of maintenance effort than other public roads. b. The county and officers, agents, and employees of the county are not liable for injury to any person or for damage to any vehicle or equipment, or contents of any vehicle or equipment, which occurs proximately as a result of the maintenance of a road which is classified as area service "B" or "C" if the road has been maintained to the level required for roads classified as area service "B" or "C". [S81, §309.57; 81 Acts, ch 100, §1] 96 Acts, ch 1103, §1; 2002 Acts, ch 1063, §10; 2003 Acts, ch 144, §5; 2013 Acts, ch 90, §242; 2021 Acts, ch 144, §1, 2 Referred to in §314.30 All area service "C" classifications in effect on July 1, 2021, that are not in compliance with 2021 Acts, ch 144 2021 Acts, ch 144, shall be expanded or reclassified to meet such requirements on or before January 1, 2022; 2021 Acts, ch 144, §2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.58 - Action on bond — limitation.

309.58 Action on bond — limitation. No provision in a contract shall be valid which seeks to limit the time to less than five years in which an action may be brought upon the bond covering concrete work nor to less than one year upon the bond covering other work. [S13, §1527-s18; C24, 27, 31, 35, 39, §4652; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.58]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.61 - Advance payment of payrolls.

309.61 Advance payment of payrolls. The board of supervisors may authorize the county auditor to draw warrants for the amount of payrolls for labor furnished under the day labor system, when said payrolls are certified to by the engineer in charge of the work. Said bills shall be passed on by the board at the first meeting following said payment. [SS15, §1527-s11; C24, 27, 31, 35, 39, §4655; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.61]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.63 - Gravel beds.

309.63 Gravel beds. The board of supervisors of any county may, within the limits of such county and outside the limits of any city, purchase or condemn any lands for the purpose of obtaining gravel or other suitable material with which to improve the secondary roads of such county, including a sufficient roadway to such land by the most reasonable route, or the board may purchase such material outside the limits of their county. In either case, the board may pay for the materials out of the secondary road funds. [S13, §4024-i; C24, 27, 31, 35, 39, §4657; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.63] 2022 Acts, ch 1021, §63

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.65 - Sale of gravel bed property.

309.65 Sale of gravel bed property. Notwithstanding section 309.66, after notice as provided in section 331.305 and a public hearing, the board of supervisors may sell all or part of the property acquired for gravel and other highway improvement materials if the property has been owned by the county for more than five years and the board finds that the property to be sold is not needed for highway improvement purposes or the property is not suitable for those purposes. 88 Acts, ch 1254, §1

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.66 - Use of gravel beds.

309.66 Use of gravel beds. The board of supervisors may permit private parties or municipal corporations to take materials from such acquired lands in order to improve any street or highway in the county, but it shall be a serious misdemeanor for any person to use or for the board of supervisors to dispose of any such material for any purpose other than for the improvement of such streets or highways. [S13, §2024-i1, -i2; C24, 27, 31, 35, 39, §4659; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.66] Referred to in §309.65

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.67 - Duties of county board of supervisors and the county engineer.

309.67 Duties of county board of supervisors and the county engineer. The county board of supervisors is charged with the duty of establishing policies and providing adequate funds to properly maintain the secondary road system. The county engineer, pursuant to section 309.21 and board policy, shall adopt such methods and recommend such personnel and equipment necessary to maintain continuously, in the best condition practicable, the entire mileage of said system. [S13, §1527-s15; C24, 27, 31, 35, §4660; C39, §4660, 4778; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.67] Duty to remove obstruction, chapter 318

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.68 - Intercounty highways.

309.68 Intercounty highways. Boards of supervisors of adjoining counties in this state shall: 1. Make proper connections between roads which cross county lines and which afford continuous lines of travel. 2. Adopt plans and specifications for road, bridge, and culvert construction, reconstruction, and repairs upon highways along and across county boundary lines, and make an equitable division between counties of the cost and work attending the execution of the plans and specifications. 3. Make joint agreements for the location, construction, and maintenance of roads under their jurisdiction wholly within one county to provide road access to lands in an adjoining county, when the location provides the most economical and practical method of providing road access. The expense of constructing and maintaining the road shall be equitably shared by the counties in a proportion as the boards may determine. [C24, 27, 31, 35, 39, §4661; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.68; 82 Acts, ch 1110, §3]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.69 - Enforcement of duty.

309.69 Enforcement of duty. If the boards are unable to agree and one of the boards appeals to the department, the department shall notify the auditors of the interested counties that it will, within ten days of the notice, at a named time and place within any of the interested counties, hold a hearing to determine all matters relating to any anticipated duty. At the hearing, the department shall fully investigate all questions pertaining to the disputed matters, and shall, as soon as practicable, certify its decision to the different boards. The department's decision shall be final, and each of the boards shall immediately comply with the order in the same manner as though the work was located wholly within the county. [C24, 27, 31, 35, 39, §4662; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.69; 82 Acts, ch 1110, §4] 2022 Acts, ch 1021, §64

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.74 - Width of bridges and culverts.

309.74 Width of bridges and culverts. All culverts shall have a clear width of roadway of at least twenty feet. Bridges shall have a clear width of roadway of at least sixteen feet. [C51, §517; R60, §822; C73, §1001; C97, §1572; S13, §1527-s7; C24, 27, 31, 35, 39, §4667; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.74]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.79 - Bridge specifications.

309.79 Bridge specifications. Standard specifications for all bridges and culverts, railroad overhead crossings, or subways, shall be furnished without cost to the counties and railroad companies by the department, and work shall be done in accordance therewith. [SS15, §1527-s11; C24, 27, 31, 35, 39, §4671; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.79]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.81 - Record of plans.

309.81 Record of plans. Before beginning the construction of a permanent bridge or culvert by day labor or by contract, the county engineer shall file the plans, specifications, estimate of drainage area, estimates of costs, and specific designation of the location of the bridge or culvert in the county engineer's office. [SS15, §1527-s11; C24, 27, 31, 35, 39, §4673; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.81] 2022 Acts, ch 1021, §65

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.82 - Record of final cost.

309.82 Record of final cost. On completion of a bridge or culvert, a detailed statement of cost, and of additions or alterations to the plans shall be filed by the county engineer, all of which shall be retained in the county engineer's office as permanent records. [SS15, §1527-s11; C24, 27, 31, 35, 39, §4674; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §309.82] 94 Acts, ch 1173, §13; 2022 Acts, ch 1021, §66

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.93 - Itemized statement.

309.93 Itemized statement. On or before April 15 of each year, the board of supervisors, with the assistance of the county engineer, shall adopt and submit to the department for approval the county secondary road budget for the next fiscal year. The budget shall include an itemized statement of: 1. Estimated revenues to be raised by property taxation for secondary road purposes. 2. Estimated revenues to be received from the state road use tax fund. 3. Estimated revenues from all other sources for secondary road purposes. 4. The proposed expenditures from the road fund during the next fiscal year. The estimates of proposed expenditures shall be itemized and classified in a manner prescribed by the department. 5. The actual expenditures for the preceding two fiscal years and the estimated expenditures for the current fiscal year. These shall be itemized and classified in the same manner as proposed expenditures. 6. The cash balance of the road fund at the end of the preceding fiscal year, an estimate of the cash balance at the end of the current fiscal year, and an estimate of the cash balance at the end of the next fiscal year. 7. A detailed cost accounting of all instances in the previous fiscal year of the use of day labor or public or private contracts for construction, reconstruction, or improvement projects on either the farm-to-market or secondary road system, in the manner prescribed by rule of the department under section 314.1A. The statement shall also include the costs of purchasing, leasing, or renting construction or maintenance equipment and an accounting of the use of such equipment for construction, reconstruction, or improvement projects on either the farm-to-market or secondary road system during the previous fiscal year. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §309.93] 84 Acts, ch 1102, §6; 2001 Acts, ch 32, §4, 14 Referred to in §309.10, 314.1A, 331.401, 331.478

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.94 - Review by department.

309.94 Review by department. The department shall approve or disapprove the budget adopted by the board of supervisors. If the budget is not approved, the department shall state the reasons for disapproval when the budget is returned to the county. The department shall act upon a budget and return the budget to the county not later than June 1. Upon disapproval of any proposed expenditure in a budget, the county may submit a revised budget to the department for approval. The department shall act upon the revised budget within thirty days. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §309.94] 84 Acts, ch 1102, §7 Referred to in §309.23, 331.401

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.95 - Amendments.

309.95 Amendments. The budget shall be binding except that should bona fide unforeseen conditions arise, the board of supervisors may amend such budget during the year for which it was adopted. Such amendments shall be submitted to the department for approval with a statement of the reasons necessitating the amendment. The department shall approve or disapprove such amendments in the same manner as original budget estimates except that the department shall act upon and return such amendments within thirty days after their receipt by the department. The department acting upon budget amendments is directed to approve only such amendments as are actually necessitated by unforeseen conditions. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §309.95] Referred to in §331.401

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.96 - Operation of budgeted program.

309.96 Operation of budgeted program. 1. No county shall expend from the secondary road fund an amount in excess of the total amount of the budget or amended budget as adopted by the board of supervisors, whether such budget is approved or disapproved by the department. In order to permit any county to adjust its secondary road income to changed needs that may occur after the budget has been approved by the department the expenditures for any individual item within the budget may exceed by not more than ten percent the amount budgeted for that item without department approval or the submission of an amended budget, provided,

however, that the expenditures for one or more other individual items are less than budgeted and the total expenditures from the secondary road fund do not exceed the total secondary road budget. 2. In the event that a county secondary road budget or amended budget thereto is disapproved by the department, the county may elect either to revise such budget or amended budget so as to receive approval or the county may elect to operate with such disapproved budget or amended budget. In the event the county secondary road budget is disapproved in whole or in part, within twenty days after receipt of the department's report, the board of supervisors shall cause to be published in the official newspapers of the county, notice of a public hearing to be held within ten days of said publication, on the department's recommendations, and at said hearing the board of supervisors shall amend or adopt their original budget. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §309.96] Referred to in §309.23, 331.401

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 309 - SECONDARY ROADS Section 309.97 - Construction of law.

309.97 Construction of law. Nothing in this subchapter shall contravene or affect the provisions of chapter 24. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §309.97] 2019 Acts, ch 24, §41 Referred to in §331.401

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 310 - FARM-TO-MARKET ROADS Section 310.1 - Definitions.

310.1 Definitions. As used in this chapter, the following words, terms or phrases shall be construed or defined as follows: 1. "County's allotment of road use tax fund" or "allotment of road use tax fund" means that part of the road use tax fund allotted to any county by the treasurer of state from the portion of the state road use tax fund which the treasurer has credited to the secondary road fund of the counties. 2. "Federal aid" or "federal aid secondary road fund" shall mean funds allotted to the state of Iowa by the federal government to aid in the construction of secondary roads and which funds must be matched with funds under the control of the department. 3. "Department" means the state department of transportation. [C39, §4686.01; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.1] 83 Acts, ch 123, §111, 209

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 310 - FARM-TO-MARKET ROADS Section 310.10 - Farm-to-market road system defined.

310.10 Farm-to-market road system defined. The farm-to-market road system means the farm-to-market road system as defined in section 306.3. [C39, §4686.10; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.10] 89 Acts, ch 293, §8; 98 Acts, ch 1075, §10

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 310 - FARM-TO-MARKET ROADS Section 310.11 - Participating county — funds reserved.

310.11 Participating county — funds reserved. Any county having complied with the provisions of this chapter may by its board of supervisors submit to the department for its approval project statements for the construction, reconstruction, or improvement of farm-to-market roads. [C39, §4686.11; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.11]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 310 - FARM-TO-MARKET ROADS Section 310.13 - Surveys, plans and estimates.

310.13 Surveys, plans and estimates. The county engineer shall make or cause to be made, the surveys, plans and estimates for any project, and submit them to the board of supervisors for approval and the department for authorization for letting. The construction work on a project shall be done in accordance with the plans, except insofar as they are modified to meet unforeseen or better understood conditions. [C39, §4686.13; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.13; 82 Acts, ch 1110, §7]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 310 - FARM-TO-MARKET ROADS Section 310.14 - Bids — department or county supervisors.

310.14 Bids — department or county supervisors. When the plans and specifications for any farm-to-market funded project are filed with and authorized for letting by the department, it shall, if the estimated cost exceeds one thousand dollars, proceed to advertise for bids and make a recommendation to award or reject a contract. The recommendation to award a contract shall be submitted to the board of supervisors of the county in which the project is located for its approval and award of contract. Upon receiving the approval of the county board on the recommended contract award, the department shall take final action to concur in the award of the contract. For a project without federal funds the above procedure may be reversed and the county board may be authorized to advertise for bids, and, subject to concurrence by the department, award a contract for the construction work. [C39, §4686.14; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.14; 82 Acts, ch 1110, §8] Referred to in §314.1, 314.1B, 331.341 See §314.2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 310 - FARM-TO-MARKET ROADS Section 310.16 - Claims charged to county allotment.

310.16 Claims charged to county allotment. All claims for improving farm-to-market roads hereunder shall be paid from the farm-to-market road fund and charged to the allotment of said fund for the county in which said project is located. [C39, §4686.16; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.16]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 310 - FARM-TO-MARKET ROADS Section 310.18 - Partial

payments during construction.

310.18 Partial payments during construction. Partial payments may be made on work in progress, but no such partial payment shall be deemed final acceptance of the work nor a waiver of any defect in the work. The board of supervisors, the county engineer, or the department may approve claims. Approval may be evidenced by the signature of the county engineer or chairperson of the board or department, or a majority of the members of the board or department, on the individual claims or on the abstract of a number of claims with the individual claims attached to the abstract. [C39, §4686.18; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.18] 97 Acts, ch 104, §4

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 310 - FARM-TO-MARKET ROADS Section 310.19 - Supervision and inspection of work.

310.19 Supervision and inspection of work. The county engineer is charged with the duty of supervision, inspection and direction of the work of construction of farm-to-market road projects under this chapter. In this capacity, the county engineer is responsible for the efficient, economical, and good-faith performance of the work. [C39, §4686.19; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.19; 82 Acts, ch 1110, §9]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 310 - FARM-TO-MARKET ROADS Section 310.2 - Supervisors agreement.

310.2 Supervisors agreement. The county board of supervisors of any county is empowered, on behalf of the county, to enter into any arrangement or agreement with or required by the duly constituted federal or state authorities in order to secure the full cooperation of the government of the United States and of the state of Iowa, and the benefit of all present and future federal or state allotments in aid of secondary road construction, reconstruction or improvement. [C39, §4686.02; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.2]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 310 - FARM-TO-MARKET ROADS Section 310.20 - Supervisors resolution to state treasurer.

310.20 Supervisors resolution to state treasurer. Any county may, in any year, by resolution of its board of supervisors, make available for improvement or construction of farm-to-market roads within the county any portion of its allotment of road use tax funds. Upon certification of such a resolution, the state treasurer shall place in the county's allotment of the farm-to-market road fund the amount authorized by such resolution. [C39, §4686.20; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.20] Referred to in §312.5

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 310 - FARM-TO-MARKET ROADS Section 310.22 - Right-of-way — how acquired.

310.22 Right-of-way — how acquired. Right-of-way for farm-to-market road projects under this chapter shall be acquired by the county in accordance with chapter 306 and chapter 316. [C39, §4686.22; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.22; 82 Acts, ch 1110, §10]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 310 - FARM-TO-MARKET ROADS Section 310.27 - Period of allocation — reversion — temporary transfers.

310.27 Period of allocation — reversion — temporary transfers. 1. The farm-to-market road fund allotted to any county as provided in this chapter shall remain available for expenditure in said county for three years after the close of the fiscal year during which said sums respectively were allocated. Any sum remaining unexpended at the end of the period during which it is available for expenditure shall be reapportioned among all the counties as provided in section 312.5 for original allocations. 2. For the purposes of this section, any sums of the farm-to-market road fund allotted to any county shall be presumed to have been expended when a contract has been awarded obligating the sums. When projects and their estimated costs, which are proposed to be funded from the farm-to-market road fund, are submitted to the department for approval, the department shall estimate the total funding necessary and the period during which claims for the projects will be filed. After anticipating the funding necessary for approved projects, the department may temporarily allocate additional moneys from the farm-to-market road fund for use in any other farm-to-market projects. However, a county shall not be temporarily allocated funds for projects in excess of the county's anticipated farm-to-market road fund allocation for the current fiscal year plus the four succeeding fiscal years. 3. If in the judgment of the department the anticipated claims against the primary road fund for any month are in excess of moneys available, a temporary transfer for highway construction costs may be made from the farm-to-market road fund to the primary road fund provided that there will remain in the transferring fund a sufficient balance to meet the anticipated obligations. All transfers shall be repaid from the primary road fund to the farm-to-market road fund within sixty days from the date of the transfer. A transfer shall be made only with the approval of the director of the department of management and shall comply with the director of the department of management's rules relating to the transfer of funds. Similar transfers may be made by the department from the primary road fund to the farm-to-market road fund and these transfers shall be subject to the same terms and conditions that transfers from the farm-to-market road fund to the primary road fund are subject. [C39, §4686.27; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.27] 85 Acts, ch

83, §1; 86 Acts, ch 1058, §1; 2015 Acts, ch 29, §45; 2016 Acts, ch 1011, §46

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 310 - FARM-TO-MARKET ROADS Section 310.28 - Engineering and other expense.

310.28 Engineering and other expense. 1. Engineering, inspection and administration expense in connection with any farm-to-market road project may be paid from the county's allotment of the farm-to-market road fund. Any such expense incurred by the department may in the first instance be advanced out of the primary road fund, and such expense amounts shall later be reimbursed to the primary road fund out of the farm-to-market road fund. 2. No part of the salary or expense of the county engineer, any member of the county board of supervisors, any member of the department, the chief engineer, or any department head or district engineer of the department shall be paid out of the farm-to-market road fund. [C39, §4686.28; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.28] 2016 Acts, ch 1073, §96

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 310 - FARM-TO-MARKET ROADS Section 310.29 - Maintenance by county.

310.29 Maintenance by county. Any farm-to-market road constructed under this chapter shall be maintained by the county. If any county fails to satisfactorily maintain any road that is part of the federal aid secondary system, the department shall give the board of supervisors notice of that fact. If within sixty days after receipt of notice the highway has not been placed in proper condition of maintenance the department may withhold authorization for letting of any project using farm-to-market funds until a proper condition of maintenance has been restored. [C39, §4686.29; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.29; 82 Acts, ch 1110, §11]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 310 - FARM-TO-MARKET ROADS Section 310.3 - Farm-to-market road fund.

310.3 Farm-to-market road fund. There is hereby created a fund which shall be known as the farm-to-market road fund which shall be made up as follows: 1. All federal aid secondary road funds received by the state. 2. All road use tax funds by law credited to the farm-to-market road fund. 3. All other funds which may, under the provisions of this chapter or any other law, be credited or appropriated for the use of the farm-to-market road fund. [C39, §4686.03; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.3] Allocation of funds, §312.2 Section not amended; headnote revised

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 310 - FARM-TO-MARKET ROADS Section 310.34 - Secondary road research fund.

310.34 Secondary road research fund. Notwithstanding any law to the contrary, the department is hereby authorized to set aside each year not to exceed one and one-half percent of the receipts in the farm-to-market road fund in a fund to be known as the secondary road research fund. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.34]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 310 - FARM-TO-MARKET ROADS Section 310.35 - Use of secondary road research fund.

310.35 Use of secondary road research fund. The secondary road research fund shall be used by the department solely for the purpose of financing engineering studies and research projects which have as their objective the more efficient use of funds and materials that are available for the construction and maintenance of secondary roads, including bridges and culverts located thereon. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.35] Referred to in §310.36 Section not amended; headnote revised

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 310 - FARM-TO-MARKET ROADS Section 310.36 - Report to governor.

310.36 Report to governor. The research projects and engineering studies authorized shall be conducted in cooperation with the county engineers. On or before January 31 each year the department shall file a report with the governor, state transportation commission, county engineers, chief clerk of the house of representatives, and secretary of the senate showing the work accomplished and projects undertaken under section 310.35. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.36] 86 Acts, ch 1245, §1933

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 310 - FARM-TO-MARKET ROADS Section 310.4 - Use of fund.

310.4 Use of fund. Said farm-to-market road fund is hereby appropriated for and shall be used in the establishment, construction, reconstruction or improvement of the farm-to-market road system, including the drainage, grading, surfacing, resurfacing, construction of bridges and culverts, the elimination, protection, or improvement of railroad crossings, the acquiring of additional right-of-way and all other expenses incurred in the construction, reconstruction or improvement of said farm-to-market road system under this chapter. [C39, §4686.04; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.4] Referred to in §309.10

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 310 - FARM-TO-MARKET ROADS Section 310.6 - Accounts by

department.

310.6 Accounts by department. The department shall keep accounts in relation to the farm-to-market road fund and each county's allotment thereof, crediting each fund with all amounts by law creditable thereto, and charging each with all duly and finally approved vouchers for claims properly chargeable thereto. [C39, §4686.06; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.6]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 310 - FARM-TO-MARKET ROADS Section 310.7 - Single fund.

310.7 Single fund. The account of the farm-to-market road fund, kept by the director of the department of administrative services and the state treasurer, shall deal with said funds as a single fund with all credits thereto and disbursements therefrom. [C39, §4686.07; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.7] 2003 Acts, ch 145, §286 Treasurer's report to department of transportation, §312.4 Section not amended; headnote revised

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 310 - FARM-TO-MARKET ROADS Section 310.8 - Quarterly statement to county engineer.

310.8 Quarterly statement to county engineer. The department shall, quarterly, advise each county engineer of the condition of said county's allotment of the farm-to-market road fund. Said statement shall show the balance in said county's allotment at the beginning of said period, the amount or amounts allotted to said county during said period, the amount disbursed from said county's allotment during said period, and the balance in said county's allotment at the end of the said period. Said statement shall also show the estimated outstanding obligations against the said county's allotment at the date of said statement. [C39, §4686.08; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.8]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 310 - FARM-TO-MARKET ROADS Section 310.9 - Projects authorized by department.

310.9 Projects authorized by department. Before authorizing for letting any farm-to-market road project, the department shall satisfy itself that the county engineer's office in that county is organized, equipped and financed to discharge satisfactorily the duties required in this chapter. [C39, §4686.09; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §310.9; 82 Acts, ch 1110, §6]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 311 - SECONDARY ROAD ASSESSMENT DISTRICTS Section 311.1 - Definitions.

311.1 Definitions. As used in this chapter, unless the context otherwise requires, "book", "list", "record", or "schedule" kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1. 2000 Acts, ch 1148, §1

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 311 - SECONDARY ROAD ASSESSMENT DISTRICTS Section 311.10 - Estimate and apportionment — presumption.

311.10 Estimate and apportionment — presumption. Said estimated cost shall carry the presumption, in the absence of a contrary showing, that the same correctly represents the probable cost of said project as nearly as can be determined in advance of the actual doing and completion of the work. Said apportionment shall carry the presumption, in the absence of a contrary showing, that the same is fair, just, equitable, and in proportion to the benefits and not in excess thereof. [C24, §4707; C27, 31, 35, §4753-a1; C39, §4753.01; C46, §311.11; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.10]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 311 - SECONDARY ROAD ASSESSMENT DISTRICTS Section 311.11 - Hearing — notice.

311.11 Hearing — notice. The board of supervisors shall fix a time for hearing on the proposal for the establishment of the secondary road assessment district and on the apportionment of not less than fifty percent of the estimated cost of the proposed improvement, and shall cause the county engineer to publish notice of the hearing. The notice shall state: 1. The time and place of hearing, 2. The road or roads proposed to be improved, 3. The type of surfacing proposed, 4. The estimated cost of the proposed improvement, 5. A description of the lands lying within said proposed district, 6. The ownership of said lands as shown by the transfer books in the auditor's office, 7. A statement of the amount apportioned to each tract or parcel of real estate as shown by the engineer's report, 8. That at said hearing the amount apportioned to any tract or parcel of land may be increased or decreased without further notice, 9. That all objections to the establishment of the district, to the apportionment report, or to the proceedings relating to the district or report must be specifically made in writing and filed with the county engineer on or before noon of the day set for the hearing, and 10. That a failure to make and file such objections will be deemed a conclusive waiver of all such objections. [C24, §4707, 4750, 4751; C27, 31, 35, §4750, 4751, 4753-a1; C39, §4750, 4751, 4753.01; C46, §311.7, 311.8, 311.11; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §311.11; 81 Acts, ch 117, §1212] 85 Acts, ch 143, §8

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 311 - SECONDARY ROAD ASSESSMENT DISTRICTS Section 311.12 - Publication of notice.

311.12 Publication of notice. The notice shall be published as provided in section 331.305 in the county as near as practicable to the

district. Proof of the publication shall be made by the publisher by affidavit filed with the county engineer. [C24, §4707; C27, 31, 35, §4753-a1; C39, §4753.01; C46, §311.11; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §311.12; 81 Acts, ch 117, §1213] 87 Acts, ch 43, §8

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 311 - SECONDARY ROAD ASSESSMENT DISTRICTS Section 311.13 - Errors in notice or apportionment report.

311.13 Errors in notice or apportionment report. Any omission or error in said apportionment report or notice with respect to any tract or parcel of real estate or the description thereof, or the name of the owner, or the amount of the assessment apportioned thereto, shall work no loss of jurisdiction on the part of the board over such proceeding. Such omission or error shall only affect the particular tract of real estate or person in question. If, before or after the board has entered its final order in the establishment of the said district or in the apportionment proceedings such omission or error is discovered, the board shall fix a time for a hearing as to such party or real estate and shall cause service of notice to be made upon them, either by publication as in this chapter provided, or by personal service in the time and manner required for service of original notices in the district court. After such hearing the board shall proceed as to such person or land as though such omission or error had not occurred. [C24, §4707; C27, 31, 35, §4753-a1; C39, §4753.01; C46, §311.11; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.13]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 311 - SECONDARY ROAD ASSESSMENT DISTRICTS Section 311.14 - Appearance.

311.14 Appearance. The appearance of any interested party, either in writing or personally, or by authorized agent, before the board of supervisors at any stage of the pending proceedings for a secondary road assessment district shall be deemed a full appearance. Only interested parties shall have the right to appear in such proceedings. All persons so appearing shall state for whom they appear. The clerk of the board shall make definite entry accordingly in the minutes of the board. [C24, §4707; C27, 31, 35, §4753-a1; C39, §4753.01; C46, §311.11; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.14]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 311 - SECONDARY ROAD ASSESSMENT DISTRICTS Section 311.15 - Hearing — adjournment — order.

311.15 Hearing — adjournment — order. 1. Hearings on the proposed establishment of a secondary road assessment district may be adjourned from time to time without loss of jurisdiction by the board. On final hearing the board shall proceed to a determination of the matters raised in the proposal. The board may reject, approve, or modify and approve said proposal. The board may exclude lands from the district or may add lands or otherwise modify the proposal. 2. If the proposal is approved in whole or in part, the board shall establish the district. The order of the board establishing the district shall state the road or roads to be improved, the type of improvement, and the lands included in the district. The order shall be final and lands shall not be added to or excluded from the district after the order is entered by the board. [C24, §4709; C27, 31, 35, §4753-a2; C39, §4753.02; C46, §311.12; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.15] 2020 Acts, ch 1062, §94; 2021 Acts, ch 80, §163

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 311 - SECONDARY ROAD ASSESSMENT DISTRICTS Section 311.16 - Final hearing — assessment levied.

311.16 Final hearing — assessment levied. 1. On final hearing the board shall hear and determine all objections filed. The board may increase, diminish, annul, or affirm the apportionment made in said report, or any part thereof, as may appear to the board to be just and equitable. 2. On the final determination the board shall levy the assessments and all installments thereof upon the real estate within the district as finally established. The entire amount of the assessment shall be then due and payable, and bear interest at a rate not exceeding that permitted by chapter 74A commencing twenty days from the date of the levy, and shall be collected at the succeeding September semiannual payment of ordinary taxes. [C24, §4710; C27, 31, 35, §4753-a3; C39, §4753.03; C46, §311.13; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.16] 2020 Acts, ch 1062, §94

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 311 - SECONDARY ROAD ASSESSMENT DISTRICTS Section 311.17 - Assessments over five hundred dollars — waiver.

311.17 Assessments over five hundred dollars — waiver. 1. If an owner, other than the state or a county or city, of any tracts of land on which the assessment is more than five hundred dollars files a written agreement in the office of the county auditor within twenty days from the date of the assessment, that, in consideration of the owner having the right to pay the assessment in installments, the owner will not make any objection of illegality or irregularity as to the assessment upon the real estate and will pay the assessment plus interest, the assessment shall be payable in ten equal installments. The first installment shall be payable on the date of the agreement. The other installments shall be paid annually at the same time and in the same manner as the September semiannual payment of ordinary taxes with interest accruing as provided in section 384.65, subsection 3. The rate of interest shall be as established by the board, but not exceeding that permitted by chapter 74A. 2. An owner of land who has used the ten-year option may at any time discharge the assessment by paying the balance then due on all unpaid installments, with interest on the entire amount of the unpaid installments to the following December 1. [C24, §4710; C27, 31, 35, §4753-a3; C39, §4753.03; C46, §311.13; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.17] 98 Acts, ch 1107, §4; 2012 Acts, ch 1138, §95; 2021 Acts, ch 80, §164

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 311 - SECONDARY ROAD ASSESSMENT DISTRICTS Section 311.18 - Assessment delinquent — interest.

311.18 Assessment delinquent — interest. The assessed taxes shall become delinquent from October 1 after their maturity. However, when the last day of September is a Saturday or Sunday, the assessed taxes shall become delinquent from the second business day of October. Taxes assessed pursuant to this chapter which become delinquent shall bear the same interest, and be attended with the same rights and remedies for collection, as ordinary taxes. [C24, §4710; C27, 31, 35, §4753-a3; C39, §4753.03; C46, §311.13; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.18] 92 Acts, ch 1016, §3; 98 Acts, ch 1107, §5; 2005 Acts, ch 34, §1, 26

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 311 - SECONDARY ROAD ASSESSMENT DISTRICTS Section 311.19 - Assessment five hundred dollars or less.

311.19 Assessment five hundred dollars or less. 1. Assessments of five hundred dollars or less against any tract of land, and assessments against lands owned by the state, county, or city, shall be due and payable from the date of levy by the board of supervisors, or in the case of any appeal, from the date of final confirmation of the levy by the court. 2. In case of assessments on lands owned by the county, the assessments shall be paid from the county treasury. In case of assessments on lands owned by the state, the assessments shall be paid out of any funds in the state treasury not otherwise appropriated. In case of assessments on lands owned by a city, the assessments shall be paid from any available city fund. [C24, §4710; C27, 31, 35, §4753-a3; C39, §4753.03; C46, §311.13; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.19] 83 Acts, ch 123, §113, 209; 98 Acts, ch 1107, §6; 2012 Acts, ch 1138, §96; 2020 Acts, ch 1062, §94

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 311 - SECONDARY ROAD ASSESSMENT DISTRICTS Section 311.1A - Power to establish.

311.1A Power to establish. In order to provide for improvements such as grading, draining, bridging, aggregate surfacing, paving, or resurfacing of secondary roads, the board of supervisors may, on petition, establish secondary road assessment districts. [C24, 27, 31, 35, 39, §4746; C46, §311.3; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.1] 85 Acts, ch 143, §1 C2001, §311.1A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 311 - SECONDARY ROAD ASSESSMENT DISTRICTS Section 311.2 - Width of district.

311.2 Width of district. Any such secondary road assessment district shall be not more than one-half mile wide on each side of the road or roads to be improved by said district. [C24, 27, 31, 35, 39, §4746; C46, §311.3; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.2]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 311 - SECONDARY ROAD ASSESSMENT DISTRICTS Section 311.20 - Variation between estimated and actual cost.

311.20 Variation between estimated and actual cost. Any variation between the engineer's estimated cost and the actual cost of a secondary road assessment district project shall in no way affect the validity of the assessment. It is the intent of this chapter that the assessment shall be based on the estimated cost and not on the actual cost. [C24, §4711; C27, 31, 35, §4753-a4; C39, §4753.04; C46, §311.14; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.20]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 311 - SECONDARY ROAD ASSESSMENT DISTRICTS Section 311.21 - Procedures.

311.21 Procedures. The preparation and approval of plans and specifications, the advertising for bids, the award and approval of contract, the supervision and inspection of construction work, and the approval and payment of claims on any secondary road assessment district project, shall be conducted in the manner provided in the laws for secondary road construction work generally. [C24, 27, 31, 35, 39, §4749, 4752; C46, §311.6, 311.9; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.21]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 311 - SECONDARY ROAD ASSESSMENT DISTRICTS Section 311.22 - Road graded and drained.

311.22 Road graded and drained. Any such secondary road shall be built to permanent grade and drained in a manner approved by the county engineer before being surfaced, as provided in this chapter. [C27, 31, 35, 39, §4746; C46, §311.3; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.22]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 311 - SECONDARY ROAD ASSESSMENT DISTRICTS Section 311.23 - Payment of construction costs.

311.23 Payment of construction costs. 1. The total cost of any secondary road assessment district project shall in the first instance be paid out of the county treasury. Any assessments which are paid in cash, and in anticipation of which assessments no certificates have been issued, shall be transferred to the county treasury. 2. If no special assessment certificates are issued and sold on account of any particular secondary road assessment district, the special assessments on lands included in that district, and the interest on the

assessments when collected, shall be transferred to the secondary road fund of the county. If certificates are issued and sold in anticipation of the special assessments levied on a district, the proceeds of the certificates shall be credited to the county treasury. In that event, the special assessments in anticipation of which certificates have been issued, and the interest on the assessments shall, when collected, be used to retire the certificates. [C24, 27, 31, 35, 39, §4752; C46, §311.9; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.23] 83 Acts, ch 123, §114, 209; 2020 Acts, ch 1062, §94; 2021 Acts, ch 76, §58 Referred to in §331.429

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 311 - SECONDARY ROAD ASSESSMENT DISTRICTS Section 311.24 - Appeal from assessment.

311.24 Appeal from assessment. Any owner of land in a secondary road assessment district may appeal to the district court from the order of the board of supervisors in levying the assessment against the owner's real estate, by filing with the county engineer within fifteen days of the date of the levy, a bond conditioned to pay all costs in case the appeal is not sustained, and a written notice of appeal where the owner shall, with particularity, point out the specific objection which the owner desires to lodge against the levy. The appeal has precedence over all other business pending before the court except criminal matters. The appeal shall be heard as in equity. The court may raise or lower the assessment in question and make an equitable assessment in the judgment of the court. The clerk of the district court shall, upon the entry of the final order of the court, certify the final order to the county engineer. The board of supervisors shall adjust the assessments to comply with the final order of the court. [C24, §4713; C27, 31, 35, §4753-a5; C39, §4753.05; C46, §311.15; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §311.24; 81 Acts, ch 117, §1214] Referred to in §602.8102(50)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 311 - SECONDARY ROAD ASSESSMENT DISTRICTS Section 311.25 - Appeal docketed.

311.25 Appeal docketed. When an appeal is taken, the county engineer shall make a transcript of the notice of appeal and appeal bond and transmit them to the district court. The appellant shall, within twenty days after perfection of the appeal, docket the appeal and file a petition setting forth the order or decision of the board of supervisors appealed from, and the appellant's specific objections. A failure to comply with either of these requirements is a conclusive waiver of the appeal and the court shall dismiss the petition. Appellee need not file answer, but may do so. [C24, §4714; C27, 31, 35, §4753-a6; C39, §4753.06; C46, §311.16; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §311.25; 81 Acts, ch 117, §1215]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 311 - SECONDARY ROAD ASSESSMENT DISTRICTS Section 311.26 - Assessments certified to county treasurer.

311.26 Assessments certified to county treasurer. 1. When the board of supervisors has entered its final order as to the amounts of all special assessments on a given improvement, the county engineer shall at once certify a list of the assessments and a list of real estate upon which each assessment has been levied, with the specific designation of the district embracing the real estate, to the county treasurer, who shall enter each assessment on the tax books and continue the entry until the assessment is paid. 2. Each special assessment and all installments of the special assessments are a lien upon the real estate upon which levied from the date of the certificate by the county engineer to the same extent and in the same manner as taxes levied for state and county purposes. Changes in the amount of a special assessment by reason of a ruling of the district court on appeals shall be likewise certified and the county treasurer shall make the proper correction on the books. [C24, §4715; C27, 31, 35, §4753-a7; C39, §4753.07; C46, §311.17; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §311.26; 81 Acts, ch 117, §1216] 2020 Acts, ch 1062, §94

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 311 - SECONDARY ROAD ASSESSMENT DISTRICTS Section 311.27 - Each district separate unit.

311.27 Each district separate unit. Each assessment district shall be considered a unit and all funds received by the county treasurer for or on behalf of such unit shall be carried as a distinct and separate account and under the same specific name as that used by the board in establishing such unit. [C24, §4716; C27, 31, 35, §4753-a8; C39, §4753.08; C46, §311.18; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.27]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 311 - SECONDARY ROAD ASSESSMENT DISTRICTS Section 311.28 - Certificates anticipating assessments.

311.28 Certificates anticipating assessments. In order to render immediately available that amount of the estimated cost of an improvement which has been specially assessed, the board may issue road certificates in the name of the county in an aggregate amount not exceeding the then unpaid amount of the special assessment levied in the district. Each issue of certificates shall be under, and in accordance with, a duly adopted resolution of the board which shall recite all of the following: 1. The name or designation of the road district on account of which the certificates are issued. 2. That a stated amount has been specially assessed against the lands within the district. 3. That a stated amount of the aggregate special assessment has not yet been paid. 4. That it is necessary to render the unpaid amount immediately available. 5. The number of road certificates authorized and the specific amount of each certificate. 6. The specific numbering or designation of the certificates. 7. The rate of interest which each certificate shall bear from date, not exceeding that permitted by chapter 74A. 8. The fact that the certificates are payable solely from the proceeds of

the special assessments which have been levied on the lands within the districts. 9. That each certificate shall be payable on or before January 1 of the first year following the maturity of the last installment of the special assessments, and that interest on the certificate shall be paid annually. 10. The authorization to the chairperson of the board, and to the county treasurer, to sign and countersign each of the certificates. [C24, §4717; C27, 31, 35, §4753-a9; C39, §4753.09; C46, §311.19; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §311.28; 81 Acts, ch 117, §1217]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 311 - SECONDARY ROAD ASSESSMENT DISTRICTS Section 311.29 - Sale of certificates.

311.29 Sale of certificates. Upon the signing of each of the certificates by the chairperson of the board, the certificates shall be delivered to the county treasurer, who shall countersign them and who shall be responsible for them on the treasurer's bond. The treasurer may apply the certificates in payment of warrants duly authorized and issued for improving the roads within the district, or the treasurer may sell the certificates for the best attainable price and for not less than par, plus accrued interest. The certificates shall be retired in the order of their numbering. [C24, §4717; C27, 31, 35, §4753-a9; C39, §4753.09; C46, §311.19; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §311.29; 81 Acts, ch 117, §1218] 83 Acts, ch 123, §115, 209; 85 Acts, ch 143, §9 Referred to in §331.429

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 311 - SECONDARY ROAD ASSESSMENT DISTRICTS Section 311.3 - Amount of assessment.

311.3 Amount of assessment. Special assessments in the aggregate amount of not less than fifty percent of the total estimated cost of improvement of a road included in a secondary road assessment district project shall be apportioned and levied on the lands included in the secondary road assessment district. [C24, 27, 31, 35, 39, §4753; C46, §311.10; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.3] 85 Acts, ch 143, §2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 311 - SECONDARY ROAD ASSESSMENT DISTRICTS Section 311.30 - Certificates registered — payment.

311.30 Certificates registered — payment. The county treasurer shall, in connection with the road account for said district, enter the name and post office address of all persons to whom any of said certificates are issued, with a particular designation of the certificates delivered to each person. Any subsequent holder may present the certificate to the county treasurer and cause the subsequent holder's name and post office address to be entered in lieu of that of such former holder. Whenever the fund for such particular district has money to pay the first retirable certificate or certificates, the county treasurer shall, by mail, as shown by the county treasurer's records, promptly notify the holder of such certificate of such fact and that from and after ten days after the mailing of such letter all interest on such certificates will cease. [C24, §4717; C27, 31, 35, §4753-a9; C39, §4753.09; C46, §311.19; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.30]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 311 - SECONDARY ROAD ASSESSMENT DISTRICTS Section 311.32 - Administration and maintenance of roads.

311.32 Administration and maintenance of roads. Any road established by petition and any road improved by petition under this chapter shall be administered and maintained by the county under chapters 306, 309, 314, 317, and 318. However, the fact that right-of-way is donated by property owners for the establishment of a road or a portion of the cost of a road improvement is paid by property owners under this chapter, does not preclude the board of supervisors from exercising its responsibility over these roads as secondary roads. 86 Acts, ch 1024, §2; 2006 Acts, ch 1097, §16

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 311 - SECONDARY ROAD ASSESSMENT DISTRICTS Section 311.4 - County line road.

311.4 County line road. When it is desired to improve a secondary road on a county line, as a secondary road assessment district project, the board of supervisors of any county may establish an assessment district in its county, and levy and collect special assessments for the payment of that portion of the estimated cost of the project assessable against lands in that county. Each county shall pay its share of the cost of the project as provided in this chapter, in the same manner as though the project were located wholly within that county. [C24, 27, 31, 35, 39, §4746; C46, §311.3; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.4] 85 Acts, ch 143, §3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 311 - SECONDARY ROAD ASSESSMENT DISTRICTS Section 311.5 - Project in city.

311.5 Project in city. A road or street which is a continuation of a secondary road within a city and which the county board desires to improve, may by resolution of the county board and concurrence by the council of the city be improved as a secondary road assessment district project or part of a project as provided in this chapter. The lands within the city abutting on or adjacent to the street or road may be included within the secondary road assessment district and assessed for the improvement upon the same basis and in the same manner as though the lands were located outside of a city. [C24, §4754; C27, 31, 35, §4745-a1; C39, §4745.1; C46,

§311.2; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.5] 85 Acts, ch 143, §4

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 311 - SECONDARY ROAD ASSESSMENT DISTRICTS Section 311.6 - Petition — information required.

311.6 Petition — information required. 1. The petition for a secondary road assessment district proposing to establish the district shall intelligibly describe the road or roads proposed to be improved, the nature of the proposed improvement, the percentage of the estimated cost of improving the road proposed to be assessed against the property in the district, and the lands proposed to be included in the district. 2. The petition shall be signed by fifty percent of the owners of the lands within the proposed district, or by fifty percent of the owners of the land within the proposed district who reside within the county. [C24, 27, 31, 35, 39, §4746; C46, §311.3; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.6] 85 Acts, ch 143, §5; 2020 Acts, ch 1062, §94

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 311 - SECONDARY ROAD ASSESSMENT DISTRICTS Section 311.7 - Improvement by private funds.

311.7 Improvement by private funds. 1. a. The owner or a group of owners of not less than seventy-five percent of the lands adjacent to, or abutting upon any secondary road may, on or before October 1 of any year, petition the board of supervisors of their county for the improvement of the road, and for the assessment of not less than fifty percent, or a greater portion as provided in the petition, of the cost of the improvement, to the lands adjacent to, or abutting upon the road. When the petition has been filed, the board of supervisors shall review the project proposed by the petition and may accept or reject the proposed project. If the board of supervisors accepts the petition, the board shall include the project in the secondary road construction program of the county and establish a priority for the completion of the project. b. The board of supervisors shall proceed with the construction and completion of the project in accordance with its assigned priority and under the same procedure as is prescribed generally for the improvement of secondary roads by assessment, and shall establish a special secondary road assessment district and assess against the lands included in the district not less than fifty percent, or a greater portion as provided in the petition, of the engineer's estimated cost of the improvements of the road included in the project against all the lands adjacent to or abutting upon the road. c. However, if the owners of all the lands included in any special secondary road assessment district under this section, subscribe and deposit with the county treasurer an amount not less than fifty percent, or a greater portion as provided in the petition, of the engineer's estimated cost of the improvement of the road included in the project, the board of supervisors shall not establish the special assessment district, but shall accept the donations in lieu of an assessment, and shall otherwise proceed to the improvement of the road. 2. The total expenditure of secondary road funds of the county in any year for or on account of special secondary road assessment district projects on local secondary roads under this section shall not exceed the total secondary road funds legally expendable for construction on local secondary roads in the county in the year. 3. Upon the completion of the road, and the satisfaction of all claims in relation to the road, any balance then remaining of the funds provided by the sponsors shall be returned to them according to their respective interests, providing all guarantees made by the sponsors have been fulfilled. [C24, 27, 31, 35, 39, §4747, 4753; C46, §311.4, 311.10; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.7] 83 Acts, ch 123, §112, 209; 85 Acts, ch 143, §6; 86 Acts, ch 1024, §1; 2010 Acts, ch 1061, §180 Referred to in §331.429

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 311 - SECONDARY ROAD ASSESSMENT DISTRICTS Section 311.8 - County engineer's report.

311.8 County engineer's report. Upon the filing of the petition with the county engineer proposing the establishment of a secondary road assessment district, the county engineer shall prepare a report on the proposed district, which report shall include: 1. An estimate of the cost of the improvement proposed on the road included in the proposed district. 2. A plat of said proposed district which plat shall show the road or roads proposed to be improved, the various tracts and parcels of real estate included in said proposed district, and the ownership of such lands. 3. An approximately equitable apportionment of not less than fifty percent of the estimated cost of the improvement among the tracts and parcels of real estate included in the proposed district. 4. A statement whether all of the secondary roads to be improved in the proposed secondary road assessment district project have been built to permanent grade and properly drained. 5. Any information the county engineer may deem pertinent. [C24, 27, 31, 35, 39, §4746, 4748; C46, §311.3, 311.5; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.8; 81 Acts, ch 117, §1211] 85 Acts, ch 143, §7 Referred to in §311.9

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 311 - SECONDARY ROAD ASSESSMENT DISTRICTS Section 311.9 - Publicly owned real estate.

311.9 Publicly owned real estate. In making the apportionment under section 311.8, real estate owned by the state, county, or any city, shall be treated as other real estate, but no other publicly owned real estate shall be included. In apportioning benefits to real estate owned by a city, the county, or the state, consideration shall not be given to the buildings located on that real estate. [C24, §4707; C27, 31, 35, §4753-a1; C39, §4753.01; C46, §311.11; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §311.9] 2021 Acts, ch 80, §162

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 312 - ROAD USE TAX FUNDS Section 312.1 - Fund created.

312.1 Fund created. 1. There is hereby created, in the state treasury, a road use tax fund. The road use tax fund shall include all of the following: a. All the net proceeds of the registration of motor vehicles under chapter 321. b. All the net proceeds of the motor fuel tax or license fees under chapter 452A. c. Revenue derived from the excise tax imposed upon the rental of automobiles, under chapter 423C, to the extent provided by section 321.145, subsection 2. d. Revenue derived from the use tax collected under sections 423.26 and 423.26A, to the extent provided under section 321.145, subsection 2. e. Any other funds which may by law be credited to the road use tax fund. 2. Notwithstanding section 12C.7, subsection 2, interest or earnings on investments or time deposits of the moneys in the road use tax fund and the funds to which moneys from the road use tax fund are credited shall be credited to the road use tax fund. [C50, §308A.1; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §312.1; 82 Acts, ch 1100, §17] 88 Acts, ch 1019, §2; 89 Acts, ch 293, §9; 90 Acts, ch 1235, §7; 92 Acts, ch 1006, §1 ; 92 Acts, 2nd Ex, ch 1001, §203 ; 2003 Acts, 1st Ex, ch 2, §161, 205 ; 2006 Acts, ch 1142, §83; 2008 Acts, ch 1113, §32; 2010 Acts, ch 1108, §2, 15 Referred to in §15E.208 See §321.145

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 312 - ROAD USE TAX FUND Section 312.11 - Accounts of expenditures.

312.11 Accounts of expenditures. Each city shall keep accounts showing the amount spent on street construction and reconstruction on extensions of rural systems and city streets. The amount spent shall be shown on the annual street report required by section 312.14. [C62, 66, 71, 73, 75, 77, 79, 81, §312.11] 98 Acts, ch 1075, §12 Referred to in §312.15

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 312 - ROAD USE TAX FUND Section 312.14 - Cities to submit report.

312.14 Cities to submit report. Cities in the state which receive allotments of funds from road use tax funds shall prepare and deliver on or before December 1 each year to the department an annual report showing all street receipts and expenditures for the city for the previous fiscal year. The report shall include a detailed cost accounting of all instances of the use of day labor or public or private contracts for construction, reconstruction, or improvement projects on the municipal street system during the previous fiscal year, in the manner prescribed by rule of the department under section 314.1A. The report shall also include the costs of purchasing, leasing, or renting construction or maintenance equipment and an accounting of the use of such equipment for construction, reconstruction, or improvement projects on the municipal street system during the previous fiscal year. [C62, 66, 71, 73, 75, 77, 79, 81, §312.14] 90 Acts, ch 1121, §2; 2001 Acts, ch 32, §5, 14; 2021 Acts, ch 42, §1 Referred to in §312.11, 312.15, 314.1A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 312 - ROAD USE TAX FUND Section 312.15 - When funds not allocated.

312.15 When funds not allocated. 1. Funds shall not be allocated to any city until such city shall have complied with the provisions of sections 312.11 and 312.14. 2. If a city has not complied with the provisions of section 312.14, the treasurer of state shall withhold funds allocated to the city until the city complies. If a city has not complied with the provisions of section 312.14 by March 1 following the date the report was required, funds shall not be allocated to the city until the city has complied and all funds withheld under this subsection shall revert to the street construction fund of the cities. 3. The department shall notify the treasurer of state if any city fails to comply with the provisions of sections 312.11 and 312.14. [C62, 66, 71, 73, 75, 77, 79, 81, §312.15] 90 Acts, ch 1121, §3; 98 Acts, ch 1080, §1; 2017 Acts, ch 54, §76; 2021 Acts, ch 42, §2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 312 - ROAD USE TAX FUND Section 312.16 - Definitions.

312.16 Definitions. As used in this chapter, unless the context otherwise requires: 1. "Department" means the state department of transportation. 2. "Fiscal year" means the period of twelve months beginning on July 1 and ending on June 30. [C75, 77, 79, 81, §312.16] 89 Acts, ch 293, §15

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 312 - ROAD USE TAX FUND Section 312.2 - Allocations from fund.

312.2 Allocations from fund. 1. The treasurer of state shall, on the first day of each month, credit all road use tax funds which have been received by the treasurer, to the primary road fund, the secondary road fund of the counties, the farm-to-market road fund, and the street construction fund of cities in the following manner and amounts: a. To the primary road fund, forty-seven and one-half percent. b. To the secondary road fund of the counties, twenty-four and one-half percent. c. To the farm-to-market road fund, eight percent. d. To the street construction fund of the cities, twenty percent. 2. The treasurer of state shall before making the allotments in subsection 1 credit annually to the highway grade crossing safety fund the sum of seven hundred thousand dollars, credit annually from the road use tax fund the sum of nine hundred thousand dollars to the highway railroad grade crossing surface repair fund, credit monthly to the primary road fund the dollars yielded from an allotment of sixty-five hundredths of one percent of all road use tax funds for the express purpose of carrying out section 307.24, subsection 5, section 313.4, subsection 2, and section 307.45, and credit annually to the primary road fund the sum of five hundred thousand dollars to be used for paying expenses incurred by the state department of transportation other than expenses incurred for extensions of primary roads in cities. All unobligated funds provided by this subsection, except those funds credited to the highway grade crossing safety fund, shall at the end of each year revert to the road use tax fund. Funds in the highway grade crossing safety fund shall not revert to the road use tax fund except to the

extent they exceed five hundred thousand dollars at the end of any biennium. The cost of each highway railroad grade crossing repair project shall be allocated in the following manner: a. Twenty percent of the project cost shall be paid by the railroad company. b. Twenty percent of the project cost shall be paid by the highway authority having jurisdiction of the road crossing the railroad. c. Sixty percent of the project cost shall be paid from the highway railroad grade crossing surface repair fund. 3. The treasurer of state shall before making the allotments provided for in this section credit monthly to the state department of transportation funds sufficient in amount to pay the costs of purchasing certificate of title and registration forms, and supplies and materials and for the cost of prison labor used in manufacturing motor vehicle registration plates, decalcomania emblems, and validation stickers at the prison industries. 4. The treasurer of state, before making the allotments provided in this section, shall credit annually to the primary road fund from the road use tax fund the sum of seven million one hundred thousand dollars. 5. a. The treasurer of state, before making any allotments to counties under this section, shall reduce the allotment to a county for the secondary road fund by the amount by which the total funds that the county transferred or provided during the prior fiscal year under section 331.429, subsection 1, paragraphs “a”, “b”, “d”, and “e”, are less than seventy-five percent of the sum of the following: (1) From the general fund of the county, the dollar equivalent of a tax of sixteen and seven-eighths cents per thousand dollars of assessed value on all taxable property in the county. (2) From the rural services fund of the county, the dollar equivalent of a tax of three dollars and three-eighths of a cent per thousand dollars of assessed value on all taxable property not located within the corporate limits of a city in the county. b. Funds remaining in the secondary road fund of the counties due to a reduction of allocations to counties for failure to maintain a minimum local tax effort shall be reallocated to counties that are not reduced under this subsection pursuant to the allocation provisions of section 312.3, subsection 1, based upon the needs and area of the county. Information necessary to make allocations under this subsection shall be provided by the state department of transportation or the director of the department of management upon request by the treasurer of state. 6. The treasurer of state, before making the allotments provided for in this section, shall credit annually to the living roadway trust fund created under section 314.21 one hundred fifty thousand dollars from the road use tax fund. 7. The treasurer of state, before making the other allotments provided for in this section, shall credit annually to the primary road fund from the road use tax fund the sum of four million four hundred thousand dollars and to the farm-to-market road fund from the road use tax fund the sum of one million five hundred thousand dollars for partial compensation of allowing trucks to operate on the roads of this state as provided in section 321.463. 8. The treasurer of state, before making the allotments provided for in this section, shall credit annually to the living roadway trust fund created under section 314.21 one hundred thousand dollars from the road use tax fund. 9. The treasurer of state, before making the allotments provided for in this section, shall credit monthly from the road use tax fund to the revitalize Iowa’s sound economy fund, created under section 315.2, the revenue accruing to the road use tax fund in the amount equal to the revenues collected under each of the following: a. From the excise tax on motor fuel and special fuel imposed under the tax rate of section 452A.3 except aviation gasoline, the amount of excise tax collected from one and three-fourths cents per gallon. b. From the excise tax on special fuel for diesel engines, the amount of excise tax collected from one and three-fourths cents per gallon. c. From the excise tax on electric fuel imposed under the tax rate of section 452A.41, the amount of excise tax collected from fifteen hundredths of one cent per kilowatt hour. 10. The treasurer of state, before making the allotments provided for in this section, shall credit monthly from the road use tax fund to the secondary road fund the revenue accruing to the road use tax fund in the amount equal to the revenues collected under each of the following: a. From the excise tax on motor fuel and special fuel imposed under the tax rate of section 452A.3, except aviation gasoline, the amount of excise tax collected from one-fourth cent per gallon. b. From the excise tax on special fuel for diesel engines, the amount of excise tax collected from one-fourth cent per gallon. c. From the excise tax on electric fuel imposed under the tax rate of section 452A.41, the amount of excise tax collected from two hundredths of one cent per kilowatt hour. 11. The treasurer of state, before making the allotments provided for in this section, shall credit monthly from the road use tax fund to the state department of transportation for county, city, and state traffic safety improvement projects an amount equal to one-half of one percent of moneys credited to the road use tax fund. 12. a. The treasurer of state, before making the allotments provided for in this section, for the fiscal year beginning July 1, 1990, and each succeeding fiscal year, shall credit from the road use tax fund two million dollars to the county bridge construction fund, which is hereby created. Moneys credited to the county bridge construction fund shall be allocated to counties by the department for bridge construction, reconstruction, replacement, or realignment based on needs in accordance with rules adopted by the department. b. The treasurer of state, before making the allotments provided for in this section, for the fiscal year beginning July 1, 1990, and each succeeding fiscal year, shall credit from the road use tax fund five hundred thousand dollars to the city bridge construction fund, which is hereby created. Moneys credited to the city bridge construction fund shall be allocated to cities by the department for bridge construction and reconstruction based on needs in accordance with rules adopted by the department. 13. The treasurer of state, before making the allotments provided for in this section, shall credit annually from the road use tax fund to the state department of transportation the sum of six hundred fifty thousand dollars for the purpose of providing county treasurers with automation and telecommunications equipment and support for vehicle registration and titling and driver licensing. Notwithstanding section 8.33, unobligated funds credited under this subsection remaining on June 30 of the fiscal year shall not revert but shall remain available for expenditure for purposes of this subsection in subsequent fiscal years. 14. The treasurer of state, before making the allotments provided for in this section, shall credit monthly from the road use tax fund to the primary road fund an amount equal to ten percent of the revenues collected from the operation of section 321.105A, subsection 2, to be used for the commercial and industrial highway network. 15. a. The treasurer of state, before making the allotments provided for in this section, shall credit monthly to the TIME-21 fund created in section 312A.2, an amount equal to ten dollars from each fee for issuance of a certificate of title collected pursuant to sections 321.20; 321.20A; 321.23; 321.42; 321.46, other than a title issued for a returned vehicle under

section 322G.12; section 321.47; and section 321.109 and an amount equal to eight dollars from each fee collected for issuance of a certificate of title pursuant to section 321.46 for a returned vehicle under section 322G.12 and from each fee collected for issuance of a salvage certificate of title pursuant to section 321.52. b. This subsection is repealed June 30, 2028. 16. a. The treasurer of state, before making the allotments provided for in this section, shall credit monthly to the TIME-21 fund created in section 312A.2 the following amounts: (1) One-half of the amount received by the treasurer from trailer registration fees pursuant to section 321.123, subsection 1, paragraph “a”, subparagraph (1). (2) Two-thirds of the amount received by the treasurer from trailer registration fees collected pursuant to section 321.123, subsection 1, paragraph “a”, subparagraph (2). (3) One-third of the amount received by the treasurer from trailer registration fees collected pursuant to section 321.123, subsection 2. b. This subsection is repealed June 30, 2028. 17. a. The treasurer of state, before making the allotments provided for in this section, shall credit annually to the TIME-21 fund created in section 312A.2, the revenue accruing to the road use tax fund from annual motor vehicle registration fees for passenger cars, multipurpose vehicles, and motor trucks in excess of three hundred ninety-two million dollars annually. b. This subsection is repealed June 30, 2028. 18. The treasurer of state, before making the allotments provided for in this section, shall credit monthly from the road use tax fund to the state department of transportation seventy-five percent of the moneys deposited in the fund pursuant to section 321E.14, subsection 1, paragraph “j”. The department shall distribute such moneys to counties having jurisdiction over secondary roads on which vehicles issued a permit pursuant to section 321E.8, subsection 2, are authorized to operate, which moneys shall be used to inspect, maintain, repair, or construct bridges on the county’s secondary roads. The department shall adopt rules pursuant to chapter 17A governing the distribution of moneys in accordance with this subsection. [C50, §308A.2, 422.62; C54, 58, 62, 66, §312.2, 422.62; C71, 73, §312.2, 422.69(2); C75, 77, 79, 81, S81, §312.2; 81 Acts, ch 117, §1046] 83 Acts, ch 123, §116, 208, 209; 83 Acts, ch 198, §18, 19, 20; 84 Acts, ch 1178, §5; 84 Acts, ch 1305, §46; 84 Acts, ch 1309, §10; 85 Acts, ch 231, §1; 87 Acts, ch 115, §47; 87 Acts, ch 206, §1; 87 Acts, ch 232, §19, 20; 88 Acts, ch 1019, §3, 4; 88 Acts, ch 1089, §2; 88 Acts, ch 1134, §66; 88 Acts, ch 1205, §1; 88 Acts, ch 1278, §28 – 30; 89 Acts, ch 246, §1, 2; 89 Acts, ch 293, §10 – 13; 90 Acts, ch 1230, §5; 90 Acts, ch 1267, §30; 91 Acts, ch 258, §43; 91 Acts, ch 260, §1223, 1224; 91 Acts, ch 264, §906; 91 Acts, ch 268, §512, 513; 92 Acts, ch 1212, §28; 92 Acts, ch 1238, §26; 93 Acts, ch 131, §10, 11; 93 Acts, ch 180, §75; 94 Acts, ch 1023, §102; 94 Acts, ch 1107, §50; 96 Acts, ch 1218, §36; 98 Acts, ch 1073, §9; 98 Acts, ch 1075, §11; 98 Acts, ch 1212, §6; 99 Acts, ch 114, §18; 2001 Acts, ch 180, §5 ; 2002 Acts, 2nd Ex, ch 1002, §3, 4 ; 2003 Acts, 1st Ex, ch 2, §162, 205 ; 2007 Acts, ch 200, §6; 2008 Acts, ch 1113, §1, 11, 12, 21, 22, 25, 33, 34; 2009 Acts, ch 130, §19, 37; 2009 Acts, ch 133, §114; 2014 Acts, ch 1026, §76; 2015 Acts, ch 123, §28; 2019 Acts, ch 151, §18, 19, 46; 2022 Acts, ch 1076, §1, 8 Referred to in §312.2A, 312A.2, 313.4, 314.21, 327G.30 Legislative intent that moneys directed to be deposited in road use tax fund under §312.1 not be used for loans, grants, or other financial assistance for passenger rail service; 2000 Acts, ch 1168, §4 Legislative intent that one hundred percent of revenue produced as a result of the excise tax increase on motor fuel and certain special fuel in 2015 Acts, ch 22015 Acts, chapter 2, effective March 1, 2015, and credited to the secondary road fund or farm-to-market road fund be used for certain critical road and bridge construction projects; 2015 Acts, ch 2, §12, 15 2019 enactment of subsection 9, paragraph c, and subsection 10, paragraph c, effective July 1, 2023; 2019 Acts, ch 151, §46 Subsection 9, NEW paragraph c Subsection 10, NEW paragraph c

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 312 - ROAD USE TAX FUND Section 312.2A - Restrictions on use.

312.2A Restrictions on use. Moneys credited pursuant to section 312.2, subsection 1, paragraphs “b” and “c”, and section 312.2, subsection 12, paragraph “a”, shall not be used for debt service or to otherwise pay principal and interest on bonds, loans, or other indebtedness issued or incurred on or after February 25, 2015, including refunding, reissuance, or other refinancing of such indebtedness, or refunding, reissuance, or other refinancing of indebtedness issued or incurred prior to February 25, 2015, if the term for repayment of the indebtedness as financed or refinanced would exceed the useful life of the asset being constructed, reconstructed, improved, repaired, equipped, or maintained. 2015 Acts, ch 2, §1, 14 Referred to in §331.443A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 312 - ROAD USE TAX FUND Section 312.3 - Apportionment to counties and cities.

312.3 Apportionment to counties and cities. The treasurer of state shall, on the first day of each month: 1. Apportion among the counties the road use tax funds credited to the secondary road fund by using the distribution methodology adopted pursuant to section 312.3C. 2. a. Apportion among the cities of the state, in the ratio which the population of each city, as shown by the latest available federal census, bears to the total population of all such cities in the state, the percentage of the road use tax funds which is credited to the street construction fund of the cities, and shall remit to the city clerk of each such city the amount so apportioned to such city. A city may have one special federal census taken each decade, and the population figure thus obtained shall be used in apportioning amounts under this subsection beginning the calendar year following the year in which the special census is certified by the secretary of state. b. The apportionment of moneys from the street construction fund of the cities to a city with a farm-to-market extension under county jurisdiction pursuant to section 306.4 shall be reduced in the proportion which the share of mileage of the farm-to-market extension bears to the total mileage of streets within the city. The amount of moneys by which the apportionment to the city is reduced shall be transferred to the secondary road fund of the respective county, to be used only for the maintenance or construction of roads under the county’s jurisdiction, and all interest and earnings on the moneys transferred shall remain in the secondary road fund of the county, to be used for the same purposes. c. For purposes of apportioning among the cities of the state the percentage of the road use tax fund to be credited to the street construction fund of the cities for each month

beginning March 2011 and ending March 2021 pursuant to this subsection, the population of each city shall be determined by the greater of the population of the city as of the last preceding certified federal census or as of the April 1, 2010, population estimates base as determined by the United States census bureau. 3. In any case where a city has been incorporated since the latest available federal census the mayor and council shall certify to the state treasurer the actual population of such incorporated city as of the date of incorporation and its apportionment of funds under this section shall be based upon such certification until the next federal census enumeration. Any community which has dissolved its corporation shall not receive any apportionment of funds under this certificate for any period after said corporation has been dissolved. 4. In any case where a city has annexed any territory since the last available federal census or special federal census, the mayor and council shall certify to the treasurer of state the actual population of such annexed territory as determined by the last certified federal census of said territory and the apportionment of funds under this section shall be based upon the population of said city as modified by the certification of the population of the annexed territory until the next federal or special federal census enumeration. 5. In any case where two or more cities have consolidated, the apportionment of funds under this section shall be based upon the population of the city resulting from said consolidation and shall be determined by combining the population of all cities involved in the consolidation as determined by the last available federal or special federal census enumeration for said consolidating city. [C50, §308A.3; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §312.3; 81 Acts, 2nd Ex, ch 2, §3] 84 Acts, ch 1219, §18; 90 Acts, ch 1267, §31; 91 Acts, ch 258, §44; 92 Acts, ch 1100, §3; 92 Acts, ch 1238, §27, 46; 94 Acts, ch 1023, §103; 2002 Acts, ch 1063, §9, 16; 2003 Acts, ch 144, §6; 2005 Acts, ch 142, §2; 2013 Acts, ch 140, §113, 115, 116; 2019 Acts, ch 59, §87; 2020 Acts, ch 1063, §140 Referred to in §312.2, 312.3A, 312.3B, 312.8, 312A.3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 312 - ROAD USE TAX FUND Section 312.3A - Street research fund.

312.3A Street research fund. Prior to the allocation to the cities under section 312.3, subsection 2, the department is authorized to set aside each year two hundred thousand dollars from the street construction fund of the cities in a fund to be known as the street research fund. The street research fund shall be used by the department solely for the purpose of financing engineering studies and research projects which have as their objective the more efficient use of funds and materials that are available for the construction and maintenance of city streets, including city street bridges and culverts. The research projects and engineering studies authorized shall be conducted in cooperation with the city engineers. On or before January 31 each year the department shall file a report with the governor, state transportation commission, city engineers, chief clerk of the house of representatives, and secretary of the senate showing the work accomplished and projects undertaken under this section. 89 Acts, ch 293, §14

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 312 - ROAD USE TAX FUND Section 312.3B - Iowa county engineers association service bureau support fund.

312.3B Iowa county engineers association service bureau support fund. 1. Prior to the allocation to the counties under section 312.3, subsection 1, the department is authorized to set aside each year twenty-five hundredths of one percent from the secondary road fund for deposit in a fund to be known as the Iowa county engineers association service bureau support fund. The Iowa county engineers association service bureau support fund shall be used by the department solely for the purpose of supporting the Iowa county engineers association service bureau. Unobligated funds remaining in the Iowa county engineers association service bureau support fund on June 30 of the fiscal year shall revert to the secondary road fund. On or before January 31 of each year, the Iowa county engineers association service bureau shall file a report with the governor, state transportation commission, county engineers, chief clerk of the house of representatives, and secretary of the senate showing the activity accomplished under this section. 2. The Iowa county engineers association service bureau shall annually compute the secondary road fund and farm-to-market road fund distributions using the methodology determined by the secondary road fund distribution committee pursuant to section 312.3C. The Iowa county engineers association service bureau shall report the computations to the secondary road fund distribution committee, the department, the treasurer of state, and the counties. 2002 Acts, ch 1063, §11, 16; 2005 Acts, ch 142, §3; 2006 Acts, ch 1010, §86

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 312 - ROAD USE TAX FUND Section 312.3C - Secondary road fund distribution committee.

312.3C Secondary road fund distribution committee. 1. A secondary road fund distribution committee is established to develop one or more alternative methodologies for distribution of moneys in the secondary road fund and farm-to-market road fund. The committee shall be comprised of representatives appointed by the president of the Iowa county engineers association, the president of the Iowa county supervisors association, and the department. 2. The committee shall determine the methodology to be used for distribution of moneys in the secondary road fund and the farm-to-market road fund. The methodology shall be phased in over a five-year time period, beginning July 1, 2006. 3. The committee shall adopt rules pursuant to chapter 17A to govern the determination and modification of the methodology to be used for distribution of moneys in the secondary road fund and the farm-to-market road fund. 2002 Acts, ch 1063, §12, 16; 2005 Acts, ch 142, §4; 2017 Acts, ch 54, §76 Referred to in §312.3, 312.3B, 312.5, 312A.3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 312 - ROAD USE TAX FUND Section 312.3D - Street construction fund distribution advisory committee.

312.3D Street construction fund distribution advisory committee. A street construction fund distribution advisory committee is established to consider methodologies for distribution of moneys in the street construction fund of the cities. The committee shall be comprised of representatives appointed by the president of the Iowa section of the American public works association, the president of the Iowa league of cities, and the department. The committee shall recommend to the general assembly by January 1, 2004, for the general assembly's consideration and adoption, one or more alternative methodologies for distribution of moneys in the street construction fund of the cities. 2003 Acts, ch 144, §7

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 312 - ROAD USE TAX FUND Section 312.4 - Treasurer's report to the department of transportation.

312.4 Treasurer's report to the department of transportation. The treasurer of state shall, each month, certify to the department: 1. The amount which the treasurer has received and credited to the road use tax fund from each source of revenue creditable to the said road use tax fund. 2. The amount of the road use tax fund which the treasurer has credited to the following: a. The primary road fund. b. The secondary road fund of the counties. c. The farm-to-market road fund. d. The street fund of the cities. 3. The amount of the federal aid primary and urban funds which the treasurer has received from the federal government and credited to the primary road fund. 4. The amount of federal aid secondary road funds which the treasurer has received from the federal government and credited to the farm-to-market road fund. 5. The amount of the road use tax fund which has been credited to carry out the provisions of section 307.24, subsection 5, section 313.4, subsection 2, and section 307.45. [C24, §4693; C27, 31, 35, §4755-b7; C39, §4686.07, 4755.07; C46, §310.7, 313.7; C50, §308A.4; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §312.4] 2011 Acts, ch 34, §77; 2015 Acts, ch 123, §29

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 312 - ROAD USE TAX FUND Section 312.5 - Division of farm-to-market road funds.

312.5 Division of farm-to-market road funds. 1. For the fiscal year ending June 30, 2006, the treasurer of state shall apportion among the counties the road use tax funds credited to the farm-to-market road fund by using the allocation method contained in section 312.5, subsection 1, Code 2005. For subsequent fiscal years, the treasurer of state shall apportion among the counties the road use tax funds credited to the farm-to-market road fund by using the distribution methodology adopted pursuant to section 312.3C. 2. All farm-to-market road funds, except funds which under section 310.20 come from any county's allotment of the road use tax funds, shall be apportioned among the counties as provided by this section. [C39, §4686.05; C46, §310.5; C50, §308A.5; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §312.5] 84 Acts, ch 1219, §19; 90 Acts, ch 1267, §32; 91 Acts, ch 258, §45; 92 Acts, ch 1100, §4; 92 Acts, ch 1238, §28, 46; 2002 Acts, ch 1063, §13, 16; 2005 Acts, ch 142, §5 Referred to in §310.27

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 312 - ROAD USE TAX FUND Section 312.6 - Limitation on use of funds.

312.6 Limitation on use of funds. Funds received by municipal corporations from the road use tax fund shall be used for any purpose relating to the construction, maintenance, and supervision of the public streets. [C39, §4686.21, 4686.25; C46, §310.21, 310.25; C50, §308A.6; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §312.6] Referred to in §423B.3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 312 - ROAD USE TAX FUND Section 312.7 - Balance maintained in fund.

312.7 Balance maintained in fund. 1. The treasurer of state shall maintain in the road use tax fund in the state treasury, of the funds collected as provided in chapter 321 or as said chapter may be amended, a cash balance sufficient, when added to the cash balance of receipts in the road use tax fund from other sources, to pay the anticipated expenditures from the road use tax fund for the ensuing month. 2. When necessary to restore the balance in the road use tax fund in the state treasury, the treasurer of state shall draw upon the treasurer of each county of the state in proportion to the amounts in their possession, respectively, of the funds collected under the provisions of chapter 321 or as said chapter may be amended, and credited to the road use tax fund, a sum sufficient in the aggregate to restore the cash balance in the road use tax fund. Such drafts shall be honored by the treasurer of each county upon presentation. [C24, 27, 31, 35, §4772, 5003; C39, §4686.26, 4772, 5010.03; C46, §310.26, 316.17, 321.147; C50, §308A.7; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §312.7]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 312 - ROAD USE TAX FUND Section 312.8 - Amana colonies.

312.8 Amana colonies. 1. Where a tract of land is owned by a corporation organized under the provisions of chapter 490 with assets of the value of one million dollars or more, and having one or more platted villages located within the territorial limits of said tract of land, all of the territory within the plats of said villages with their addition or subdivisions shall, for the purposes of this chapter, be deemed to be one incorporated city. All funds to become due to said villages so consolidated shall be paid to the county auditor of the county in which said tract of land and said villages are situated. Said fund shall, thereupon, be administered and expended by the county board of supervisors of said county for the construction, reconstruction, repair, and maintenance of roads and streets within the plats of such villages in the same manner and with the same powers and duties as city councils in cities. In the event the population of such villages shall not have been separately enumerated in the federal census, then said county board of supervisors

shall cause a census of said villages to be taken as soon as may be after this chapter becomes effective, which census shall be used in lieu of the federal census provided for in section 312.3, subsection 2. 2. All payments made under this section prior to July 4, 1961, are hereby legalized. [C50, §308A.8; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §312.8] 90 Acts, ch 1205, §10 Referred to in §9H.4, 331.362

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 312 - ROAD USE TAX FUND Section 312.9 - Fund not for personnel expense.

312.9 Fund not for personnel expense. Moneys credited to the road use tax fund shall not be appropriated for the payment of salaries, support, or maintenance of any personnel in the department of public safety. [81 Acts 2d Ex, ch 2, §4]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 312A - TIME-21 FUND Section 312A.1 - Definitions.

312A.1 Definitions. As used in this chapter, unless the context otherwise requires: 1. “Department” means the state department of transportation. 2. “Fund”, or “TIME-21 fund”, means the transportation investment moves the economy in the twenty-first century fund. 2007 Acts, ch 200, §1

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 312A - TIME-21 FUND Section 312A.2 - Transportation investment moves the economy in the twenty-first century (TIME-21) fund.

312A.2 Transportation investment moves the economy in the twenty-first century (TIME-21) fund. 1. A transportation investment moves the economy in the twenty-first century fund is created in the state treasury under the control of the department. The fund shall be known and referred to as the TIME-21 fund. The fund shall consist of any moneys appropriated by the general assembly and any revenues credited by law to the TIME-21 fund. Moneys in the fund are not subject to section 8.33. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund. 2. Notwithstanding subsection 1 and section 312.2, for the fiscal year beginning July 1, 2008, and for each fiscal year thereafter, not more than a total of two hundred twenty-five million dollars shall be deposited in the TIME-21 fund for any fiscal year. Any remaining moneys directed to be deposited in the TIME-21 fund for a fiscal year shall be deposited or retained in the road use tax fund. 2007 Acts, ch 200, §2; 2009 Acts, ch 130, §45, 46 Referred to in §312.2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 312A - TIME-21 FUND Section 312A.3 - Allocation and use of funds.

312A.3 Allocation and use of funds. Moneys in the TIME-21 fund shall be credited and used as follows: 1. Sixty percent for deposit in the primary road fund to be used exclusively for highway maintenance and construction, including purchase of right-of-way but not including project planning and design. The following projects are eligible for funding under this subsection and shall have funding priority in the order listed: a. Completion of projects on highways designated as access Iowa highways pursuant to 2005 Iowa Acts, ch. 178, §41.* b. Projects on highways in the commercial and industrial highway network that are included in the department’s five-year plan, or in the long-range plan, for the primary road system. Priority shall be given to projects in areas of the state that have existing biodiesel, ethanol, or other biorefinery plants. c. Projects on interstate highways. 2. Twenty percent for deposit in the secondary road fund, for apportionment according to the methodology adopted pursuant to section 312.3C, to be used by counties for construction and maintenance projects on secondary road bridges and on highways in the farm-to-market road system. At least ten percent of the moneys allocated to a county under this subsection shall be used for bridge construction, repair, and maintenance, with priority given to projects that aid and support economic development and job creation. 3. Twenty percent for deposit in the street construction fund of the cities, apportioned on the basis of population in the manner provided in section 312.3, to be used to sustain and improve the municipal street system. 2007 Acts, ch 200, §3; 2014 Acts, ch 1026, §143 *2005 Iowa Acts, ch 178, §41 is repealed July 1, 2025; 2015 Acts, ch 2, §11

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 312A - TIME-21 FUND Section 312A.4 - Future repeal.

312A.4 Future repeal. This chapter is repealed June 30, 2028. 2007 Acts, ch 200, §4

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313 - PRIMARY ROADS Section 313.1 - Federal and state cooperation.

313.1 Federal and state cooperation. The department is empowered on behalf of the state to enter into any arrangement or contract with and required by the duly constituted federal authorities, in order to secure the full cooperation of the government of the United States, and the benefit of all present and future federal allotments in aid of highway construction, reconstruction, improvement or maintenance. The good faith of the state is hereby pledged to cause to be made available each year, sufficient funds to equal the total of any sums now or hereafter apportioned to the state for road purposes by the United States government for such year, and to maintain the roads constructed with said funds. [C24, §4688; C27, 31, 35, §4755-b1; C39, §4755.01; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.1]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313 - PRIMARY ROADS Section 313.10 - Bids — advertising.

313.10 Bids — advertising. 1. As soon as the approved plans and specifications for any primary road construction project are filed with the department, the department shall, if the estimated cost exceeds one thousand dollars, proceed to advertise for bids for the construction of the improvement. 2. The department may contract for the emergency repair, restoration, or reconstruction of a highway or bridge without advertising for bids if all of the following conditions are met: a. The emergency was caused by an unforeseen event causing the failure of a highway, bridge, or other highway structure so that the highway is unserviceable, or where immediate action is necessary to prevent further damage or loss. b. The department solicits written bids from three or more contractors engaged in the type of work needed. c. The necessary work can be done for less than one million dollars. d. If possible, the department notifies the appropriate Iowa highway contractors' associations of the proposed work. [C24, §4700; C27, 31, 35, §4755-b10; C39, §4755.10; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.10] 2001 Acts, ch 32, §6; 2008 Acts, ch 1124, §2 Referred to in §313.11, 314.1 See §314.2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313 - PRIMARY ROADS Section 313.11 - Bids — specialized construction.

313.11 Bids — specialized construction. The department may contract for specialized construction work for beam straightening, beam replacement, and beam repair on bridges, without advertising for bids as required under section 313.10, if all of the following conditions are met: 1. The work is of a specialized type in which fewer than five contractors engage. 2. The department solicits written bids from all available contractors engaged in the specialized type of work. 3. The work can be done for less than forty thousand dollars. 90 Acts, ch 1137, §1

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313 - PRIMARY ROADS Section 313.12 - Supervision and inspection.

313.12 Supervision and inspection. The department is expressly charged with the duty of supervision, inspection, and direction of the work of construction of primary roads on behalf of the state, and of supervising the expenditure of all funds paid on account of such work by the state or the county on the primary road system and it shall do and perform all other matters and things necessary to the faithful completion of the work authorized in this section. [C24, §4701; C27, 31, 35, §4755-b12; C39, §4755.12; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.12] 2016 Acts, ch 1073, §98; 2017 Acts, ch 29, §88

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313 - PRIMARY ROADS Section 313.13 - Engineers — bonds.

313.13 Engineers — bonds. All engineers having responsible charge of any improvements, shall give bonds for the faithful performance of their duties and for like accounting for all property entrusted to their custody. All bonds given by such engineers in the employ of the department shall be deemed to embrace any and all improvements of which they may be in charge. [C24, §4701; C27, 31, 35, §4755-b13; C39, §4755.13; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.13]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313 - PRIMARY ROADS Section 313.14 - Claims.

313.14 Claims. All claims for improving and maintaining the primary road system shall be paid from the primary road fund. [C24, §4702; C27, 31, 35, §4755-b14; C39, §4755.14; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.14]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313 - PRIMARY ROADS Section 313.16 - Payment of awards or judgments.

313.16 Payment of awards or judgments. There is hereby appropriated from the primary road fund to the department a sum sufficient for the purpose of paying any award or judgment to a claimant under chapters 25 and 669 on a claim arising out of activities of the department when such an award cannot be charged to a current appropriation. [C71, 73, 75, 77, 79, 81, §313.16]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313 - PRIMARY ROADS Section 313.17 - Contingent fund.

313.17 Contingent fund. The state treasurer is hereby directed to set aside from the primary road fund the sum of five hundred thousand dollars to be known as the primary road contingent fund. [C24, §4703; C27, 31, 35, §4755-b17; C39, §4755.17; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.17]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313 - PRIMARY ROADS Section 313.18 - Use of contingent fund.

313.18 Use of contingent fund. When claims for labor, freight, or other items which must be paid promptly are presented to the said department for payment, the said department may direct that warrants in payment of said claims be drawn on said primary road contingent fund. Such warrants when so drawn and signed by the director of the department of administrative services, shall be honored by the treasurer of state for payment from said contingent fund. The primary road contingent fund shall be reimbursed for expenditures made by the state department of transportation from the fund to which the expenditure should be properly charged. [C24, §4704; C27, 31, 35, §4755-b18; C39, §4755.18; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.18] 2003 Acts, ch 145, §286

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313 - PRIMARY ROADS Section 313.19 - Audit of contingent

claims.

313.19 Audit of contingent claims. The claims in payment of which warrants are drawn on the primary road contingent fund, shall be audited in the usual manner prescribed by law and shall have noted thereon that warrants in payment thereof have been drawn on the said contingent fund. After the final audit of such claims, the director of the department of administrative services shall draw warrants therefor payable to the treasurer of state and forward the same to the department for record. When such warrants have been recorded in the office of the said department, they shall be forwarded to the state treasurer who shall redeem the same, charge them to the proper fund and credit the primary road contingent fund with the amount thereof. [C24, §4705; C27, 31, 35, §4755-b19; C39, §4755.19; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.19] 2003 Acts, ch 145, §286

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313 - PRIMARY ROADS Section 313.2 - “Road systems” defined — roadside parks.

313.2 “Road systems” defined — roadside parks. 1. The roads and streets of the state are, for the purpose of this chapter, those roads and streets established under chapter 306. 2. a. Whenever the board of supervisors of a county and the department mutually determine that a portion of a highway under the jurisdiction of either party should be transferred to the jurisdiction of the other party, the board and department may enter into an agreement to effect such transfer. Such agreement may provide that each party may undertake or share responsibility for improving said road with the costs of such improvement to be borne entirely by either the county or the department or equitably divided between the two jurisdictions. All such improvements shall be completed and all actual costs thereof paid or reimbursed prior to the time transfer of the road is made. In carrying out such agreement, the board of supervisors may expend secondary road funds of the county and the department may expend primary road funds. b. However, prior to entering into the agreement, a notice of intent to execute such agreement shall be published in a newspaper of general circulation within the county and the cost of such notice shall be jointly borne by the department and the board of supervisors. If one hundred or more residents of the county request by petition or in writing that a hearing be held in regard to such agreement within ten days after the publication of the notice, the board of supervisors and the department shall hold such a hearing not more than seven days after receiving the petition or written instrument. Based upon evidence presented at the hearing, the board of supervisors and the department shall reexamine the merits of executing such agreement and make a decision in regard to it. 3. The department may, for the purpose of affording access to cities or state parks, or for the purpose of shortening the direct line of travel on important routes, or to effect connections with interstate roads at the state line, add such road or roads to the primary road system. 4. The department, either alone or in cooperation with any county, shall have the authority to utilize any land acquired incidental to the acquisition of land for highway right-of-way and to also accept by gift lands not exceeding two acres in area for roadside parks and parking areas. The department may furnish necessary maintenance. The department shall also have authority to accept by gift equipment or other installations incidental to the use of said parks and parking areas. The parks and parking areas shall be a part of the primary road system and the department may at its discretion sell or otherwise dispose of the lands. 5. Reasonable maintenance and surveillance of rest area sites and buildings located on the sites shall be provided by employees of the department within the limits of appropriations provided for such purpose. [C24, §4689; C27, 31, 35, §4755-b2; C39, §4755.02; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.2] 88 Acts, ch 1072, §1; 98 Acts, ch 1075, §13; 2014 Acts, ch 1092, §68; 2016 Acts, ch 1073, §97; 2017 Acts, ch 29, §86 Referred to in §306.42, 331.362

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313 - PRIMARY ROADS Section 313.20 - Auditor — appointment — bond — duties.

313.20 Auditor — appointment — bond — duties. The director of the department of administrative services shall appoint the auditor of the department who shall give bond in the sum of fifty thousand dollars for the faithful performance of the auditor’s duties. The premium on the bond shall be paid by the department from the primary road fund. The auditor shall check and audit all claims against the department before such claims are approved by the department, and shall keep all records and accounts relating to the expenditures of the department. The auditor shall, in the checking and auditing of claims against the department, and keeping the records and accounts of the department, be under the direction and supervision of the director of the department of administrative services, and act as an agent of the director. The department shall furnish the auditor with such help and assistants as may be necessary to properly perform the duties specified in this section. The auditor may be removed by the director of the department of administrative services. [C24, §4706; C27, 31, 35, §4755-b20; C39, §4755.20; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.20] 2003 Acts, ch 145, §286; 2020 Acts, ch 1063, §142

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313 - PRIMARY ROADS Section 313.21 - Primary extension improvements in cities.

313.21 Primary extension improvements in cities. 1. The department, upon consultation with the council, may construct, reconstruct, improve, and maintain extensions of the primary road system within any city, including the construction, reconstruction, and improvement of storm sewers and electrical traffic control devices reasonably incident and necessary thereto. However, the improvement, exclusive of storm sewers, shall not exceed in width that of the primary road system and the amount of funds expended in any one year shall not exceed thirty-five percent of the primary road construction fund. 2. The department shall consult with the council to consider the proposed improvement in its relationship to municipal improvements such as sewers, water lines,

sidewalks, and other public improvements, and the establishment or reestablishment of street grades. The location of the primary road extensions and the location, design, and degree of access control for improvements to them shall be determined by the department. [C24, §4731; C27, 31, 35, §4755-b26; C39, §4755.21; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.21] 89 Acts, ch 134, §6 Referred to in §384.76 See §313.36

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313 - PRIMARY ROADS Section 313.22 - Paving of whole street by department.

313.22 Paving of whole street by department. Any city and the department may enter into an agreement with respect to any project for the paving of any portion of a primary road extension, and for the construction, reconstruction, and improvement of storm sewers and electrical traffic control devices reasonably incident and necessary thereto, within such city. Said agreement shall specify that the city shall pay for that portion of the cost of said project which is not payable out of primary road funds, and may authorize the department to advertise for bids, let contracts, and supervise the construction of that portion of said project to be paid for by the city. Such agreement shall be a valid and binding obligation on the parties thereto. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.22] Referred to in §384.76

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313 - PRIMARY ROADS Section 313.23 - Reimbursement by city.

313.23 Reimbursement by city. Payment for the work, including the city's portion thereof, may in the first instance be made out of the primary road fund. Upon completion of the project, the city shall reimburse the department for the amount so advanced out of the primary road fund, including the city's portion of the engineering and inspection costs. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.23] Referred to in §384.76

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313 - PRIMARY ROADS Section 313.24 - Separated cities.

313.24 Separated cities. The department shall designate the street or streets which shall constitute the primary road extensions in any city of the state, which city is separated from the remainder of the state by a river more than five hundred feet in width from bank to bank. The laws of this state relating to the construction, reconstruction, or maintenance of the extensions of primary roads in cities, and to the purchase or condemnation of right-of-way for those primary roads, and to the expenditure of primary road funds thereon, shall apply to the roads or streets designated under this section, the same as though said community were not so separated from the rest of the state. [C39, §4755.22; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.24] 2020 Acts, ch 1063, §143

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313 - PRIMARY ROADS Section 313.27 - Bridges, viaducts, and railroad crossings on municipal primary extensions.

313.27 Bridges, viaducts, and railroad crossings on municipal primary extensions. The department may construct or aid in the construction, and may maintain bridges, viaducts, and railroad grade crossing eliminations on primary road extensions in cities. [C31, 35, §4755-d1; C39, §4755.25; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.27] See §313.36

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313 - PRIMARY ROADS Section 313.28 - Temporary primary road detours.

313.28 Temporary primary road detours. 1. When the department, for the purpose of establishing, constructing, or maintaining any primary road, determines that any secondary road or portion thereof is necessary for a detour or haul road, the department, after consultation with the county board of supervisors having jurisdiction of the route, shall by order temporarily designate the secondary road or portion thereof as a temporary primary road detour or as a temporary primary road haul road, and the department shall maintain the same as a primary road until it shall revoke the temporary designation order. Prior to use of a secondary road as a primary road haul road or detour, the department shall designate a representative to inspect the secondary road with the county engineer to determine and note the condition of the road. 2. Prior to revoking the designation, the department shall: a. Restore the secondary road or portion thereof to as good condition as it was prior to its designation as a temporary primary road, or b. Determine such amount as will adequately compensate the county exercising exclusive or concurrent jurisdiction over the secondary road or portion thereof for excessive traffic upon the secondary road or portion thereof during the period of its designation as a temporary primary road. The department shall certify the amount determined to the director of the department of administrative services. The director of the department of administrative services shall credit the amount to the county. 3. If on examination of the route, it is determined that the road can be restored to its original condition only by reconstruction, the department shall cause plans to be drawn, award the necessary contracts for work and proceed to reconstruct and make payments for in the same manner as is prescribed for primary construction projects. [C71, 73, 75, 77, 79, 81, §313.28] 83 Acts, ch 123, §117, 209; 2003 Acts, ch 145, §286; 2010 Acts, ch 1069, §84; 2014 Acts, ch 1092, §69 Referred to in §313.29, 331.429

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313 - PRIMARY ROADS Section 313.29 - Detours located in city.

313.29 Detours located in city. When the temporary primary road detour or temporary primary road haul road, or any portion thereof, is located within the corporate limits of a city, then as to the portion so located, the provisions of section 313.28 as to consultation, designation, restoration, and payment by the department shall apply in like manner to the benefit of the city. Credits

under section 313.28 shall be made to the general fund of the city. A city may designate the county engineer or city engineer to inspect such street so used jointly with the representative of the department. [C71, 73, 75, 77, 79, 81, §313.29] 2020 Acts, ch 1063, §144

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313 - PRIMARY ROADS Section 313.2A - Commercial and industrial highways.

313.2A Commercial and industrial highways. 1. Purpose. It is the purpose of this section to enhance opportunities for the development and diversification of the state's economy through the identification and improvement of a network of commercial and industrial highways. The network shall consist of interconnected routes which provide long distance route continuity. The purpose of this highway network shall be to improve the flow of commerce; to make travel more convenient, safe, and efficient; and to better connect Iowa with regional, national, and international markets. The commission shall concentrate a major portion of its annual construction budget on this network of commercial and industrial highways. In order to ensure the greatest possible availability of funds for the improvement of the network, primary highway funds shall not be spent beyond continuing maintenance for improvements to route segments that will be bypassed by the relocation of portions of the commercial and industrial highway network. 2. Network selection. a. The commission shall identify, within the primary road system, a network of commercial and industrial highways. The commission shall consider all of the following factors in the identification of this network: (1) The connection by the most direct routes feasible of major urban areas and regions of the state to each other and to the national system of interstate and defense highways and priority routes in adjacent states. (2) The existence of high volumes of total traffic and commercial traffic. (3) Long distance traffic movements. (4) Area coverage and balance of spacing with service to major growth centers within the state. (5) Metropolitan area bypasses consistent with metropolitan or regional area plans established through cooperation by the department and local officials. b. The network of commercial and industrial highways shall not exceed two thousand six hundred miles including municipal extensions of these highways. 3. Standards. The department shall establish standards pertaining to the specific location, design, and access control for each segment of the commercial and industrial highways. 4. Network development. In establishing priorities for improvement projects, the department shall take into consideration the following additional criteria: urban area bypasses that improve urban or regional accessibility or improve corridor travel; projects consistent with regional or metropolitan transportation plans established through cooperation by the department and local officials; and the willingness of local officials to provide financial or other assistance for the development of projects. 89 Acts, ch 134, §5; 90 Acts, ch 1267, §34, 35; 91 Acts, ch 268, §514, 515; 2010 Acts, ch 1061, §180; 2012 Acts, ch 1032, §1 Referred to in §307A.2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313 - PRIMARY ROADS Section 313.3 - Primary road fund.

313.3 Primary road fund. 1. There is hereby created a primary road fund which shall include and embrace: a. All road use tax funds which are by law credited to the primary road fund. b. All federal aid primary and urban road funds received by the state. c. All other funds which may by law be credited to the primary road fund. d. All revenue accrued or accruing to the state of Iowa on or after January 26, 1949, from the sale of public lands within the state, under Acts of Congress approved March 3, 1845, supplemental to the Act for the Admission of the States of Iowa and Florida into the Union, chapters 75 and 76, 5 Stat. 788, 790, shall be placed in the primary road fund. 2. Unless otherwise provided, the primary road fund is hereby appropriated for highway construction. [C24, §4690; C27, 31, 35, §4755-b3; C39, §4755.03; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.3] 2010 Acts, ch 1061, §180; 2012 Acts, ch 1023, §41 Allocation of funds, §312.2, 312A.3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313 - PRIMARY ROADS Section 313.36 - Maintenance — limitation in cities.

313.36 Maintenance — limitation in cities. 1. Primary roads shall be maintained by the department and the cost thereof paid out of the primary road fund. Extensions of primary roads in cities may be maintained by the department and the cost thereof paid out of the primary road fund. 2. The total amount of funds expended in any one year on extensions of primary roads in cities shall not exceed thirty-five percent of the primary road fund. [C24, §4736; C27, 31, 35, §4775-b29; C39, §4755.27; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.36] 2018 Acts, ch 1041, §127 See also §306.10 and 313.21

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313 - PRIMARY ROADS Section 313.37 - Road equipment.

313.37 Road equipment. The department is authorized to purchase road material or road machinery required in the improvement or maintenance of the primary roads, after receiving competitive bids, and to pay for the same out of the primary road fund, and is directed to purchase, rent or lease any machinery or other articles necessary for the use and most economical operation of the field engineering work, the testing of materials, the preparation of plans, and for all allied purposes, in order to enable the department to carry out the provisions of this chapter. [C24, §4738; C27, 31, 35, §4755-b30; C39, §4755.28; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.37]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313 - PRIMARY ROADS Section 313.4 - Disbursement of fund.

313.4 Disbursement of fund. 1. a. The primary road fund is hereby appropriated for and shall be used in the establishment, construction, and maintenance of the primary road system, including the drainage, grading, surfacing, and construction of bridges

and culverts; the elimination or improvement of railroad crossings; the acquiring of additional right-of-way; and all other expense incurred in the construction and maintenance of the primary road system and the maintenance and housing of the department. b. The department may expend moneys from the fund for dust control on a secondary road or municipal street within a municipal street system when there is a notable increase in traffic on the secondary road or municipal street due to closure of a road by the department for purposes of establishing, constructing, or maintaining a primary road. c. The commission may, after consultation with stakeholders including regional planning affiliations, metropolitan planning organizations, the Iowa state association of counties, and the Iowa league of cities, periodically allocate moneys from the fund for the establishment, construction, and maintenance of the secondary road system and the municipal street system in exchange for retaining all or a portion of federal aid road funds that would otherwise be allocated to counties and cities. 2. Such fund is also appropriated and shall be used for the construction, reconstruction, improvement, and maintenance of state institutional roads and state park roads and bridges on such roads and roads and bridges on community college property as provided in section 307.24, subsection 5, for restoration of secondary roads used as primary road detours and for compensation of counties for such use, for restoration of municipal streets so used and for compensation of cities for such use, and for the payments required in section 307.45. 3. There is appropriated from funds appropriated to the department which would otherwise revert to the primary road fund pursuant to the provisions of the Act appropriating the funds or chapter 8, an amount sufficient to pay the increase in salaries, which increase is not otherwise provided for by the general assembly in an appropriation bill, resulting from the annual review of the merit pay plan as provided in section 8A.413, subsection 3. The appropriation provided in this subsection shall be in effect from the effective date of the revised pay plan to the end of the fiscal biennium in which it becomes effective. 4. a. Such fund is appropriated and shall be used by the department to provide energy and for the operation and maintenance of those primary road freeway lighting systems within the corporate boundaries of cities including energy and maintenance costs associated with interchange conflict lighting on existing and future freeway and expressway segments constructed to interstate standards. b. The costs of serving freeway lighting for each utility providing the service shall be determined by the utilities board, and rates for such service shall be no higher than necessary to recover these costs. Funds received under the provisions of this subsection shall be used solely for the operation and maintenance of a freeway lighting system. 5. During the fiscal year beginning July 1, 1990, and ending June 30, 1991, and each subsequent fiscal year, the department shall spend from the primary road fund an amount of not less than thirty million dollars for the network of commercial and industrial highways. 6. For the fiscal year beginning July 1, 2013, and ending June 30, 2014, and each subsequent fiscal year, there is transferred the following percentages of the moneys credited to the primary road fund pursuant to section 312.2, subsection 1, paragraph “a”, to the following funds: a. One and five hundred seventy-five thousandths percent to the secondary road fund. b. One hundred seventy-five thousandths of one percent to the street construction fund of the cities. [C24, §4690; C27, 31, 35, §4755-b4; C39, §4755.04; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.4] 88 Acts, ch 1019, §6; 90 Acts, ch 1253, §120; 92 Acts, ch 1163, §74; 92 Acts, ch 1238, §29; 99 Acts, ch 118, §1; 2000 Acts, ch 1017, §1; 2003 Acts, ch 144, §8; 2003 Acts, ch 145, §243; 2008 Acts, ch 1031, §110; 2009 Acts, ch 133, §236, 237; 2011 Acts, ch 25, §27; 2015 Acts, ch 123, §30; 2016 Acts, ch 1011, §47; 2017 Acts, ch 13, §1; 2019 Acts, ch 59, §88; 2020 Acts, ch 1063, §141; 2023 Acts, ch 19, §2661 Referred to in §312.2, 312.4, 313.5 Subsection 4, paragraph b amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313 - PRIMARY ROADS Section 313.42 - Definitions.

313.42 Definitions. As used in this chapter, unless the context otherwise requires: 1. “Commission” means the state transportation commission. 2. “Department” means the state department of transportation. [C75, 77, 79, 81, §313.42] 89 Acts, ch 134, §7

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313 - PRIMARY ROADS Section 313.43 - Lateral or detour routes in cities.

313.43 Lateral or detour routes in cities. 1. Any city located on the primary road system and in which the primary road extension as officially designated does not pass through the main part or business district of such city, may designate and mark a lateral or detour route in order to facilitate such primary road traffic as may desire to get into and out of such business district. 2. Lateral or detour routes shall be marked with standard markings adopted by the department for that purpose, which markings shall clearly indicate that the lateral route is not the official primary road extension but is in fact a lateral or detour extending to the business district. 3. The cost of the markings shall be without expense to the state. [C31, 35, §4755-c2; C39, §4755.34; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.43] 2013 Acts, ch 90, §75

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313 - PRIMARY ROADS Section 313.5 - Biennial appropriation — budget.

313.5 Biennial appropriation — budget. 1. The department shall submit to the department of management, as provided by chapter 8, a detailed estimate of the amount required by the department during each succeeding biennium for the support of the department and for engineering and administration of highway work and maintenance of the primary road system. Such estimate shall be in the same general form and detail as is required by chapter 8 and said chapter shall apply to the budgeting, appropriation, and expenditure of funds in the primary road fund in the same manner as such chapter applies to other departments. However, the amount of contracts for bituminous resurfacing, bridge painting and repair, pavement and shoulder repair, agreements with cities for maintenance on primary road extensions and agreements with counties, cities, and institutions for maintenance on state park, state institution, and other state land roads need not be included in the amount appropriated for maintenance. 2. The provisions of chapter 8 shall apply

except that the provisions of section 8.39 shall not apply to funds appropriated to the department under section 313.4; however, section 8.39, subsection 1, shall apply to appropriations for support of the department and for engineering and administration of highway work and maintenance of the primary road system. 3. Any contingent fund appropriated to the department from the primary road fund shall be subject to the following conditions: a. A written statement from the department of management shall be obtained, recommending expenditures from the fund for the purposes requested by the department. b. The department of management and the governor shall determine that the expenditures contemplated are in the best interest of the state, and that the purpose or project for which funds are requested was not presented to the general assembly by way of a bill and which failed to become enacted into law. [C39, §4755.05; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.5] 2010 Acts, ch 1061, §180; 2017 Acts, ch 29, §87

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313 - PRIMARY ROADS Section 313.59 - Gift of bridge to state — acceptance.

313.59 Gift of bridge to state — acceptance. Should the owner of any bridge, for highway traffic, over the Mississippi river or the Missouri river, on the boundary of the state of Iowa, and which bridge is a connecting link between a primary road or primary road extension in a city of this state and a corresponding road or extension thereof in an adjoining state, offer to give such bridge and approaches thereto, or any part thereof, to the state, the department is hereby authorized, in its discretion, to accept such offer in the name of the state of Iowa, and to enter into written agreements evidencing such acceptance. [C46, §313.28; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.59] Referred to in §313.64, 313.65

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313 - PRIMARY ROADS Section 313.6 - Accounts and records required.

313.6 Accounts and records required. The department shall keep accounts in relation to the primary road fund, crediting said fund with all amounts by law creditable thereto and charging said fund with the amount of all duly and finally approved vouchers for claims properly chargeable thereto. [C24, §4692; C27, 31, 35, §4755-b6; C39, §4755.06; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.6]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313 - PRIMARY ROADS Section 313.60 - Indebtedness paid.

313.60 Indebtedness paid. When all outstanding indebtedness or other obligations against such bridge and approaches thereto have been paid and discharged the department shall accept transfer of title thereof to the state and is thereafter authorized to take possession of, operate and maintain such bridge and approaches, or any part thereof, free of tolls, as a part of the primary road system. [C46, §313.29; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.60] Referred to in §313.64, 313.65

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313 - PRIMARY ROADS Section 313.61 - Taxes forgiven.

313.61 Taxes forgiven. Any such bridge and approaches, which has been offered to the department and with respect to which the department has entered into a written agreement accepting such offer, shall after the date of such agreement, be free from state and local property and income taxes in this state. [C46, §313.30; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.61] Referred to in §313.64, 313.65

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313 - PRIMARY ROADS Section 313.62 - Department authority.

313.62 Department authority. The authority herein given to the department to enter into agreements for, accept, take over, operate and maintain such bridges may be exercised by the said department independently or in cooperation with other governmental agencies within this state or in adjoining states. [C46, §313.31; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.62] Referred to in §313.64, 313.65

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313 - PRIMARY ROADS Section 313.63 - Action by adjoining state.

313.63 Action by adjoining state. The department shall not enter into an agreement of acceptance until the adjoining state enters into an agreement to accept ownership of that portion of the bridge being within the adjoining state. [C46, §313.32; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.63] 87 Acts, ch 232, §21 Referred to in §313.64, 313.65

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313 - PRIMARY ROADS Section 313.64 - Financial statement annually.

313.64 Financial statement annually. 1. If the department accepts the offer of any bridge over a boundary stream and enters into a written agreement in relation to the bridge as provided in sections 313.59 through 313.63, this section, and section 313.65, the owner or operator of the bridge shall thereafter and until all indebtedness or other obligations against the bridge have been paid and discharged annually file with the department a sworn statement of its financial condition. The statement shall show funds on hand and indebtedness at the beginning and end of the year, receipts, disbursements, indebtedness retired during the year and any other information required by the department to show the true and complete condition of the finances with respect to the bridge and bridge approaches. 2. The annual budget of authorized operating and other expenditures for or on behalf of such bridge and approaches

shall be approved by the department before becoming effective. Expenditures during the year shall not exceed the approved budget unless an increase in the annual budget be likewise approved by the department. [C46, §313.33; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.64] 2013 Acts, ch 90, §76; 2016 Acts, ch 1073, §99 Referred to in §313.65

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313 - PRIMARY ROADS Section 313.65 - Approval of taxing bodies.

313.65 Approval of taxing bodies. Before any bridge owned by any individual or private corporation shall be accepted by the department under the provisions of sections 313.59 through 313.64, the proposal and acceptance shall first be approved by the following tax levying and tax certifying bodies located in the tax district: 1. The board of supervisors. 2. The city councils. 3. The school board or boards. [C46, §313.34; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.65] 2014 Acts, ch 1092, §70; 2016 Acts, ch 1073, §100 Referred to in §313.64

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313 - PRIMARY ROADS Section 313.66 - Mississippi bridges purchased.

313.66 Mississippi bridges purchased. 1. The department may purchase one-half of any bridge and its approaches for highway traffic over the Mississippi river on the boundary of the state and which is in receivership and is a connecting link between a primary road or primary road extension in a city of the state and a corresponding road or extension thereof in an adjoining state, providing proper approval is granted by the court having jurisdiction of such receivership. 2. The department is authorized to make payment for any such bridge and its approaches from the primary road fund provided however, that in no event shall the amount of such payment be more than one hundred thousand dollars for any one bridge and approaches thereto, and provided further that such purchase shall not be completed or payment made therefor until the adjoining state shall either have purchased or agreed to purchase ownership of the remaining one-half of said bridge and approaches, and agrees to pay the costs of repairing or maintaining such portion of the bridge and all approaches. 3. The department, after the purchase of any such bridge, is authorized to take possession thereof and maintain such portion of the bridge and its approaches thereto free of tolls as a part of the primary road system. 4. Before the purchase of any such bridge shall be completed by the department under the provisions of this section, the purchase thereof shall first be approved by the following tax levying and tax certifying bodies located in the district: a. The board of supervisors. b. The city councils. c. The school board or boards. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.66] 2014 Acts, ch 1092, §71

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313 - PRIMARY ROADS Section 313.67 - Scenic and improvement fund.

313.67 Scenic and improvement fund. There is hereby created a primary road scenic and improvement fund which shall include and embrace all funds hereafter credited thereto. Said fund shall be administered by the department and shall be used for the construction, reconstruction, improvement and maintenance of roadside safety rest areas and scenic beautification areas along the primary roads of the state including the acquisition of such property and property rights needed to accomplish said purposes. Part or all of said fund may be used to match federal allotments made available to the state of Iowa for the purposes provided in this section and to this end, the department is empowered on behalf of the state to enter into any agreements or contracts with the duly constituted federal authorities in order to secure the benefit of all present and future federal allotments. [C66, 71, 73, 75, 77, 79, 81, §313.67] Referred to in §306C.10

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313 - PRIMARY ROADS Section 313.7 - Monthly certification of funds.

313.7 Monthly certification of funds. The account of the primary road fund kept by the department of administrative services and the state treasurer shall show the amount of the primary road fund with all credits thereto and disbursements therefrom. [C24, §4693; C27, 31, 35, §4755-b7; C39, §4755.07; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.7] 2003 Acts, ch 145, §286

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313 - PRIMARY ROADS Section 313.8 - Improvement of primary road system.

313.8 Improvement of primary road system. The department shall proceed to the improvement of the primary road system as rapidly as funds become available therefor until the entire mileage of the primary road system is built to established grade, bridged and surfaced with pavement or other surface suited to the traffic on such road. Improvements shall be made and carried out in such manner as to equalize the condition of the primary roads and accessibility for commercial and industrial economic development purposes, as nearly as possible, in all sections of the state. [C27, 31, 35, §4755-b8; C39, §4755.08; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.8] 88 Acts, ch 1019, §7

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313 - PRIMARY ROADS Section 313.9 - Surveys, plans, and specifications.

313.9 Surveys, plans, and specifications. Before proceeding with the improvement of any primary road, the department shall cause

suitable surveys, plans and specifications for said proposed work to be prepared and filed in its office, and the work shall be done in accordance therewith, except insofar as the same may be modified to meet unforeseen or better understood conditions, and no such modification shall be deemed an invalidating matter. [C24, §4699; C27, 31, 35, §4755-b9; C39, §4755.09; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §313.9]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313A - INTERSTATE BRIDGES Section 313A.1 - Definitions.

313A.1 Definitions. The following words or terms, as used in this chapter, shall have the respective meanings as stated: 1. "Acquisition by purchase, gift, or condemnation" as used in this chapter shall mean acquisition by the department, whether such terms "purchase, gift, or condemnation" are used singularly or in sequence. 2. "Construct, constructing, construction or constructed" shall include the completion, reconstruction, remodeling, repair, or improvement of any existing toll bridge or any partially constructed interstate bridge, as well as the construction of any new toll bridge. 3. "Department" shall mean the state department of transportation. 4. "Federal bridge commission" shall mean any bridge commission organized and operating pursuant to an Act of the Congress of the United States, even though such Act of Congress may declare the bridge commission not to be an agency of the federal government. 5. "Toll bridge" shall mean an interstate bridge constructed, purchased or acquired under the provisions of this chapter, upon which tolls are charged, together with all appurtenances, additions, alterations, improvements, and replacements thereof, and the approaches thereto, and all lands and interests therein used therefor, and buildings and improvements thereon. [C71, 73, 75, 77, 79, 81, §313A.1]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313A - INTERSTATE BRIDGES Section 313A.10 - Resolution precedent to action.

313A.10 Resolution precedent to action. Before the department shall proceed with any action to secure right-of-way or with the construction of any toll bridge under the provisions of this chapter, it shall first pass a resolution finding that public interest and necessity require the acquisition of right-of-way for and the construction of such toll bridge. Such resolution shall be conclusive evidence of the public necessity of such construction and that such property is necessary therefor. To aid the department in determining the public interest, a public hearing shall be held in the county or counties of this state in which any portion of a bridge is proposed to be located. Notice of such hearing shall be published at least once in a newspaper published and having a general circulation in the county or counties where such bridge is proposed to be located, not less than twenty days prior to the date of the hearing. When it becomes necessary for the department to condemn any real estate to be used in connection with any such bridge, or to condemn any existing bridge, such condemnation shall be carried out in a manner consistent with the provisions of chapters 6A and 6B. In eminent domain proceedings to acquire property for any of the purposes of this chapter, any bridge, real property, personal property, franchises, rights, easements, or other property or privileges appurtenant thereto appropriated or dedicated to a public use or purpose by any person, firm, private, public or municipal corporation, county, city, district or any political subdivision of the state, may be condemned and taken, and the acquisition and use thereof as herein provided for the same public use or purpose to which such property has been so appropriated or dedicated, or for any other public use or purpose, shall be deemed a superior and permanent right and necessity, and a more necessary use and purpose than the public use or purpose to which such property has already been appropriated or dedicated, and any condemnation award may be paid from the proceeds of revenue bonds issued under the provisions of this chapter. [C71, 73, 75, 77, 79, 81, §313A.10]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313A - INTERSTATE BRIDGES Section 313A.11 - Payment from available funds.

313A.11 Payment from available funds. If the department determines that any toll bridge should be constructed or acquired under its authority, all costs thereof, including land, right-of-way, surveying, engineering, construction, legal and administrative expenses, and fees of any fiscal adviser, shall be paid out of any funds available for payment of the cost of the bridge. [C71, 73, 75, 77, 79, 81, §313A.11]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313A - INTERSTATE BRIDGES Section 313A.12 - Revenue bonds.

313A.12 Revenue bonds. 1. The department is hereby authorized and empowered to issue revenue bonds for the acquisition, purchase, or construction of any interstate bridge. Any and all bonds issued by the department for the acquisition, purchase, or construction of any interstate bridge under the authority of this chapter shall be issued in the name of the department and shall constitute obligations only of the department, shall be identified by some appropriate name, and shall contain a recital on the face thereof that the payment or redemption of said bonds and the payment of the interest thereon are secured by a direct charge and lien upon the tolls and other revenues of any nature whatever received from the operation of the particular bridge for the acquisition, purchase, or construction of which the bonds are issued and of such other bridge or bridges as may have been pledged therefor, and that neither the payment of the principal or any part thereof nor of the interest thereon or any part thereof constitutes a debt, liability, or obligation of the state of Iowa. When it is determined by the department to be in the best public interest, any bonds issued under the provisions of this chapter may be refunded and refinanced at a lower rate, the same rate or a higher rate or rates of interest and from time to time as often as the department shall find it to be advisable and necessary so to do. Bonds issued to refund other bonds

theretofore issued by the department under the provisions of this chapter may either be sold in the manner hereinafter provided and the proceeds thereof applied to the payment of the bonds being refunded, or the refunding bonds may be exchanged for and in payment and discharge of the bonds being refunded. The refunding bonds may be sold or exchanged in installments at different times or an entire issue or series may be sold or exchanged at one time. Any issue or series of refunding bonds may be exchanged in part or sold in part in installments at different times or at one time. The refunding bonds may be sold at any time on, before, or after the maturity of any of the outstanding bonds to be refinanced thereby and may be issued for the purpose of refunding a like or greater principal amount of bonds, except that the principal amount of the refunding bonds may exceed the principal amount of the bonds to be refunded to the extent necessary to pay any premium due on the call of the bonds to be refunded or to fund interest in arrears or about to become due. The gross revenues of any toll bridge pledged to the payment of the bonds being refunded, together with the unpledged gross revenues of any other toll bridges located within ten miles of said bridge, may be pledged by the department to pay the principal of and interest on the refunding bonds and to create and maintain reserves therefor. 2. The department is empowered to receive and accept funds from the state of Iowa or the federal government or any other state upon a cooperative or other basis for the acquisition, purchase, or construction of any interstate bridge authorized under the provisions of this chapter and is empowered to enter into such agreements with the state of Iowa or any other state or the federal government as may be required for the securing of such funds. 3. The department is authorized and empowered to spend from annual primary road fund receipts sufficient moneys to pay the cost of operation, maintenance, insurance, collection of tolls and accounting therefor and all other charges incidental to the operation and maintenance of any toll bridge administered under the provisions of this chapter. However, said annual primary road fund receipts shall be used only to pay such costs and charges with respect to that part of the bridge which is located within the state of Iowa. 4. The department may also issue its revenue bonds to pay all or any part of the cost of acquiring two or more existing interstate bridges and any partially constructed interstate bridge, all located within ten miles of each other, of completing the partially constructed bridge and of dismantling the bridge which it is designed to replace, and to impose and collect tolls on all of such bridges and to pledge the revenues derived therefrom to the payment of the bonds issued to finance such project. The department may also issue its revenue bonds to pay all or any part of the cost of reconstructing, completing, improving, repairing, or remodeling any interstate bridge or partially constructed bridge, impose and collect tolls, and pledge the bridge revenues to the payment of said bonds. [C71, 73, 75, 77, 79, 81, §313A.12] 2017 Acts, ch 54, §76 Referred to in §313A.16

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313A - INTERSTATE BRIDGES Section 313A.13 - Sale and exchange or retirement of bonds.

313A.13 Sale and exchange or retirement of bonds. The revenue bonds may be issued and sold or exchanged by the department from time to time and in such amounts as it deems necessary to provide sufficient funds for the acquisition, purchase, or construction of any such bridge and to pay interest on bonds issued for the construction of any toll bridge during the period of actual construction and for six months after completion thereof. The department is hereby authorized to adopt all necessary resolutions prescribing the form, conditions, and denominations of the bonds, the maturity dates therefor, and the interest rate or rates which the bonds shall bear. All bonds of the same issue need not bear the same interest rate. Principal and interest of the bonds shall be payable at such place or places within or without the state of Iowa as determined by the department, and the bonds may contain provisions for registration as to principal or interest, or both. Interest shall be payable at such times as determined by the department and the bonds shall mature at such times and in such amounts as the department prescribes. The department may provide for the retirement of the bonds at any time prior to maturity, and in such manner and upon payment of such premiums as it may determine in the resolution providing for the issuance of the bonds. All such bonds and any coupons attached thereto shall be signed by such officials of the department as the department may direct. Successive issues of such bonds within the limits of the original authorization shall have equal preference with respect to the payment of the principal thereof and the payment of interest thereon. The department may fix different maturity dates, serially or otherwise, for successive issues under any one original authorization. All bonds issued under the provisions of this chapter shall have all the qualities of negotiable instruments under the laws of the state of Iowa. All bonds issued and sold hereunder shall be sold to the highest and best bidder on the basis of sealed proposals received pursuant to a notice specifying the time and place of sale and the amount of bonds to be sold which shall be published at least once not less than seven days prior to the sale in a newspaper published in the state of Iowa and having a general circulation in said state. None of the provisions of chapter 75 shall apply to bonds issued under the provisions of this chapter but such bonds shall be sold upon terms of not less than par plus accrued interest. The department may reject any or all bids received at the public sale and may thereafter sell the bonds at private sale on such terms and conditions as it deems most advantageous to its own interests, but not at a price below that of the best bid received at the advertised sale. The department may enter into contracts and borrow money through the sale of bonds of the same character as those herein authorized, from the United States or any agency thereof, upon such conditions and terms as may be agreed to and the bonds shall be subject to all the provisions of this chapter, except that any bonds issued hereunder to the United States or any agency thereof need not first be offered at public sale. The department may also provide for the private sale of bonds issued under the provisions of this chapter to the state treasurer of Iowa upon such terms and conditions as may be agreed upon, and in such event said bonds need not first be offered at public sale. Temporary or interim bonds, certificates, or receipts, of any denomination, and with or without coupons attached, signed by such official as the department may direct, may be issued and delivered until the definitive bonds are executed and available for delivery. [C71, 73, 75, 77, 79, 81, §313A.13]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313A - INTERSTATE BRIDGES Section 313A.14 - Proceeds in trust fund.

313A.14 Proceeds in trust fund. The proceeds from the sale of all bonds authorized and issued under the provisions of this chapter shall be deposited by the department in a fund designated as the construction fund of the particular interstate bridge or bridges for which such bonds were issued and sold, which fund shall not be a state fund and shall at all times be kept segregated and set apart from all other funds and in trust for the purposes herein set out. Such proceeds shall be paid out or disbursed solely for the acquisition, purchase, or construction of such interstate bridge or bridges and expenses incident thereto, the acquisition of the necessary lands and easements therefor and the payment of interest on such bonds during the period of actual construction and for a period of six months thereafter, only as the need therefor shall arise and the department may agree with the purchaser of said bonds upon any conditions or limitations restricting the disbursement of such funds that may be deemed advisable, for the purpose of assuring the proper application of such funds. All moneys in such fund and not required to meet current construction costs of the interstate bridge or bridges for which such bonds were issued and sold, and all funds constituting surplus revenues which are not immediately needed for the particular object or purpose to which they must be applied or are pledged may be invested in obligations issued or guaranteed by the United States or by any person controlled by or supervised by and acting as an instrumentality of the United States pursuant to authority granted by the Congress of the United States; provided, however, that the department may provide in the proceedings authorizing the issuance of said bonds that the investment of such moneys shall be made only in particular bonds and obligations within the classifications eligible for such investment and such provisions shall thereupon be binding upon the department and all officials having anything to do with such investment. Any surplus which may exist in said construction fund shall be applied to the retirement of bonds issued for the acquisition, purchase, or construction of any such interstate bridge by purchase or call and, in the event such bonds cannot be purchased at a price satisfactory to the department and are not by their terms callable prior to maturity, such surplus shall be paid into the fund applicable to the payment of principal and interest of said bonds and shall be used for that purpose. The proceedings authorizing the issuance of bonds may provide limitations and conditions upon the time and manner of applying such surplus to the purchase and call of outstanding bonds and the terms upon which they shall be purchased or called and such limitations and conditions shall be followed and observed in the application and use of such surplus. All bonds so retired by purchase or call shall be immediately canceled. [C71, 73, 75, 77, 79, 81, §313A.14]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313A - INTERSTATE BRIDGES Section 313A.15 - Toll revenue fund.

313A.15 Toll revenue fund. All tolls or other revenues received from the operation of any toll bridge acquired, purchased, or constructed with the proceeds of bonds issued and sold hereunder shall be deposited by the department to the credit of a special trust fund to be designated as the toll revenue fund of the particular toll bridge or toll bridges producing such tolls or revenue, which fund shall be a trust fund and shall at all times be kept segregated and set apart from all other funds. [C71, 73, 75, 77, 79, 81, §313A.15]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313A - INTERSTATE BRIDGES Section 313A.16 - Funds transferred to place of payment.

313A.16 Funds transferred to place of payment. From the money so deposited in each separate construction fund as hereinabove provided, at the direction of the department there shall be transferred to the place or places of payment named in said bonds such sums as may be required to pay the interest as it becomes due on all bonds issued and outstanding for the construction of such particular toll bridge or toll bridges during the period of actual construction and during the period of six months immediately thereafter. The department shall thereafter transfer from each separate toll revenue fund to the place or places of payment named in the bonds for which said revenues have been pledged such sums as may be required to pay the interest on said bonds and redeem the principal thereof as such interest and principal become due. All funds so transferred for the payment of principal or interest on bonds issued for any particular toll bridge or toll bridges shall be segregated and applied solely for the payment of said principal or interest. The proceedings authorizing the issuance of the bonds may provide for the setting up of a reserve fund or funds out of the tolls and other revenues not needed for the payment of principal and interest, as the same currently matures and for the preservation and continuance of such fund in a manner to be provided therein, and such proceedings may also require the immediate application of all surplus moneys in such toll revenue fund to the retirement of such bonds prior to maturity, by call or purchase, in such manner and upon such terms and the payment of such premiums as may be deemed advisable in the judgment of the department. The moneys remaining in each separate toll revenue fund after providing the amount required for the payment of principal or interest on bonds as hereinabove provided, shall be held and applied as provided in the proceedings authorizing the issuance of said bonds. In the event the proceedings authorizing the issuance of said bonds do not require surplus revenues to be held or applied in any particular manner, they shall be allocated and used for such other purposes incidental to the construction, operation, and maintenance of any toll bridge as the department may determine and as permitted under sections 313A.7 and 313A.12. [C71, 73, 75, 77, 79, 81, §313A.16]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313A - INTERSTATE BRIDGES Section 313A.17 - Warrants for payment.

313A.17 Warrants for payment. Warrants for payments to be made on account of such bonds shall be drawn by the department on

duly approved vouchers. Moneys required to meet the costs of purchase or construction and all expenses and costs incidental to the acquisition, purchase, or construction of any particular interstate bridge or to meet the costs of operating, maintaining, and repairing the same, shall be paid by the department from the proper fund therefor upon duly approved vouchers. All interest received or earned on money deposited in each and every fund herein provided for shall be credited to and become a part of the particular fund upon which said interest accrues. [C71, 73, 75, 77, 79, 81, §313A.17]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313A - INTERSTATE BRIDGES Section 313A.18 - Depositaries or paying agents.

313A.18 Depositaries or paying agents. The department may provide in the proceedings authorizing the issuance of bonds or may otherwise agree with the purchasers of bonds regarding the deposit of all moneys constituting the construction fund and the toll revenue fund and provide for the deposit of such money at such times and with such depositaries or paying agents and upon the furnishing of such security as may meet with the approval of the purchasers of such bonds. [C71, 73, 75, 77, 79, 81, §313A.18]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313A - INTERSTATE BRIDGES Section 313A.19 - Expenses of department.

313A.19 Expenses of department. Notwithstanding any provision contained in this chapter, the proceeds received from the sale of bonds and the tolls or other revenues received from the operation of any toll bridge may be used to defray any expenses incurred by the department in connection with and incidental to the issuance and sale of bonds for the acquisition, purchase, or construction of any such toll bridge including expenses for the preparation of surveys and estimates, legal, fiscal and administrative expenses, and the making of such inspections and examinations as may be required by the purchasers of such bonds; provided, that the proceedings authorizing the issuance of such bonds may contain appropriate provisions governing the use and application of said bond proceeds and toll or other revenues for the purposes herein specified. [C71, 73, 75, 77, 79, 81, §313A.19]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313A - INTERSTATE BRIDGES Section 313A.2 - Bridge to be controlled by department.

313A.2 Bridge to be controlled by department. The department shall have full charge of the construction and acquisition of all toll bridges constructed or acquired under the provisions of this chapter, the operation and maintenance thereof and the imposition and collection of tolls and charges for the use thereof. The department shall have full charge of the design of all toll bridges constructed under the provisions of this chapter. The department shall proceed with the construction of such toll bridges and other facilities and the approaches thereto by contract immediately upon there being made available funds for such work and shall prosecute such work to completion as rapidly as practicable. The department shall advertise for bids for the construction, reconstruction, improvement, repair or remodeling of any toll bridge by publication of a notice once each week for at least two consecutive weeks in a newspaper published and having a general circulation throughout the state of Iowa, the first publication to appear at least fifteen days prior to the date set for receiving bids. The department shall have the power to accept such offer or offers, propositions or bids, and enter into such contract or contracts as it shall deem to be to the best interest of the state. [C71, 73, 75, 77, 79, 81, §313A.2]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313A - INTERSTATE BRIDGES Section 313A.20 - No diminution of duties while bonds outstanding.

313A.20 No diminution of duties while bonds outstanding. While any bonds issued by the department remain outstanding, the powers, duties or existence of the department or of any other official or agency of the state shall not be diminished or impaired in any manner that will affect adversely the interests and rights of the holders of such bonds. The holder of any bond may by mandamus or other appropriate proceeding require and compel the performance of any of the duties imposed upon any state department, official, or employee or imposed upon the department or its officers, agents, and employees in connection with the acquisition, purchase, construction, maintenance, operation, and insurance of any bridge and in connection with the collection, deposit, investment, application, and disbursement of all tolls and other revenues derived from the operation and use of any bridge and in connection with the deposit, investment, and disbursement of the proceeds received from the issuance of bonds; provided, that the enumeration of such rights and remedies herein shall not be deemed to exclude the exercise or prosecution of any other rights or remedies by the holders of such bonds. [C71, 73, 75, 77, 79, 81, §313A.20]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313A - INTERSTATE BRIDGES Section 313A.21 - Insurance or indemnity bond.

313A.21 Insurance or indemnity bond. When any toll bridge authorized hereunder is being built by the department it may carry or cause to be carried such an amount of insurance or indemnity bond or bonds as protection against loss or damage as it may deem proper. The department is hereby further empowered to carry such an amount of insurance to cover any accident or destruction in part or in whole to any toll bridge. All moneys collected on any indemnity bond or insurance policy as the result of any damage or injury to any such toll bridge shall be used for the purpose of repairing or rebuilding of any such toll bridge as long as there are revenue bonds against any such structure outstanding and unredeemed. The department is also empowered to carry insurance or indemnity bonds insuring against the loss of tolls or other revenues to be derived from any such toll bridge by reason of any

interruption in the use of such toll bridge from any cause whatever, and the proceeds of such insurance or indemnity bonds shall be paid into the fund into which the tolls and other revenues of the bridge thus insured are required to be paid and shall be applied to the same purposes and in the same manner as other moneys in the said fund. Such insurance or indemnity bonds may be in an amount equal to the probable tolls and other revenues to be received from the operation of such toll bridge during any period of time that may be determined upon by the department and fixed in its discretion, and be paid for out of the toll revenue fund as may be specified in said proceedings. The department may provide in the proceedings authorizing the issuance of bonds for the carrying of insurance as authorized by this chapter and the purchase and carrying of insurance as authorized by this chapter shall thereupon be obligatory upon the department and be paid for out of the toll revenue fund as may be specified in said proceedings. [C71, 73, 75, 77, 79, 81, §313A.21]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313A - INTERSTATE BRIDGES Section 313A.22 - Toll charges fixed by department.

313A.22 Toll charges fixed by department. The department is hereby empowered to fix the rates of toll and other charges for all interstate bridges acquired, purchased, or constructed under the terms of this chapter. Toll charges so fixed may be changed from time to time as conditions may warrant. The department in establishing toll charges shall give due consideration to the amount required annually to pay the principal of and interest on bonds payable from the revenues thereof. The tolls and charges shall be at all times fixed at rates sufficient to pay the bonds and interest as they mature, together with the creation and maintenance of bond reserve funds and other funds as established in the proceedings authorizing the issuance of the bonds, for any particular toll bridge. The amounts required to pay the principal of and interest on bonds shall constitute a charge and lien on all such tolls and other revenues and interest thereon and sinking funds created therefrom received from the use and operation of said toll bridge, and the department is hereby authorized to pledge a sufficient amount of said tolls and revenues for the payment of bonds issued under the provisions of this chapter and interest thereon and to create and maintain a reserve therefor. Such tolls and revenues, together with the interest earned thereon, shall constitute a trust fund for the security and payment of such bonds and shall not be used or pledged for any other purpose as long as such bonds or any of them are outstanding and unpaid. [C71, 73, 75, 77, 79, 81, §313A.22]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313A - INTERSTATE BRIDGES Section 313A.23 - Political subdivision may aid.

313A.23 Political subdivision may aid. Whenever a proposed interstate bridge is to be acquired, purchased or constructed, any city, county, or other political subdivision located in relation to such facility so as to benefit directly or indirectly thereby, may, either jointly or separately, at the request of the department advance or contribute money, rights-of-way, labor, materials, and other property toward the expense of acquiring, purchasing or constructing the bridge, and for preliminary surveys and the preparation of plans and estimates of cost therefor and other preliminary expenses. Any such city, county, or other political subdivision may, either jointly or separately, at the request of the department advance or contribute money for the purpose of guaranteeing the payment of interest or principal on the bonds issued by the department to finance the bridge. Appropriations for such purposes may be made from any funds available, including county road funds received from or credited by the state, or funds obtained by excess tax levies made pursuant to law or the issuance of general obligation bonds for this purpose. Money or property so advanced or contributed may be immediately transferred or delivered to the department to be used for the purpose for which contribution was made. The department may enter into an agreement with a city, county, or other political subdivision to repay any money or the value of a right-of-way, labor, materials or other property so advanced or contributed. The department may make such repayment to a city, county, or other political subdivision and reimburse the state for any expenditures made by it in connection with the bridge out of tolls and other revenues for the use of the bridge. [C71, 73, 75, 77, 79, 81, §313A.23] Referred to in §331.429

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313A - INTERSTATE BRIDGES Section 313A.24 - Sale of excess land to political subdivisions.

313A.24 Sale of excess land to political subdivisions. If the department deems that any land, including improvements thereon, is no longer required for toll bridge purposes and that it is in the public interest, it may negotiate for the sale of such land to the state or to any city, county, or other political subdivision or municipal corporation of the state. The department shall certify the agreement for the sale to the state executive council, with a description of the land and the terms of the sale and the state executive council may execute the deed and deliver it to the grantee. [C71, 73, 75, 77, 79, 81, §313A.24] Referred to in §313A.28

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313A - INTERSTATE BRIDGES Section 313A.25 - Sale to public.

313A.25 Sale to public. If the department is of the opinion that any land, including improvements thereon, is no longer required for toll bridge purposes, it may be offered for sale upon publication of a notice once each week for two consecutive weeks in a newspaper published and having a general circulation throughout the state of Iowa, specifying the time and place fixed for the receipt of bids. [C71, 73, 75, 77, 79, 81, §313A.25] Referred to in §313A.28

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313A - INTERSTATE BRIDGES Section 313A.26 - Acceptance or rejection of bids.

313A.26 Acceptance or rejection of bids. The department may reject all such bids if the highest bid does not equal the reasonable fair market value of the real property, plus the value of the improvements thereon, computed on the basis of the reproduction value less depreciation. The department may accept the highest and best bid, and certify the agreement for the sale to the state executive council, with a description of the land and the terms of the sale and the state executive council shall execute the deed and deliver it to the grantee. [C71, 73, 75, 77, 79, 81, §313A.26] Referred to in §313A.28

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313A - INTERSTATE BRIDGES Section 313A.27 - Franchises for use of bridge.

313A.27 Franchises for use of bridge. If the department deems it consistent with the use and operation of any toll bridge, the department may grant franchises to persons, firms, associations, private or municipal corporations, the United States government or any agency thereof, to use any portion of the property of any toll bridge, including approaches thereto, for the construction and maintenance of water pipes, flumes, gas pipes, telephone, telegraph and electric light and power lines and conduits, trams or railways, and any other such facilities in the manner of granting franchises on state highways. [C71, 73, 75, 77, 79, 81, §313A.27] Referred to in §313A.28

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313A - INTERSTATE BRIDGES Section 313A.28 - Deposit of proceeds.

313A.28 Deposit of proceeds. Any moneys received pursuant to the provisions of sections 313A.24 through 313A.27 shall be deposited by the department into the separate and proper trust fund established for the bridge. [C71, 73, 75, 77, 79, 81, §313A.28]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313A - INTERSTATE BRIDGES Section 313A.29 - Tolls imposed for improving other bridges.

313A.29 Tolls imposed for improving other bridges. The department shall have the right to impose and reimpose tolls for pedestrian or vehicular traffic over any interstate bridges under its control and jurisdiction for the purpose of paying the cost of reconstructing and improving existing bridges and their approaches, purchasing existing bridges, and constructing new bridges and approaches, provided that any such existing bridge or new bridge is located within ten miles of the bridge on which tolls are so imposed or reimposed, to pay interest on and create a sinking fund for the retirement of revenue bonds issued for the account of such projects and to pay any and all costs and expenses incurred by the department in connection with and incidental to the issuance and sale of bonds and for the preparation of surveys and estimates and to establish the required interest reserves for and during the estimated construction period and for six months thereafter. [C71, 73, 75, 77, 79, 81, §313A.29] Referred to in §313A.30

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313A - INTERSTATE BRIDGES Section 313A.3 - Toll bridges constructed over boundary rivers.

313A.3 Toll bridges constructed over boundary rivers. The department is hereby authorized to establish and construct toll bridges upon any public highway, together with approaches thereto, wherever it is considered necessary or advantageous and practical for crossing any navigable river between this state and an adjoining state. The necessity or advantage and practicality of any toll bridge shall be determined by the department. To obtain information for the consideration of the department upon the construction of any toll bridge or any other matter pertaining thereto, any officer or employee of the state, upon the request of the department, shall make reasonable examination, investigation, survey, or reconnaissance to determine material facts pertaining thereto and shall report such findings to the department. The cost thereof shall be borne by the department or office conducting it from funds provided for its functions. [C71, 73, 75, 77, 79, 81, §313A.3]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313A - INTERSTATE BRIDGES Section 313A.30 - Bridges as part of primary roads.

313A.30 Bridges as part of primary roads. The bridges herein provided for may be incorporated into the primary road system as toll free bridges whenever the costs of the construction of the bridges and the approaches thereto and the reconstruction and improvement of existing bridges and approaches thereto, including all incidental costs, have been paid and when all revenue bonds and interest thereon issued and sold pursuant to this chapter and payable from the tolls and revenues thereof shall have been fully paid and redeemed or funds sufficient to pay said bonds and interest, including premium, if any, have been set aside and pledged for that purpose. However, tolls may again be imposed as provided in section 313A.29. [C71, 73, 75, 77, 79, 81, §313A.30]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313A - INTERSTATE BRIDGES Section 313A.31 - Revenue bonds.

313A.31 Revenue bonds. 1. The department shall have the power and is hereby authorized by resolution to issue, sell, or pledge its revenue bonds in an amount sufficient to provide funds to pay all or any part of the costs of construction of a new bridge and approaches thereto and the reconstruction, improvement, and maintaining of an existing bridge and approaches thereto, including all costs of survey, acquisition of right-of-way, engineering, legal, fiscal and incidental expenses, to pay the interest due thereon during the period beginning with the date of issue of the bonds and ending at the expiration of six months after the first imposition and

collection of tolls from the users of said bridges, and all costs incidental to the issuance and sale of the bonds. 2. Except as may be otherwise specifically provided by statute, all of the other provisions of this chapter shall govern the issuance and sale of revenue bonds issued under this section, the execution thereof, the disbursement of the proceeds of issuance thereof, the interest rate or rates thereon, their form, terms, conditions, covenants, negotiability, denominations, maturity date or dates, the creation of special funds or accounts safeguarding and providing for the payment of the principal thereof and interest thereon, and their manner of redemption and retirement. 3. Such bonds shall include a covenant that the payment of the principal thereof and the interest thereon are secured by a first and direct charge and lien on all of the tolls and other gross revenues received from the operation of said toll bridges and from any interest which may be earned from the deposit or investment of any such revenues. 4. The tolls and charges shall be at all times fixed at rates sufficient to pay the bonds and interest as they mature, together with the creation and maintenance of bond reserve funds and other funds as established in the proceedings authorizing the issuance of the bonds. [C71, 73, 75, 77, 79, 81, §313A.31] 2017 Acts, ch 54, §76

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313A - INTERSTATE BRIDGES Section 313A.32 - Operation and control of bridge.

313A.32 Operation and control of bridge. The department is hereby authorized to operate and to assume the full control of said toll bridges and each portion thereof whether within or without the borders of the state of Iowa, with full power to impose and collect tolls from the users of such bridges for the purpose of providing revenues at least sufficient to pay the cost and incidental expenses of construction and acquisition of said bridges and approaches in both states in which located and for the payment of the principal of and interest on its revenue bonds as authorized by this chapter. [C71, 73, 75, 77, 79, 81, §313A.32]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313A - INTERSTATE BRIDGES Section 313A.33 - No obligation of state.

313A.33 No obligation of state. Under no circumstances shall any bonds issued under the terms of this chapter be or become or be construed to constitute a debt of or charge against the state of Iowa within the purview of any constitutional or statutory limitation or provision. No taxes, appropriations or other funds of the state of Iowa may be pledged for or used to pay such bonds or the interest thereon, but any such bonds shall be payable solely and only as to both principal and interest from the tolls and revenues derived from the operation of any toll bridge or toll bridges acquired, purchased, or constructed under this chapter, and the sole remedy for any breach or default of the terms of any such bonds or proceedings for their issuance shall be a proceeding either in law or in equity by suit, action or mandamus to enforce and compel performance of the duties required by this chapter and the terms of the resolution under which such bonds are issued. [C71, 73, 75, 77, 79, 81, §313A.33]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313A - INTERSTATE BRIDGES Section 313A.34 - Agreements with other states.

313A.34 Agreements with other states. The director of transportation may, subject to the approval of the state transportation commission, enter into such agreement or agreements with other state highway commissions and the governmental agencies or subdivisions of the state of Iowa or other states and with federal bridge commissions as they shall find necessary or convenient to carry out the purposes of this chapter, and is authorized to do any and all acts contained in such agreement or agreements that are necessary or convenient to carry out the purposes of this chapter. Such agreements may include, but shall not be restricted to, the following provisions: 1. A provision that the department shall assume and have complete responsibility for the operation of such bridges and approaches thereto, and with full power to impose and collect all toll charges from the users of such bridges and to disburse the revenue derived therefrom for the payment of principal and interest on any revenue bonds herein provided for and to carry out the purposes of this chapter. 2. A provision that the department shall provide for the issuance, sale, exchange or pledge, and payment of revenue bonds payable solely from the revenues derived from the imposition and collection of tolls upon such toll bridges. 3. A provision that the department, after consultation with the other governmental agencies or subdivisions who are parties to such agreements, shall fix and revise the classifications and amounts of tolls to be charged and collected from the users of the toll bridges, with the further provision that such toll charges shall be removed after all costs of planning, designing, and construction of such toll bridges and approaches thereto and all incidental costs shall have been paid, and all of said revenue bonds, and interest thereon, issued pursuant to this chapter shall have been fully paid and redeemed or funds sufficient therefor have been set aside and pledged for that purpose. 4. A provision that all acts pertaining to the design and construction of such toll bridges may be done and performed by the department and that any and all contracts for the construction of such toll bridges shall be awarded in the name of the department. 5. A provision that the state of Iowa and adjoining state and all governmental agencies or subdivisions party to such agreement shall be reimbursed out of the proceeds of the sale of such bonds or out of tolls and revenues as herein allowed for any advances they may have made or expenses they may have incurred for any of the purposes for which said revenue bonds may be issued, after duly verified itemized statements of such advances and expenses have been submitted to and been approved by all parties to such agreement. 6. A provision for the division of ownership with the adjoining state and for a proportional division of the maintenance costs of the bridge when all outstanding indebtedness or other obligations payable from the revenues of the bridge have been paid. [C71, 73, 75, 77, 79, 81, §313A.34] 87 Acts, ch 232, §22

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313A - INTERSTATE BRIDGES Section 313A.36 - Purposes of

powers granted.

313A.36 Purposes of powers granted. The exercise of the powers granted by this chapter will be in all respects for the benefit of the people of the state of Iowa, for the increase of their commerce and prosperity and for the improvement of their health and living conditions, and as the acquisition, construction, operation, and maintenance by the department of the projects herein defined will constitute the performance of essential governmental functions, the department shall not be required to pay any taxes or assessments upon such projects or upon any property acquired or used by the department under the provisions of this chapter or upon the income from such projects, and the bonds issued under the provisions of this chapter, their transfer and the income therefrom including any profit made on the sale thereof shall at all times be free from taxation by or within the state of Iowa. [C71, 73, 75, 77, 79, 81, §313A.36] Referred to in §422.7(2)(o)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313A - INTERSTATE BRIDGES Section 313A.37 - Failure to pay toll — penalty.

313A.37 Failure to pay toll — penalty. Any person who uses any toll bridge and fails or refuses to pay the toll provided therefor shall be guilty of a simple misdemeanor. [C71, 73, 75, 77, 79, 81, §313A.37]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313A - INTERSTATE BRIDGES Section 313A.38 - Independent of any other law.

313A.38 Independent of any other law. This chapter shall be construed as providing an alternative and independent method for the acquisition, purchase, or construction of interstate bridges, for the issuance and sale or exchange of bonds in connection therewith and for refunding bonds pertinent thereto, and for the imposition, collection, and application of the proceeds of tolls and charges for the use of interstate bridges, without reference to any other statute, and shall not be construed as an amendment of or subject to the provisions of any other law, and no publication of any notice, and no other or further proceeding in respect to the issuance or sale or exchange of bonds under this chapter shall be required except such as are prescribed by this chapter, any provisions of other statutes of the state to the contrary notwithstanding. [C71, 73, 75, 77, 79, 81, §313A.38]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313A - INTERSTATE BRIDGES Section 313A.39 - Construction.

313A.39 Construction. This chapter, being necessary for the public safety and welfare, shall be liberally construed to effectuate the purposes thereof. [C71, 73, 75, 77, 79, 81, §313A.39]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313A - INTERSTATE BRIDGES Section 313A.4 - Investigation of feasibility.

313A.4 Investigation of feasibility. The department is hereby authorized to enter into agreements with any federal bridge commission or any county or city of this state, and with an adjoining state or county, city, or town thereof, for the purpose of implementing an investigation of the feasibility of any toll bridge project for the bridging of a navigable river forming a portion of the boundary of this state and such adjoining state. The department may use any funds available for the purposes of this section. Such agreements may provide that in the event any such project is determined to be feasible and adopted, any advancement of funds by any state, county or city may be reimbursed out of any proceeds derived from the sale of bonds or out of tolls and revenues to be derived from such project. [C71, 73, 75, 77, 79, 81, §313A.4]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313A - INTERSTATE BRIDGES Section 313A.5 - Acquiring existing bridge — bonds.

313A.5 Acquiring existing bridge — bonds. Whenever the department deems it necessary or advantageous and practical, it may acquire by gift, purchase, or condemnation any interstate bridge which connects with or may be connected with the public highways and the approaches thereto, except that the department may not condemn an existing interstate bridge used for interstate highway traffic and combined highway and railway traffic and presently owned by a municipality, or a person, firm, or corporation engaged in interstate commerce. The department may also acquire by gift or purchase two or more existing interstate bridges and any partially constructed interstate bridge, all located within ten miles of each other, complete the partially constructed bridge and dismantle the bridge which it is designed to replace. In connection with the acquisition of any such bridge, bridges, or partially constructed bridge, the department and any federal bridge commission or any city, county, or other political subdivision of the state are authorized to do all acts and things as in this chapter are provided for the establishing and constructing of toll bridges and operating, financing, and maintaining such bridges insofar as such powers and requirements are applicable to the acquisition of any toll bridge and its operation, financing, and maintenance. In so doing, they shall act in the same manner and under the same procedures as provided for establishing, constructing, operating, financing, and maintaining toll bridges insofar as such manner and procedures are applicable. Without limiting the generality of the above provisions, the department is hereby authorized to cause surveys to be made to determine the propriety of acquiring any such bridge and the rights-of-way necessary therefor, and other facilities necessary to carry out the provisions hereof; to issue, sell, redeem bonds or issue and exchange bonds with present holders of outstanding bonds of bridges being acquired under the provisions of this chapter and deposit and pay out of the proceeds of the bonds for the financing thereof, to impose, collect, deposit, and expend tolls therefrom; to secure and remit financial and other

assistance in connection with the purchase thereof; and to carry insurance thereon. [C71, 73, 75, 77, 79, 81, §313A.5]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313A - INTERSTATE BRIDGES Section 313A.6 - Rules adopted — financial statements.

313A.6 Rules adopted — financial statements. The department, its officials, and all state officials are hereby authorized to perform such acts and make such agreements consistent with the law which are necessary and desirable in connection with the duties and powers conferred upon them regarding the construction, maintenance, and operation and insurance of toll bridges or the safeguarding of the funds and revenues required for such construction and the payment of the indebtedness incurred therefor. The department shall adopt such rules and regulations in accordance with the provisions of chapter 17A as it may deem necessary for the administration and exercise of its powers and duties granted by this chapter, and shall prepare annual financial statements regarding the operation of such toll bridges which shall be made available for inspection by the public and by the holders of revenue bonds issued by the department under the provisions of this chapter at all reasonable times. [C71, 73, 75, 77, 79, 81, §313A.6]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313A - INTERSTATE BRIDGES Section 313A.7 - Resolution of public interest and necessity — revenue bonds.

313A.7 Resolution of public interest and necessity — revenue bonds. 1. Whenever the department deems it to be in the best interest of the primary highway system that any new toll bridge be constructed upon any public highway and across any navigable river between this state and an adjoining state, the department shall adopt a resolution declaring that the public interest and necessity require the construction of such toll bridge and authorizing the issuance of revenue bonds in an amount sufficient for the purpose of obtaining funds for such construction. The issuance of bonds as provided in this chapter for the construction, purchase, or acquisition of more than one toll bridge may, at the discretion of the department, be included in the same authority and issue or issues of bonds, and the department is hereby authorized to pledge the gross revenues derived from the operation of any such toll bridge under its control and jurisdiction to pay the principal of and interest on bonds issued to pay the cost of purchasing, acquiring, or constructing any such toll bridge financed under the provisions of this chapter. The department is hereby granted wide discretion, in connection with the financing of the cost of any toll bridge, to pledge the gross revenues of a single toll bridge for the payment of bonds and interest thereon issued to pay the cost of such bridge and to pledge the gross revenues of two or more toll bridges to pay bonds issued to pay the cost of one or more toll bridges and interest thereon as long as the several bridges included herein are not more than ten miles apart. 2. In addition, if the department in its discretion determines that the construction of a toll bridge cannot be financed entirely through revenue bonds and that the construction of such toll bridge is necessary, the department may advance funds from the primary highway fund to pay for that part of the construction cost, including the cost of approaches and all incidental costs, which is not paid out of the proceeds of revenue bonds. However, said funds advanced from the primary highway fund shall be used only to pay the construction cost, including the cost of approaches and all incidental costs, with respect to that part of the bridge which is or will be located within the state of Iowa. After all revenue bonds and interest thereon issued and sold pursuant to this chapter and payable from the tolls and revenues of said bridge have been fully paid and redeemed or funds sufficient to pay said bonds and interest, including premium, if any, have been set aside and pledged for that purpose, then such amount advanced from the primary road fund shall be repaid to the primary road fund from the tolls and revenues of said bridge before said bridge is made a toll free bridge under the provisions of this chapter. [C71, 73, 75, 77, 79, 81, §313A.7] Referred to in §313A.16

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313A - INTERSTATE BRIDGES Section 313A.8 - Right-of-way secured.

313A.8 Right-of-way secured. Whenever the department shall authorize the construction of any toll bridge, the department is empowered to secure rights-of-way therefor and for approaches thereto by gift or purchase or by condemnation in the manner provided by law for the taking of private property for public purposes. [C71, 73, 75, 77, 79, 81, §313A.8]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 313A - INTERSTATE BRIDGES Section 313A.9 - Consent to cross state property.

313A.9 Consent to cross state property. The right-of-way is hereby given, dedicated, and set apart upon which to locate, construct, and maintain toll bridges or approaches thereto or other highway crossings, and transportation facilities thereof or thereto, through, over or across any of the lands which are now or may be the property of this state, including highways; and through, over, or across the streets, alleys, lanes, and roads within any city, county, or other political subdivision of the state. If any property belonging to any city, county or other political subdivision of the state is required to be taken for the construction of any such bridge or approach thereto or should any such property be injured or damaged by such construction, such compensation therefor as may be proper or necessary and as shall be agreed upon may be paid by the department to the particular county, city or other political subdivision of the state owning such property, or condemnation proceedings may be brought for the determination of such compensation. [C71, 73, 75, 77, 79, 81, §313A.9]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 314 - ADMINISTRATIVE PROVISIONS FOR HIGHWAYS Section 314.1 - Bidding procedures — basis for awarding contracts.

314.1 Bidding procedures — basis for awarding contracts. 1. The agency having charge of the receipt of bids and the award of contracts for the construction, reconstruction, improvement, or repair or maintenance of a highway, bridge, or culvert may require, for any highway, bridge, or culvert contract letting, that each bidder file with the agency a statement showing the bidder's financial standing, equipment, and experience in the execution of like or similar work. The statements shall be on standard forms prepared by the department and shall be filed with the agency prior to the letting at which the bidder expects to bid. The agency may, in advance of the letting, notify the bidder as to the amount and the nature of the work for which the bidder is deemed qualified to bid. A bidder who is prequalified under this subsection by the department shall be deemed qualified for a highway, bridge, or culvert contract letting by any other agency and shall submit proof of the prequalification in a manner determined by the department if required to do so by the agency. 2. Notwithstanding any other provision of law to the contrary, a public improvement that involves the construction, reconstruction, or improvement of a highway, bridge, or culvert and that has a cost in excess of the applicable threshold in section 73A.18, 262.34, 297.7, 309.40, 310.14, or 313.10, as modified by the bid threshold subcommittee pursuant to section 314.1B, shall be advertised and let for bid, except such public improvements that involve emergency work pursuant to section 309.40A, 313.10, or 384.103, subsection 2. For a city having a population of fifty thousand or less, a public improvement that involves the construction, reconstruction, or improvement of a highway, bridge, or culvert that has a cost in excess of twenty-five thousand dollars, as modified by the bid threshold subcommittee pursuant to section 314.1B, shall be advertised and let for bid, excluding emergency work. However, a public improvement that has an estimated total cost to a city in excess of a threshold of fifty thousand dollars, as modified by the bid threshold subcommittee pursuant to section 314.1B, and that involves the construction, reconstruction, or improvement of a highway, bridge, or culvert that is under the jurisdiction of a city with a population of more than fifty thousand, shall be advertised and let for bid. Cities required to competitively bid highway, bridge, or culvert work shall do so in compliance with the contract letting procedures of sections 26.3 through 26.12. 3. a. In the award of contracts for the construction, reconstruction, improvement, or repair or maintenance of a highway, bridge, or culvert, the agency having charge of awarding such contracts shall give due consideration not only to the prices bid but also to the mechanical or other equipment and the financial responsibility and experience in the performance of like or similar contracts. The agency may reject any or all bids. The agency may readvertise and relet the project without conducting an additional public hearing if no substantial changes are made to the project's plans or specifications. The agency may let by private contract or build by day labor, at a cost not in excess of the lowest bid received. b. Upon the completion of any contract or project on either the farm-to-market or secondary road system, the county engineer shall file with the county auditor a statement showing the total cost thereof with certificate that the work has been done in accordance with the plans and specifications. Upon completion of a contract or project on the municipal street system, the city public works department or city engineer shall file with the city clerk a statement showing the total cost of the contract or project with a certificate that the work has been done in accordance with the plans and specifications. All contracts shall be in writing and shall be secured by a bond for the faithful performance thereof as provided by law. [S13, §1527-s18; C24, §4651, 4700; C27, 31, 35, §4644-c41, 4651, 4755-b11; C39, §4644.39, 4651, 4686.15, 4755.11; C46, §309.57, 310.15, 313.11; C50, §308A.10, 309.39; C54, §309.39, 314.1; C58, 62, 66, 71, 73, 75, 77, 79, 81, §314.1] 2001 Acts, ch 32, §7, 14; 2006 Acts, ch 1017, §27, 42, 43; 2006 Acts, ch 1185, §80; 2010 Acts, ch 1061, §106; 2018 Acts, ch 1097, §2 Referred to in §26A.3, 91C.2, 314.1B, 314.2, 314.14, 331.341

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 314 - ADMINISTRATIVE PROVISIONS FOR HIGHWAYS Section 314.10 - State-line highways.

314.10 State-line highways. The agency in control of any highway or bridge bordering on or crossing a state line is authorized to confer and agree with the agency or official of such border state, or subdivision of such state, having control of such highway or bridge relative to the interstate connection, the plans for the improvement, and maintenance, the division of work and the apportionment of cost of such highway or bridge. [S13, §1570-a; SS15, §1527-s3; C24, 27, 31, 35, 39, §4663; C46, §309.72; C50, §308A.19; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §314.10]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 314 - ADMINISTRATIVE PROVISIONS FOR HIGHWAYS Section 314.11 - Use of bridges by utility companies.

314.11 Use of bridges by utility companies. Telephone, telegraph, electric transmission, and pipelines may be permitted to use any highway bridge on or across a state line on such terms and conditions as the agency or officials jointly constructing, maintaining, or operating such bridge may jointly determine. No discrimination shall be made in the use of such bridge as between such utilities. Joint use of telephone, telegraph, electric transmission, or pipelines may not be required. No grant to any public utility to use such bridge shall in any way interfere with the use of such bridge by the public for highway purposes. [S13, §424-e; C24, 27, 31, 35, 39, §4683; C46, §309.90; C50, §308A.20; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §314.11] 2023 Acts, ch 64, §47 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 314 - ADMINISTRATIVE PROVISIONS FOR HIGHWAYS Section 314.12 - Borrow pits — topsoil preserved.

314.12 Borrow pits — topsoil preserved. In the award of contracts for the construction, reconstruction, improvement, repair or maintenance of any highway, the agency having charge of awarding such contracts shall require that when fill dirt, soil or other materials are to be removed from borrow pits acquired by title or easement, whether by agreement or condemnation, for use in the project, adequate provision shall be made for the restoration of the borrow pit area, either by removal and replacement of a

minimum of eight inches of topsoil, or by fertilizing, mulching, reseeding or other appropriate measures to provide vegetative cover or prevent erosion, except where a lake or subwater table conditions are designed, or where the area is zoned for commercial, industrial, or residential use, or where the borrow is in locations of white oak, sand, loess or undrainable clays. When the borrow pit is acquired by easement, the restoration method shall be determined by agreement with the landowner. [C71, 73, 75, 77, 79, 81, §314.12] Referred to in §314.12A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 314 - ADMINISTRATIVE PROVISIONS FOR HIGHWAYS Section 314.12A - Preservation of topsoil in highway construction.

314.12A Preservation of topsoil in highway construction. In the award of contracts for the construction, reconstruction, improvement, and repair, except for minor maintenance, of a highway, the state department of transportation shall require that when fill dirt, soil, or other materials are to be removed from an area acquired by title or easement, whether by agreement or condemnation, for use in the project, adequate provision shall be made for the salvage of topsoil from the area for use in the restoration of the specified critical areas of the project by replacement of salvaged topsoil, by fertilizing and mulching if necessary, or by other appropriate measures to provide vegetative cover to prevent erosion, including filling or covering the area with compost, except where a lake or subwater table conditions exist, where deep loess is present, or where outside ditch bottoms and backslopes are present in rock cut areas. This section shall not apply to borrow pits covered by section 314.12. 2002 Acts, ch 1103, §1

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 314 - ADMINISTRATIVE PROVISIONS FOR HIGHWAYS Section 314.13 - Definitions.

314.13 Definitions. As used in this chapter, unless the context otherwise requires: 1. “Agency” means any governmental body which exercises jurisdiction over any road as provided by law. 2. “Committee” means the integrated roadside vegetation management technical advisory committee created in section 314.22. 3. “Coordinator” means the integrated roadside vegetation management coordinator. 4. “Department” means the state department of transportation. 5. “Disadvantaged business enterprise” means a small business which meets both of the following: a. The business is at least fifty-one percent owned by one or more socially and economically disadvantaged individuals. b. The management and daily business operations of the business are controlled by one or more of the socially and economically disadvantaged individuals who own the business. 6. “Highway” or “street” means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic. 7. “Prequalified” means that a small business has been approved by the department as a small business, is a recognized contractor engaged in the class of work provided for in the plans and specifications, possesses sufficient resources to complete the work, and is able to furnish a performance bond for one hundred percent of the contract. 8. “Small business” means any enterprise, which is operated for profit and under a single management, and which has either fewer than twenty employees or an annual gross income of less than four million dollars computed as the average of the three preceding fiscal years. This definition does not apply to any program or activity for which a definition for small business is provided for the program or activity by federal law or regulation or other state law. 9. “Socially and economically disadvantaged individual” means an individual who is a citizen of the United States or who is a lawfully admitted permanent resident of the United States and who is a woman, Black American, Hispanic American, Native American, Asian-Pacific American, Asian-Indian American, or any other minority person or individual found to be disadvantaged by the United States small business administration. However, the department may also determine, on a case-by-case basis, that an individual who is not a member of one of the enumerated groups is a socially and economically disadvantaged individual. A rebuttable presumption exists that individuals in the following groups are socially and economically disadvantaged: a. “Asian-Indian Americans”, which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal, or Sri Lanka. b. “Asian-Pacific Americans”, which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia, Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the United States trust territories of the Pacific Islands, and the Northern Marianas, Macao, Fiji, Tonga, Kiribati, Juvalu, Nauru, Micronesia, or Hong Kong. c. “Black Americans”, which includes persons having origins in any of the black racial groups of Africa. d. “Hispanic Americans”, which includes persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race. e. “Native Americans”, which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians. [C75, 77, 79, 81, §314.13] 89 Acts, ch 246, §3; 2001 Acts, ch 32, §10; 2010 Acts, ch 1098, §1

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 314 - ADMINISTRATIVE PROVISIONS FOR HIGHWAYS Section 314.13A - Contract assessment — socially and economically disadvantaged individuals.

314.13A Contract assessment — socially and economically disadvantaged individuals. 1. The department shall annually assess the impact of federal and nonfederal awarded contracts on socially and economically disadvantaged individuals, including women and persons with a disability, as defined in section 15.102, in the state. 2. The assessment shall include the following: a. Any disproportionate or unique impact the contract may have on socially and economically disadvantaged individuals in the state. b. A rationale for the contract having an impact on socially and economically disadvantaged individuals in the state. c. Consultation with representatives of socially and economically disadvantaged individuals in cases where the contract has an identifiable impact on socially and economically disadvantaged individuals in the state. 3. This section shall be carried out to the extent consistent with federal law. 4. The assessment shall be used for informational purposes. 2010 Acts, ch 1098, §2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 314 - ADMINISTRATIVE PROVISIONS FOR HIGHWAYS Section 314.14 - Contracts set aside for small businesses.

314.14 Contracts set aside for small businesses. Notwithstanding section 314.1, there may be set aside contracts for bidding by prequalified small businesses a percentage of the total annual dollar amount of public contracts let by the department. The annual dollar amount set aside for bidding by prequalified small businesses shall not exceed ten percent of the total dollar amount of highway construction contracts let by the department and transit dollars administered by the department. The director may estimate the set-aside amount at the beginning of each fiscal year and a suit shall not be brought by any party as a result of this estimate. Set-aside contracts will be awarded to the lowest responsible prequalified small business. This section shall not be construed as limiting the department's right to refuse any or all small business bids. 84 Acts, ch 1229, §1; 2009 Acts, ch 41, §111, 112; 2010 Acts, ch 1098, §3 Disadvantaged business enterprise funding reauthorized in section 1101(b) of the federal Fixing America's Surface Transportation Act (FAST Act), approved December 4, 2015, Pub. L. No. 114-94; see also 49 C.F.R. pt. 26

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 314 - ADMINISTRATIVE PROVISIONS FOR HIGHWAYS Section 314.15 - Disadvantaged business enterprises — rules.

314.15 Disadvantaged business enterprises — rules. The department of transportation shall promulgate rules establishing affirmative action requirements to encourage and increase participation of disadvantaged individuals in business enterprises in all federal aid projects made available by and through the department. 90 Acts, ch 1161, §4

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 314 - ADMINISTRATIVE PROVISIONS FOR HIGHWAYS Section 314.16 - Interstate 80 — route designation.

314.16 Interstate 80 — route designation. The interstate which runs from Council Bluffs on the western border through Des Moines to Davenport on the eastern border shall be known as interstate 80. The state transportation commission shall be prohibited from changing the route of interstate 80 as designated on January 1, 1992. 92 Acts, ch 1010, §1

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 314 - ADMINISTRATIVE PROVISIONS FOR HIGHWAYS Section 314.17 - Mowing on interstates, primary highways, and secondary roads.

314.17 Mowing on interstates, primary highways, and secondary roads. Mowing roadside vegetation on the rights-of-way or medians on any primary highway, interstate highway, or secondary road prior to July 15 is prohibited, except as follows: 1. Within two hundred yards of an inhabited dwelling. 2. On rights-of-way within one mile of the corporate limits of a city. 3. To promote native species of vegetation or other long-lived and adaptable vegetation. 4. To establish control of damaging insect populations, noxious weeds, and invasive plant species. 5. For visibility and safety reasons. 6. Within rest areas, weigh stations, and wayside parks. 7. Within fifty feet of a drainage tile or tile intake. 8. For access to a mailbox or for other accessibility purposes. 9. On rights-of-way adjacent to agricultural demonstration or research plots. 98 Acts, ch 1212, §7; 2010 Acts, ch 1164, §1; 2010 Acts, ch 1193, §121 Referred to in §317.19 For control and eradication of noxious weeds, see chapter 317

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 314 - ADMINISTRATIVE PROVISIONS FOR HIGHWAYS Section 314.18 - Responsibility for bridge inspection.

314.18 Responsibility for bridge inspection. The department, counties, cities, and other public entities shall be responsible for the safety inspection and evaluation of all highway bridges under their jurisdiction which are located on public roads, in accordance with the national bridge inspection standards. These responsibilities include inspection policies and procedures, inspections, reports, load ratings, quality control and quality assurance, maintaining a bridge inventory, and other requirements of the national bridge inspection standards. 2006 Acts, ch 1068, §4

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 314 - ADMINISTRATIVE PROVISIONS FOR HIGHWAYS Section 314.19 - Reseeding open ditches.

314.19 Reseeding open ditches. The department shall have the topsoil of each open ditch along the side of a highway reseeded with prairie grass seed and the seed of other adapted grass and legumes including native grass species after the construction, reconstruction, improvement, repair, or maintenance of a highway whenever feasible. 84 Acts, ch 1114, §1

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 314 - ADMINISTRATIVE PROVISIONS FOR HIGHWAYS Section 314.1A - Detailed cost accountings by cities and counties — rules.

314.1A Detailed cost accountings by cities and counties — rules. 1. The department shall adopt rules prescribing the manner by which cities and counties shall provide a detailed cost accounting under section 309.93 or 312.14, of all instances of the use of day labor or public or private contracts for construction, reconstruction, or improvement projects of a highway, bridge, or culvert within their jurisdiction. 2. The department shall adopt rules prescribing the manner by which governmental entities, as defined in section 26.2, shall administer section 26.14 concerning public improvement quotations. 3. The rules shall include definitions concerning types of projects and uniform requirements and definitions that cities and counties under subsection 1 and governmental entities under subsection 2 shall use in determining costs for such projects. The department shall establish horizontal and vertical

infrastructure advisory committees composed of representatives of public sector agencies, private sector vertical and horizontal contractor organizations, and certified public employee collective bargaining organizations to make recommendations for such rules. 2001 Acts, ch 32, §8; 2006 Acts, ch 1017, §28, 42, 43 Referred to in §309.93, 312.14, 314.1B

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 314 - ADMINISTRATIVE PROVISIONS FOR HIGHWAYS Section 314.1B - Bid threshold subcommittees — adjustments — notice.

314.1B Bid threshold subcommittees — adjustments — notice. 1. Horizontal infrastructure. a. The director of the department shall appoint, from the members of the appropriate advisory committee established under section 314.1A, a horizontal infrastructure bid threshold subcommittee for highway, bridge, or culvert projects. The subcommittee shall consist of seven members, three of whom shall be representatives of cities and counties, three of whom shall be representatives of private sector contractor organizations, and with the remaining member being the director or the director's designee, who shall serve as chairperson of the subcommittee. A vacancy in the membership of the subcommittee shall be filled by the director. b. The subcommittee shall review the competitive bid thresholds applicable to city and county highway, bridge, and culvert projects. The subcommittee shall review price adjustments for all types of city and county highway, bridge, and culvert construction, reconstruction, and improvement projects, based on changes in the construction price index from the preceding year. Upon completion of the review the subcommittee may make adjustments in the applicable bid thresholds for types of work based on the price adjustments. c. A bid threshold, under this subsection, shall not be adjusted to an amount that is less than the bid threshold applicable to a city or county on July 1, 2006, as provided in section 73A.18, 309.40, 310.14, or 314.1. An adjusted bid threshold shall take effect as provided in subsection 3, and shall remain in effect until a new adjusted bid threshold is established and becomes effective as provided in this section. 2. Vertical infrastructure. a. The director of the department shall appoint, from the members of the appropriate advisory committee established under section 314.1A, a vertical infrastructure bid threshold subcommittee for public improvements as defined in section 26.2. The subcommittee shall consist of seven members, three of whom shall be representatives of governmental entities as defined in section 26.2, three of whom shall be representatives of private sector vertical infrastructure contractor organizations, and with the remaining member being the director or the director's designee, who shall serve as chairperson of the subcommittee. A vacancy in the membership of the subcommittee shall be filled by the director. b. The subcommittee appointed under this subsection shall review the competitive bid thresholds applicable to governmental entities under chapter 26. The subcommittee shall review price adjustments for all types of construction, reconstruction, and public improvement projects based on the changes in the construction price index, building cost index, and material cost index from the preceding adjustment. Upon completion of the review the subcommittee may make adjustments in the applicable bid thresholds for types of work based on the price adjustments. c. The subcommittee shall not make an initial adjustment to the competitive bid threshold in section 26.3 to be effective prior to January 1, 2012. Thereafter, the subcommittee shall adjust the bid threshold amount in accordance with subsection 3 but shall not adjust the bid threshold to an amount less than the bid threshold applicable to a governmental entity on January 1, 2007. d. Beginning July 1, 2006, the subcommittee shall make adjustments to the competitive quotation threshold amounts in section 26.14 for vertical infrastructure in accordance with the methodology of paragraph "b". e. After 2012, the subcommittee shall adjust the competitive quotation threshold amounts in section 26.14 at the same time and by the same percentage as adjustments are made to the competitive bid threshold. 3. Review — publication. Each subcommittee shall meet to conduct the review and make the adjustments described in this section on or before August 1 of every other year, or of every year if determined necessary by the subcommittee. By September 1 of each year in which a subcommittee makes adjustments in the bid or quotation thresholds, the director shall cause an advisory notice to be published in the Iowa administrative bulletin and in a newspaper of general circulation in this state, stating the adjusted bid and quotation thresholds to be in effect on January 1 of the following year, as established by the subcommittees under this section. 2001 Acts, ch 32, §9, 14; 2006 Acts, ch 1017, §29, 42, 43; 2007 Acts, ch 144, §11, 12 Referred to in §8A.311, 26.3, 26.5, 26.12, 26.14, 26.15, 26A.3, 28J.9, 35A.10, 73A.2, 73A.18, 161C.2, 218.58, 273.14, 297.8, 314.1, 330A.12, 331.341, 357.14, 468.3, 904.314, 904.315

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 314 - ADMINISTRATIVE PROVISIONS FOR HIGHWAYS Section 314.2 - Conflicts of interest.

314.2 Conflicts of interest. A state or county official who is a voting member of a governmental entity responsible for awarding a contract pursuant to section 314.1 and is the apparent low bidder for the contract shall not participate in a vote to award the contract and shall include an explanation of the official's conflict in the resolution entered pursuant to section 26.12. [S13, §1527-s15; C24, §4685, 4700; C27, 31, 35, §4685, 4755-b10; C39, §4685, 4686.14, 4755.10; C46, §309.92, 310.14, 313.10; C50, §308A.11; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §314.2] 2009 Acts, ch 133, §115; 2019 Acts, ch 148, §46, 47 Referred to in §331.341, 331.342

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 314 - ADMINISTRATIVE PROVISIONS FOR HIGHWAYS Section 314.20 - Utility easements on highway right-of-way.

314.20 Utility easements on highway right-of-way. The department shall develop an accommodation plan for the longitudinal utility use of freeway right-of-way, in consultation with the utilities board. The plan shall be consistent with the rules of the federal highway administration of the United States department of transportation and shall be submitted to the federal highway administration for its approval by January 1, 1989. In developing the plan, the department shall provide for extended payment and lease agreements to provide continuous funding for the living roadway trust fund. The plan shall provide for charges for the use of

the right-of-way and all moneys collected shall be credited to the living roadway trust fund established under section 314.21. 88 Acts, ch 1019, §9; 89 Acts, ch 246, §4

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 314 - ADMINISTRATIVE PROVISIONS FOR HIGHWAYS Section 314.21 - Living roadway trust fund.

314.21 Living roadway trust fund. 1. a. The living roadway trust fund is created in the office of the treasurer of state. The moneys in this fund shall be used exclusively for the development and implementation of integrated roadside vegetation plans. Except as provided in subsections 2 and 3, the moneys shall only be expended for areas on or adjacent to road, street, and highway right-of-ways. The state department of transportation in consultation with the department of natural resources shall establish standards relating to the type of projects available for assistance. b. A city or county which has a project which qualifies for the use of these funds shall submit a request for the funds to the state department of transportation. A city or county may, at its option, apply moneys allocated for use on city or county projects under this subsection toward qualifying projects on the primary road system. The state department of transportation in consultation with the department of natural resources shall determine which projects qualify for the funds and which projects shall be funded if the requests for the funds exceed the availability of the funds. In ranking applications for funds, the department shall consider the proportion of political subdivision matching funds to be provided, if any, and the proportion of private contributions to be provided, if any. In considering the proportion of political subdivision matching funds provided, the department shall consider only those moneys which are in addition to those which the political subdivision has historically provided toward such projects. Funds allocated to the cities, the counties, and the department which are not programmed by the end of each fiscal year shall be available for redistribution to any eligible applicant regardless of the original allocation of funds. Such funds shall be awarded for eligible projects based upon their merit in meeting the program objectives established by the department under section 314.22. The department shall submit a report of all projects funded in the previous fiscal year to the governor and to the general assembly on January 15 of each year. c. Beginning April 1, 1990, the moneys in the living roadway trust fund shall be allocated between the state, counties, and cities in the same proportion that the road use tax funds are allocated under section 312.2, subsection 1, paragraphs “a”, “b”, “c”, and “d”. However, after April 1, 1990, a city or county shall not be eligible to receive moneys from the living roadway trust fund unless the city or county has an integrated roadside vegetation management plan in place consistent with the objectives in section 314.22. 2. a. The department may authorize projects which provide grants or loans to local governments and organizations which are developing community entryway enhancement and other planting demonstration projects. Planning, public education, installation, and initial maintenance planning and development may be determined by the department to be eligible activities for funding under this paragraph. Projects approved under this paragraph require a local match or contribution toward the overall project cost. b. The department may authorize projects which provide grants or loans to local governments for the purchase of specialized equipment and special staff training for the establishment of alternative forms of roadside vegetation. Projects approved under this paragraph require a local match or contribution toward the overall project cost. c. The department, in order to create greater visual effect, shall investigate alternatives for concentrating plantings at strategic locations to gain a greater visual impact and appeal as well as stronger scenic value. Equal attention shall be given to providing safe and effective habitats for wildlife which can coexist with highways. d. The department may authorize projects which provide grants or loans to local jurisdictions for increased protection through the use of easements, fee title acquisition, covenants, zoning ordinances, or other provisions for protection of vegetation and desirable environment adjacent to the right-of-way. Off-right-of-way projects shall emphasize vegetation protection or enhancement, scenic and wildlife values, erosion control and enhancement of vegetation management projects within the right-of-ways. 3. a. Moneys allocated to the state under subsection 1 shall be expended as follows: (1) Fifty thousand dollars annually to the department for the services of the integrated roadside vegetation management coordinator and support. (2) One hundred thousand dollars annually for education programs, research and demonstration projects, and vegetation inventories and strategies, under section 314.22, subsections 5, 6, and 8. (3) All remaining moneys for the gateways program under section 314.22, subsection 7. b. Moneys allocated to the counties under subsection 1 shall be expended as follows: (1) For the fiscal year beginning July 1, 1995, and ending June 30, 1996, and each subsequent fiscal year, seventy-five thousand dollars to the university of northern Iowa to maintain the position of the state roadside specialist and to continue its integrated roadside vegetation management program providing research, education, training, and technical assistance. (2) All remaining money for grants or loans under subsection 2, paragraph “a”. c. Moneys allocated to the cities shall be expended for grants or loans under subsection 2, paragraph “a”. 88 Acts, ch 1019, §5; 89 Acts, ch 246, §5; 89 Acts, ch 317, §28; 91 Acts, ch 268, §516; 93 Acts, ch 169, §16; 95 Acts, ch 220, §26; 2009 Acts, ch 133, §238; 2017 Acts, ch 29, §89; 2018 Acts, ch 1026, §108 Referred to in §312.2, 314.20, 314.22, 455A.19

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 314 - ADMINISTRATIVE PROVISIONS FOR HIGHWAYS Section 314.22 - Integrated roadside vegetation management.

314.22 Integrated roadside vegetation management. 1. Objectives. It is declared to be in the general public welfare of Iowa and a highway purpose for the vegetation of Iowa’s roadsides to be preserved, planted, and maintained to be safe, visually interesting, ecologically integrated, and useful for many purposes. The state department of transportation shall provide an integrated roadside vegetation management plan and program which shall be designed to accomplish all of the following: a. Maintain a safe travel environment. b. Serve a variety of public purposes including erosion control, wildlife habitat, climate control, scenic qualities, weed control, utility easements, recreation uses, and sustenance of water quality. c. Be based on a systematic assessment of conditions

existing in roadsides, preservation of valuable vegetation and habitats in the area, and the adoption of a comprehensive plan and strategies for cost-effective maintenance and vegetation planting. d. Emphasize the establishment of adaptable and long-lived vegetation, often native species, matched to the unique environment found in and adjacent to the roadside. e. Incorporate integrated management practices for the long-term control of damaging insect populations, weeds, and invasive plant species. f. Build upon a public education program allowing input from adjacent landowners and the general public. g. Accelerate efforts toward increasing and expanding the effectiveness of plantings to reduce wind-induced and water-induced soil erosion and to increase deposition of snow in desired locations. h. Incorporate integrated roadside vegetation management with other state agency planning and program activities including the recreation trails program, scenic highways, open space, and tourism development efforts. Agencies should annually report their progress in this area to the general assembly. 2. Counties may adopt plans. A county may adopt an integrated roadside vegetation management plan consistent with the integrated roadside vegetation management plan adopted by the department under subsection 1. 3. Integrated roadside vegetation management technical advisory committee. a. The director of the department shall appoint members to an integrated roadside vegetation management technical advisory committee which is created to provide advice on the development and implementation of a statewide integrated roadside vegetation management plan and program and related projects. The department shall report annually in January to the general assembly regarding its activities and those of the committee. Activities of the committee may include but are not limited to providing advice and assistance in the following areas: (1) Research efforts. (2) Demonstration projects. (3) Education and orientation efforts for property owners, public officials, and the general public. (4) Activities of the integrated roadside vegetation management coordinator for integrated roadside vegetation management. (5) Reviewing applications for funding assistance. (6) Securing funding for research and demonstrations. (7) Determining needs for revising the state weed law and other applicable Code sections. (8) Liaison with the Iowa state association of counties, the Iowa league of cities, and other organizations for integrated roadside vegetation management purposes. b. The director may appoint any number of persons to the committee but, at a minimum, the committee shall consist of all of the following: (1) One member representing the utility industry. (2) One member from the Iowa academy of sciences. (3) One member representing county government. (4) One member representing city government. (5) Two members representing the private sector including community interest groups. (6) One member representing soil conservation interests. (7) One member representing the department of natural resources. (8) One member representing county conservation boards. c. Members of the committee shall serve without compensation, but may be reimbursed for allowable expenses from the living roadway trust fund created under section 314.21. No more than a simple majority of the members of the committee shall be of the same gender as provided in section 69.16A. The director of the department shall appoint the chair of the committee and shall establish a minimum schedule of meetings for the committee. 4. Integrated roadside vegetation management coordinator. The integrated roadside vegetation management coordinator shall administer the department's integrated roadside vegetation management plan and program. The department may create the position of integrated roadside vegetation management coordinator within the department or may contract for the services of the coordinator. The duties of the coordinator include but are not limited to the following: a. Conducting education and awareness programs. b. Providing technical advice to the department and the department of natural resources, counties, and cities. c. Conducting demonstration projects. d. Coordinating inventory and implementation activities. e. Providing assistance to local community-based groups for undertaking community entryway projects. f. Being a clearinghouse for information from Iowa projects as well as from other states. g. Periodically distributing information related to integrated roadside vegetation management. h. General coordination of research efforts. i. Other duties assigned by the director of transportation. 5. Education programs. The department shall develop educational programs and provide educational materials for the general public, landowners, governmental employees, and board members as part of its program for integrated roadside vegetation management. The educational program shall provide all of the following: a. The development of public service announcements and television programs about the importance of roadside vegetation in Iowa. b. The expansion of existing training sessions and educational curriculum materials for county weed commissioners, government contract sprayers, maintenance staff, and others to include coverage of integrated roadside management topics such as basic plant species identification, vegetation preservation, vegetation inventory techniques, vegetation management and planning procedures, planting techniques, maintenance, communication, and public relations. County and municipal engineers, public works staffs, planning and zoning representatives, parks and habitat managers, and others should be encouraged to participate. c. The conducting of statewide and regional conferences and seminars about integrated roadside vegetation management, community entryways, scenic values of land adjoining roadsides, and other topics relating to roadside vegetation. d. The preparation, display, and distribution of a variety of public relations material, in order to better inform and educate the traveling public on roadside vegetation management activities. The public relations material shall inform motorists of a variety of roadside vegetation issues including all of the following: (1) Benefits of various types of roadside vegetation. (2) Long-term results expected from planting and maintenance practices. (3) Purposes for short-term disturbances in the roadside landscapes. (4) Interesting aspects of the Iowa landscape and individual landscape regions. (5) Other aspects relating to wildlife and soil erosion. e. Preparation and distribution of educational material designed to inform adjoining property owners, farm operators, and others of the importance of roadside vegetation and their responsibilities of proper stewardship of that vegetation resource. 6. Research and demonstration projects. The department, as part of its plan to provide integrated roadside vegetation management, shall conduct research and feasibility studies including demonstration projects of different kinds at a variety of locations around the state. The research and feasibility studies may be conducted in, but are not limited to, any of the following areas: a. Cost effectiveness or comparison of planting, establishing and maintaining alternative or warm-season, native grass and forb roadside vegetation and traditional cool-season nonnative vegetation. b. Identification of the relationship that roadsides and roadside

vegetation have to maintaining water quality, through drainage wells, sediment and pollutant collection and filtration, and other means. c. Impacts of burning as an alternative vegetation management tool on all categories of roads. d. Techniques for more quickly establishing erosion control and permanent vegetative cover on recently disturbed ground as well as interplanting native species in existing vegetative cover. e. Effectiveness of techniques for reduced or selected use of herbicides to control weeds. f. Identification of cross section and slope steepness design standards which provide for motorist safety as well as for improved establishment, maintenance, and replacement of different types of vegetation. g. Identification of a uniform inventory and assessment technique which could be used by many counties in establishing integrated roadside management programs. h. Equipment innovations for seeding and harvesting grasses in difficult terrain settings, roadway ditches, and fore-slopes and back-slopes. i. Identification of the perceptions of motorists and landowners to various types of roadside vegetation and configuration of plantings. j. Market or economic feasibility studies for native seed, forb, and woody plant production and propagation. k. Impacts of vegetation modifications on increasing or decreasing wildlife populations in rural and urban areas. l. Effects of vegetation on the number and location of wildlife road-kills in rural and urban areas. m. Costs to the public for improper off-site resource management adjacent to roadsides. n. Advantages, disadvantages, and techniques of establishing pedestrian access adjacent to highways and their impacts on vegetation management. o. Identification of alternative techniques for snow catchment on farmland adjacent to roadsides. 7. Gateways program. The department shall develop a gateways program to provide meaningful visual impacts including major new plantings at the important highway entry points to the state and its communities. Substantial and distinctive plantings shall also be designed and installed at these points. Creative and artistic design solutions shall be sought for these improvements. Communications about these projects shall be provided to local groups in order to build community involvement, support, and understanding of their importance. Consideration shall be given to a requirement that gateways projects produce a local match or contribution toward the overall project cost. 8. Vegetation inventories and strategies. a. The department shall coordinate and compile integrated roadside vegetation inventories, classification systems, plans, and implementation strategies for roadsides. Areas of increased program and project emphasis may include but are not limited to all of the following: (1) Additional development and funding of state gateways projects. (2) Accelerated replacement of dead and unhealthy plants with native and hardy trees and shrubs. (3) Special interest plantings at selected highly visible locations along primary and interstate highways. (4) Pilot and demonstration projects. (5) Additional snow and erosion control plantings. (6) Welcome center and rest area plantings with native and aesthetically interesting species to create mini-arboretums around the state. b. The department shall coordinate and compile a reconnaissance of lands to develop an inventory of sites having the potential of being harvested for native grass, forb, and woody plant material seed and growing stock. Highway right-of-ways, parks and recreation areas, converted railroad right-of-ways, state board of regents' property, lands owned by counties, and other types of public property shall be surveyed and documented for seed source potential. Sites volunteered by private organizations may also be included in the inventory. Inventory information shall be made available to state agencies' staffs, county engineers, county conservation board directors, and others. 89 Acts, ch 246, §6; 95 Acts, ch 3, §2; 2010 Acts, ch 1061, §107; 2019 Acts, ch 24, §42; 2023 Acts, ch 64, §48 – 50 Referred to in §314.13, 314.21, 317.11 For control and eradication of noxious weeds, see chapter 317 Subsection 3, paragraph a, unnumbered paragraph 1 amended Subsection 4, unnumbered paragraph 1 amended Subsection 8, paragraph a, unnumbered paragraph 1 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 314 - ADMINISTRATIVE PROVISIONS FOR HIGHWAYS Section 314.23 - Environmental protection.

314.23 Environmental protection. It is declared to be in the general public welfare of Iowa and a highway purpose that highway maintenance, construction, reconstruction, and repair shall protect and preserve, by not causing unnecessary destruction, the natural or historic heritage of the state. In order to provide for the protection and preservation, the following shall be accomplished in the design, construction, reconstruction, relocation, repair, or maintenance of roads, streets, and highways: 1. Woodlands. Woodland removed shall be replaced by plantings as close as possible to the initial site, or by acquisition of an equal amount of woodland in the general vicinity for public ownership and preservation, or by other mitigation deemed to be comparable to the woodland removed, including, but not limited to, the improvement, development, or preservation of woodland under public ownership. 2. Wetlands. Wetland removed shall be replaced by acquisition of wetland, in the same general vicinity if possible, for public ownership and preservation, or by other mitigation deemed to be comparable to the wetland removed, including, but not limited to, the improvement, development, or preservation of wetland under public ownership. 3. Public parks. Highways, streets, and roads constructed on or through publicly owned lands comprising parks, preserves, or recreation areas, shall be located and designed, in consultation with the public entity owning the land, so as to blend aesthetically with the areas and to minimize noise. When land is taken from the areas for highway construction and if, in consultation with the public entity owning the land, mitigation is deemed necessary, the land shall be replaced by an equal or greater amount for public use, or by other mitigation, undertaken in consultation with the public entity owning the land, and deemed to be appropriate to the amount of land taken, including, but not limited to, the improvement, development, or preservation of the areas. 4. Prime agricultural lands. Topsoil removed may be utilized for landscaping and other necessary construction. Excess topsoil shall be made available to the former landowner or other landowners whose land was purchased for the construction or others, and if not acquired by one of these parties, it may be disposed of. 89 Acts, ch 311, §26; 2019 Acts, ch 24, §43

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 314 - ADMINISTRATIVE PROVISIONS FOR

HIGHWAYS**Section 314.24 - Natural and historic preservation.**

314.24 Natural and historic preservation. Cities, counties, and the department shall to the extent practicable preserve and protect the natural and historic heritage of the state in the design, construction, reconstruction, relocation, repair, or maintenance of roads, streets, or highways. Destruction or damage to natural areas, including but not limited to prime agricultural land, parks, preserves, woodlands, wetlands, recreation areas, greenbelts, historical sites, or archaeological sites shall be avoided, if reasonable alternatives are available for the location of roads, streets, or highways at no significantly greater cost. In implementing this section, cities, counties, and the department shall make a diligent effort to identify and examine the comparative cost of utilizing alternative locations for roads, streets, or highways. 89 Acts, ch 317, §30

2024 Iowa Code**Title VIII - TRANSPORTATION****Chapter 314 - ADMINISTRATIVE PROVISIONS FOR****HIGHWAYS****Section 314.25 - Green space provided.**

314.25 Green space provided. The department shall use the property owned by it in the city of Council Bluffs which is bounded by Broadway, Seventh street, Kanessville boulevard, and Sixth street, exclusively for green space, and, if sold by the department, the department shall sell the property with the restricted covenant that the property shall be used exclusively for green space or else revert to the department. 89 Acts, ch 317, §29

2024 Iowa Code**Title VIII - TRANSPORTATION****Chapter 314 - ADMINISTRATIVE PROVISIONS FOR****HIGHWAYS****Section 314.26 - Schwengel Bridge.**

314.26 Schwengel Bridge. The interstate 80 bridge crossing the Mississippi river between the states of Iowa and Illinois shall be known as the “Schwengel Bridge” in honor of Fred Schwengel, who served for five terms as a member of the general assembly of the state of Iowa and was elected to the Congress of the United States in 1954, 1956, 1958, 1960, 1962, 1966, 1968, and 1970. 93 Acts, ch 133, §1

2024 Iowa Code**Title VIII - TRANSPORTATION****Chapter 314 - ADMINISTRATIVE PROVISIONS FOR****HIGHWAYS****Section 314.27 - Refreshments at rest areas on certain holidays.**

314.27 Refreshments at rest areas on certain holidays. 1. As used in this section, unless the context otherwise requires: a. “Free refreshments” means water, coffee, cookies, any nonintoxicating, noncarbonated beverage which is not already bottled or canned, doughnuts, or baked dessert goods dispensed by a nonprofit organization, provided that the refreshments are furnished to motorists by a nonprofit organization without charge. b. “Holiday periods” means the Memorial Day and Labor Day weekends, commencing at noon on the preceding Friday and ending at midnight between the Monday and Tuesday of the holiday weekend, and the period surrounding Independence Day, commencing at noon on July 1 and ending at midnight between July 6 and July 7. 2. Nonprofit organizations shall be allowed to provide free refreshments to motorists and to accept, without active solicitation, voluntary donations from motorists during holiday periods at rest areas, as defined in section 306C.10, subject to approval by the department. The department shall approve or disapprove applications by nonprofit organizations, and notify those nonprofit organizations, at least sixty days prior to the holiday period. 3. The department shall adopt rules governing the provision of refreshments at rest areas in accordance with this section. 95 Acts, ch 18, §1

2024 Iowa Code**Title VIII - TRANSPORTATION****Chapter 314 - ADMINISTRATIVE PROVISIONS FOR****HIGHWAYS****Section 314.28 - Keep Iowa beautiful fund.**

314.28 Keep Iowa beautiful fund. 1. A keep Iowa beautiful fund is created in the office of the treasurer of state. The fund is composed of moneys appropriated or available to and obtained or accepted by the treasurer of state for deposit in the fund. All interest earned on moneys in the fund shall be credited to and remain in the fund. Section 8.33 does not apply to moneys in the fund. 2. Moneys in the fund that are authorized by the department for expenditure are appropriated, and shall be used, to educate and encourage Iowans to take greater responsibility for improving their community environment and enhancing the beauty of the state through litter prevention, improving waste management and recycling efforts, and beautification projects. 3. The department may authorize payment of moneys from the fund upon approval of an application from a private or public organization. The applicant shall submit a plan for litter prevention, improving waste management and recycling efforts, or a beautification project along with its application. The department shall establish standards relating to the type of projects available for assistance. 2001 Acts, ch 160, §1; 2004 Acts, ch 1175, §435; 2004 Acts, ch 1177, §3; 2006 Acts, ch 1182, §60; 2011 Acts, ch 34, §78

2024 Iowa Code**Title VIII - TRANSPORTATION****Chapter 314 - ADMINISTRATIVE PROVISIONS FOR****HIGHWAYS****Section 314.29 - Dick Drake Way.**

314.29 Dick Drake Way. The highway currently known as the industrial connector in Muscatine shall be renamed “Dick Drake Way” in honor of Richard Drake, who served for thirty-six years as a member of the general assembly of the state of Iowa. 2008 Acts, ch 1124, §3

2024 Iowa Code**Title VIII - TRANSPORTATION****Chapter 314 - ADMINISTRATIVE PROVISIONS FOR****HIGHWAYS****Section 314.3 - Claims — approval and payment.**

314.3 Claims — approval and payment. 1. All claims for construction, reconstruction, improvement, repair, or maintenance on any highway shall be itemized on voucher forms prepared for that purpose, certified to by the claimants and by the engineer in charge, and then forwarded to the agency in control of that highway for final audit and approval. Claims payable from the farm-to-market road fund shall be approved by both the board of supervisors and the department. Upon approval by the department of vouchers which are payable from the farm-to-market road fund, or from the primary road fund, as the case may be, such vouchers shall be forwarded to the director of the department of administrative services, who shall draw warrants therefor and said warrants shall be paid by the treasurer of the state from the farm-to-market road fund or from the primary road fund, as the case may be. 2. If the engineer makes such certificate or a member of the agency approves such claim when said work has not been done in accordance with the plans and specifications, and said work be not promptly made good without additional cost, the engineer or member shall be liable on the person's bond for the amount of such claim. [SS15, §1527-s10; C24, §4653, 4702; C27, 31, 35, §4653, 4755-b15; C39, §4653, 4686.17, 4755.15; C46, §309.59, 310.17, 313.15; C50, §308A.12; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §314.3] 2003 Acts, ch 145, §286

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 314 - ADMINISTRATIVE PROVISIONS FOR HIGHWAYS Section 314.30 - Cattle guards.

314.30 Cattle guards. Notwithstanding chapter 169C or 318, or any other provision of law to the contrary: 1. A landowner may install a cattle guard on a street or highway if all of the following apply: a. The street or highway is classified as area service "B" or area service "C" as described in section 309.57. b. The street or highway terminates in a dead end, is completely or partially located in a floodplain, serves no residence, and exits to a secondary road. c. The landowner owns property on both sides of the street or highway and owns property on both sides of any access to the street or highway. d. The effective purpose of restraining livestock using a fence along the street or highway is continually impaired by flooding or other natural forces. e. Flooding or other natural forces have and will, with a reasonable probability, continue to create liability for the landowner and risk of injury to the public from livestock straying on to the secondary road to which the street or highway exits. 2. A cattle guard installed pursuant to this section shall be installed on the street or highway at the landowner's expense at a distance of not less than sixty-six feet from the secondary road to which the street or highway exits. 3. After a landowner installs a cattle guard pursuant to this section, the landowner and each successive landowner shall not be required to install or maintain a fence along the street or highway between the point at which the cattle guard is installed and the point at which the street or highway terminates in a dead end. All of the following shall apply to a landowner who is not required to install or maintain a fence along the street or highway pursuant to this subsection: a. The landowner shall not be liable to a local authority as provided in section 169C.4, subsection 1, paragraph "c", for livestock straying on to the street or highway. b. A local authority shall not take custody of the landowner's livestock on the street or highway as provided in section 169C.2. c. The landowner shall not be subject to section 169C.6 for livestock straying on to the street or highway. 4. a. A landowner who installs a cattle guard pursuant to this section and each successive landowner shall be liable for injury to any person, for damage to any vehicle or equipment, and for damage to the contents of any vehicle or equipment, which occurs proximately as a result of the construction, installation, or maintenance of the cattle guard or as a result of livestock straying on to the street or highway between the point at which the cattle guard is installed and the point at which the street or highway terminates in a dead end. b. Upon the installation of a cattle guard pursuant to this section, and before July 1 of each year thereafter, the landowner who installed the cattle guard or a successive landowner shall submit to the appropriate county office of the county having jurisdiction over the street or highway on which the cattle guard is installed, as designated by the county, proof of liability coverage in effect for the following one-year period which covers any injury or loss arising from the landowner's liability as set forth in paragraph "a". c. This section shall not be construed to alter, limit, or nullify the maintenance requirements assigned to a county, and a county's liability relating to such maintenance requirements, pursuant to section 309.57 for the street or highway on which the cattle guard is installed. 5. As used in this section: a. "Cattle guard" means a structure consisting of parallel bars placed over a shallow ditch that allows motor vehicles to pass over the ditch, but prevents cattle and other livestock from passing over the ditch. b. "Fence" means as defined in section 169C.1. c. "Landowner" means as defined in section 169C.1. d. "Local authority" means as defined in section 169C.1. e. "Secondary road" means as defined in section 306.3. 2018 Acts, ch 1118, §1, 3; 2018 Acts, ch 1172, §47, 49, 50 Referred to in §321.285

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 314 - ADMINISTRATIVE PROVISIONS FOR HIGHWAYS Section 314.31 - Iowa medal of honor highway — signs purchased and installed by private entities.

314.31 Iowa medal of honor highway — signs purchased and installed by private entities. 1. The segment of the highway known as United States highway 20 which crosses this state from Sioux City to Dubuque shall be designated as the "Iowa Medal of Honor Highway". 2. The department shall adopt rules pursuant to chapter 17A to provide for an application, approval, and inspection process for the purchase and installation of signs indicating the "Iowa Medal of Honor Highway" designation by private entities. The department shall approve applications for sign purchase and installation that meet its rule requirements. All costs and expenses of the purchase and installation of the signs shall be paid by the private entity whose application is approved. The department may approve more than one application to purchase and install the signs. The department shall require that any signs placed pursuant to this subsection include a graphic depiction of the three versions of the medal of honor for the army, navy, and air force. 2020 Acts, ch 1038, §1, 2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 314 - ADMINISTRATIVE PROVISIONS FOR HIGHWAYS Section 314.4 - Partial payments.

314.4 Partial payments. Partial payments may be made on highway contract work during the progress thereof, but no such partial payment shall be deemed final acceptance of the work nor a waiver of any defect therein. The approval of any claim by the agency in control of the work, or highway on which the work is located, may be evidenced by the signature of the chairperson of said agency, or of a majority of the members of said agency, on the individual claims or on the abstract of a number of claims with the individual claims attached to said abstract. [SS15, §1527-s10; C24, §4654, 4702; C27, 31, 35, §4654, 4755-b16; C39, §4654, 4755.16; C46, §309.60, 313.16; C50, §308A.13; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §314.4]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 314 - ADMINISTRATIVE PROVISIONS FOR HIGHWAYS Section 314.5 - Extensions in certain cities.

314.5 Extensions in certain cities. 1. The agency in control of a secondary road, subject to approval of the council, may eliminate danger at railroad crossings and construct, reconstruct, improve, repair, and maintain any road or street which is an extension of the secondary road within a city. However, this authority does not apply to the extensions of secondary roads located in cities over twenty-five hundred population, where the houses or business houses average less than two hundred feet apart. 2. The phrase “subject to the approval of the council” as it appears in this section, shall be construed as authorizing the council to consider said proposed improvement only in its relationship to municipal improvements such as sewers, water lines, establishing grades, change of established street grades, sidewalks and other public improvements. The locations of such road extensions shall be determined by the agency in control of such road or road system. [C31, 35, §4644-c47; C39, §4644.45, 4686.21; C46, §309.45, 310.21; C50, §308A.14; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §314.5] 89 Acts, ch 134, §8

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 314 - ADMINISTRATIVE PROVISIONS FOR HIGHWAYS Section 314.6 - Highways along city limits.

314.6 Highways along city limits. Whenever any public highway located along the corporate line of any city is an extension of a farm-to-market road, or of a primary road, it may be included in the farm-to-market road system or the primary road system, as the case may be, and may be constructed, reconstructed, improved, repaired, and maintained as a part of said road system. [C24, §4735; C27, 31, 35, §4755-b28; C39, §4686.25, 4755.26; C46, §310.25, 313.35; C50, §308A.15; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §314.6]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 314 - ADMINISTRATIVE PROVISIONS FOR HIGHWAYS Section 314.7 - Trees — ingress or egress — drainage.

314.7 Trees — ingress or egress — drainage. Officers, employees, and contractors in charge of improvement or maintenance work on any highway shall not cut down or injure any tree growing by the wayside which does not materially obstruct the highway, or tile drains, or interfere with the improvement or maintenance of the road, and which stands in front of any city lot, farmyard orchard or feed lot, or any ground reserved for any public use. Nor shall they destroy or injure reasonable ingress or egress to any property, or turn the natural drainage of the surface water to the injury of adjoining owners. It shall be their duty to use strict diligence in draining the surface water from the public road in its natural channel. To this end they may enter upon the adjoining lands for the purpose of removing from such natural channel obstructions that impede the flow of such water. [C24, 27, §4791; C31, 35, §4644-c46; C39, §4644.44; C46, §309.44; C50, §308A.16; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §314.7]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 314 - ADMINISTRATIVE PROVISIONS FOR HIGHWAYS Section 314.8 - Government markers preserved.

314.8 Government markers preserved. 1. If it is necessary in grading a highway to make a cut that will disturb, or fill that will cover up, a government or other established corner or land monument, the engineer in charge of the project shall establish permanent witness corners or monuments, and make a record of the same, that show the distance and direction the witness corner is from the corner disturbed or covered up. When the construction work is completed the engineer shall permanently reestablish the corner or monument. 2. If the duties in subsection 1 are not performed, the agency in control of the highway on which a project described in subsection 1 has been or is being completed shall pay the costs of restoring the original position of the established corner or land monument. [S13, §1527-s7; C24, 27, 31, 35, 39, §4656; C46, §309.62; C50, §308A.17; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §314.8] 2002 Acts, ch 1063, §14 Referred to in §542B.2, 716.6

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 314 - ADMINISTRATIVE PROVISIONS FOR HIGHWAYS Section 314.9 - Entering private property.

314.9 Entering private property. 1. The agency in control of a highway may after thirty days’ written notice by restricted certified mail addressed to the owner and also to the occupant, enter upon private property for the purpose of making surveys, soundings, drillings, appraisals, and examinations as the agency deems appropriate or necessary to determine the advisability or practicability of locating and constructing a highway on the property or for the purpose of determining whether gravel or other material exists on the property of suitable quality and in sufficient quantity to warrant the purchase or condemnation of the property. The entry shall not be

deemed a trespass, and the agency may be aided by injunction to insure peaceful entry. The agency shall pay actual damages caused by the entry, surveys, soundings, drillings, appraisals, or examinations. 2. Any damage caused by the entry, surveys, soundings, drillings, appraisals, or examinations shall be determined by agreement or in the manner provided for the award of damages in condemnation of the property for highway purposes. Soundings or drillings shall not be done within one hundred fifty feet of the dwelling house or within fifty feet of other buildings without written consent of the owner. [C27, 31, 35, §4658-a1; C39, §4658.1; C46, §309.65; C50, §308A.18; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §314.9] 96 Acts, ch 1126, §3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 315 - REVITALIZE IOWA'S SOUND ECONOMY (RISE) FUND Section 315.1 - Definitions.

315.1 Definitions. As used in this chapter, unless the context otherwise requires: 1. "Department" means the state department of transportation. 2. "Fund" or "RISE fund" means the revitalize Iowa's sound economy fund. 85 Acts, ch 231, §2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 315 - REVITALIZE IOWA'S SOUND ECONOMY (RISE) FUND Section 315.10 - Rules.

315.10 Rules. The department shall adopt rules pursuant to chapter 17A as necessary for the administration of this chapter. 85 Acts, ch 231, §11

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 315 - REVITALIZE IOWA'S SOUND ECONOMY (RISE) FUND Section 315.11 - Additional factors and requirements.

315.11 Additional factors and requirements. In addition to other effects and factors to be considered under section 315.5, for applications submitted after July 1, 1988, the following factors and requirements shall be considered or applied: 1. The impact of the proposed project on other businesses in competition with the business being considered for assistance. The department shall make a good faith effort to identify existing Iowa businesses within an industry in competition with the business being considered for assistance. The department shall make a good faith effort to determine the probability that the proposed financial assistance will displace employees of the existing businesses. In determining the impact on businesses in competition with the business being considered for assistance, jobs created as a result of other jobs being displaced elsewhere in the state shall not be considered direct jobs created. 2. The economic impact to the state of the proposed project. In measuring the economic impact the department shall award more points for the following: a. A business with a greater percentage of sales out-of-state or of import substitution. b. A business with a higher proportion of in-state suppliers. c. A project which would provide greater diversification of the state economy. d. A business with fewer in-state competitors. e. A potential for future job growth. f. A project which is not a retail operation. 3. The quality of jobs to be provided. Jobs that have a higher wage scale, have a lower turnover rate, are full-time, or are career-type positions are considered higher in quality. Businesses that have wage scales substantially below that of existing Iowa businesses in that area should be rated as providing the lowest quality of jobs and should therefore be given the lowest ranking for providing such assistance. 4. If the business has a record of violations of the law over a period of time that tends to show a consistent pattern, the business shall be given the lowest ranking for providing assistance. The department shall make a good faith effort to compile this information. 5. If a business has, within three years of application for assistance, acquired or merged with an Iowa corporation or company, the business shall make a good faith effort to hire the workers of the merged or acquired company. 6. To be eligible for assistance a business shall provide for a preference for hiring residents of the state or the economic development area, except for out-of-state employees offered a transfer to Iowa or the economic development area. 7. All known required environmental permits must be granted and regulations met before moneys are released. 88 Acts, ch 1257, §3; 2009 Acts, ch 82, §16 Referred to in §315.5

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 315 - REVITALIZE IOWA'S SOUND ECONOMY (RISE) FUND Section 315.2 - Revitalize Iowa's sound economy (RISE) fund.

315.2 Revitalize Iowa's sound economy (RISE) fund. A revitalize Iowa's sound economy fund is created, which includes: 1. All motor fuel and special fuel excise taxes credited by law to the RISE fund. 2. All other funds by law credited to the RISE fund. 85 Acts, ch 231, §3 Referred to in §312.2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 315 - REVITALIZE IOWA'S SOUND ECONOMY (RISE) FUND Section 315.3 - Use of fund.

315.3 Use of fund. 1. The fund is appropriated for and shall be used in the establishment, construction, improvement and maintenance of roads and streets which promote economic development in the state by having any of the following effects: a. Improving or maintaining highway access to specific development sites, including existing and future industrial locations. b. Improving or maintaining highway access between urban centers or between urban centers and the interstate road system as defined in section 306.3. c. Improving or maintaining highway access to economically depressed areas of the state. d. Improving or maintaining highway access to points of shipment or processing of products. e. Improving or maintaining highway access to trucking terminals and places of embarkation or shipment by other transportation modes. f. Improving or maintaining highway access to scenic, recreational, historic and cultural sites or other locations identified as tourist attractions. 2. The fund is also

appropriated and shall be used for the reimbursement or payment to cities or counties of all or part of the interest and principal on general obligation bonds issued by cities or counties for the purpose of financing approved road and street projects meeting the requirements of subsection 1. 3. a. If the state transportation commission receives and files a letter from the director of transportation certifying that federal funding is not forthcoming due to the failure of the United States Congress to pass and the president of the United States to approve legislation providing long-term federal transportation funding to the state of Iowa, the commission may authorize the temporary transfer of funds from the RISE fund to the primary road fund. Transferred funds shall be repaid to the RISE fund within three months of transfer. b. If the state transportation commission receives and files a letter from the director of transportation certifying that the cash flow funding of the department may be inadequate to meet anticipated road construction costs, the commission may authorize the temporary transfer of funds from the RISE fund to the primary road fund. Funds transferred under this paragraph shall be repaid to the RISE fund within six months of transfer. c. The commission shall manage the RISE fund to ensure that funds will be available to meet contract obligations on approved RISE projects. 85 Acts, ch 231, §4; 88 Acts, ch 1019, §10; 98 Acts, ch 1001, §1, 2; 2001 Acts, ch 180, §6 Referred to in §315.5

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 315 - REVITALIZE IOWA'S SOUND ECONOMY (RISE) Fund Section 315.4 - Allocation of fund.

315.4 Allocation of fund. 2005 Iowa Acts, ch. 178, §41 . * b. One-seventh for the use of counties on secondary road projects, including secondary roads that connect biofuel facilities to highways in the commercial and industrial highway network. c. Two-sevenths for the use of cities on city street projects. 2. Commencing June 30, 1990, all uncommitted moneys in the RISE fund on June 30 of each year which are allocated under this section for the use of counties on secondary road projects shall be credited to the secondary road fund. 85 Acts, ch 231, §5; 89 Acts, ch 293, §16; 92 Acts, ch 1238, §30; 2007 Acts, ch 200, §7; 2014 Acts, ch 1026, §143 Referred to in §315.4A, 315.6 * 2005 Iowa Acts, ch 178, §41 is repealed July 1, 2025; 2015 Acts, ch 2, §11

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 315 - REVITALIZE IOWA'S SOUND ECONOMY (RISE) Fund Section 315.4A - Restrictions on use.

315.4A Restrictions on use. Moneys allocated pursuant to section 315.4, subsection 1, paragraph “b”, and section 315.4, subsection 2, shall not be used for debt service or to otherwise pay principal and interest on bonds, loans, or other indebtedness issued or incurred on or after February 25, 2015, including refunding, reissuance, or other refinancing of such indebtedness, or refunding, reissuance, or other refinancing of indebtedness issued or incurred prior to February 25, 2015, if the term for repayment of the indebtedness as financed or refinanced would exceed the useful life of the asset being constructed, reconstructed, improved, repaired, equipped, or maintained. 2015 Acts, ch 2, §2, 14 Referred to in §331.443A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 315 - REVITALIZE IOWA'S SOUND ECONOMY (RISE) Fund Section 315.5 - Administration of fund.

315.5 Administration of fund. Qualifying road and street projects shall be selected by the state transportation commission for full or partial financing from the fund after consultation with organizations representing interests of counties and cities. Counties and cities may make application for qualifying road and street projects with the department. In ranking applications for funds, the department shall, in addition to effects listed in section 315.3, subsection 1, consider the proportion of political subdivision matching funds to be provided, if any, the proportion of private contributions to be provided, if any, the total number of jobs to be created, the level of need, the impact of the proposed project on the economy of the area affected, and the factors and requirements in section 315.11. The proportion of funding shall be determined by the department or, in the case of cooperative projects, by agreement between the department and the city councils of participating cities, or boards of supervisors of participating counties, or other participating public agencies or private parties. 85 Acts, ch 231, §6; 86 Acts, ch 1245, §1934; 88 Acts, ch 1257, §2 Referred to in §315.11

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 315 - REVITALIZE IOWA'S SOUND ECONOMY (RISE) Fund Section 315.6 - Funding of projects.

315.6 Funding of projects. 1. Qualifying projects may be funded as follows: a. Primary road and state park road projects may be financed entirely by the fund, or by combining money from the fund with money from the primary road fund, federal aid primary funds received by the state, money from cities or counties raised through the sale of general obligation bonds of the cities or counties, other city or county revenues, or money from participating private parties. b. Secondary road, state park road, and county conservation parkway projects may be funded entirely by the fund or by combining money from the fund with money from the county's portion of road use tax funds, federal aid secondary funds, other county revenues, money raised through the sale of general obligation bonds of the county, or money from participating private parties. c. City street and state park road projects may be funded entirely by the fund, or by combining money from the fund with money from the city's portion of road use tax funds, federal aid urban system funds, other municipal revenues, money raised through the sale of general obligation bonds of the city, or money from participating private parties. 2. A county or city may, at its option, apply moneys allocated for use on secondary road or city street projects under section 315.4, subsection 1, paragraph “b” or “c”, toward qualifying primary road, state park road, and county conservation parkway projects. 85 Acts, ch 231, §7; 87 Acts, ch 172, §1

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 315 - REVITALIZE IOWA'S SOUND ECONOMY (RISE)

FUNDSection 315.7 - Accounting and disbursements.

315.7 Accounting and disbursements. The account of the fund shall be kept by the director of the department of administrative services and the treasurer of state and shall show the amount of the fund including all credits to the fund and disbursements. Upon certification by the department in accordance with rules adopted by the director of the department of administrative services, the director of the department of administrative services shall issue warrants for disbursements from the fund. 85 Acts, ch 231, §8; 2003 Acts, ch 145, §286; 2021 Acts, ch 51, §4

2024 Iowa CodeTitle VIII - TRANSPORTATIONChapter 315 - REVITALIZE IOWA’S SOUND ECONOMY (RISE)**FUNDSection 315.8 - Accounts and records required.**

315.8 Accounts and records required. The department shall keep accounts in relation to the allocation of moneys to the fund including all amounts credited to the fund and all amounts of duly and finally approved vouchers for claims chargeable to the fund. The department shall also keep accounts in relation to agreements with counties and cities for the reimbursement of interest and principal costs for general obligation bonds of counties or cities issued for the purpose of financing road or street projects under this chapter. 85 Acts, ch 231, §9

2024 Iowa CodeTitle VIII - TRANSPORTATIONChapter 315 - REVITALIZE IOWA’S SOUND ECONOMY (RISE)**FUNDSection 315.9 - Project development.**

315.9 Project development. The department shall be responsible for the development of qualifying projects under this chapter in the same manner as prescribed for primary road system improvements under chapter 313, including surveys, plans, specifications, bids, contracts, supervision and inspection. The department may delegate responsibility for project development to another participating governmental unit. 85 Acts, ch 231, §10

2024 Iowa CodeTitle VIII - TRANSPORTATIONChapter 316 - RELOCATION OF PERSONS DISPLACED BY**HIGHWAYSSection 316.1 - Definitions.**

316.1 Definitions. As used in this chapter the term: 1. “Administrative rules” means all rules subject to the provisions of chapter 17A. 2. “Business” means any lawful activity, excepting a farm operation, conducted primarily: a. For the purchase, sale, lease and rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property; b. For the sale of services to the public; c. By a nonprofit organization; or d. Solely for the purposes of section 316.4, for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not the display or displays are located on the premises on which any of the above activities are conducted. 3. “Comparable replacement dwelling” means any single family residential unit that is all of the following: a. Decent, safe, and sanitary. b. Adequate in size to accommodate the occupants. c. Within the financial means of the displaced person. d. Functionally equivalent to the displaced person’s dwelling. e. In an area not subject to unreasonably adverse environmental conditions. f. In a location generally not less desirable than the location of the displaced person’s dwelling with respect to public utilities, facilities, services, and the displaced person’s place of employment. 4. “Department” means the state department of transportation. 5. “Displaced person” means: a. A person who moves from real property or moves the person’s personal property from real property in any of the following circumstances: (1) As a direct result of a written notice of intent to acquire, the initiation of negotiations for, or the acquisition of, the real property in whole or in part for a program or project undertaken with federal financial assistance. (2) The person moved or moved the person’s personal property from real property on which the person is either a residential tenant or conducts a small business, a farm operation, or a business as defined in subsection 2, paragraph “d”, as a direct result of rehabilitation or demolition for a program or project undertaken with federal financial assistance in a case in which the head of the displacing agency determines that the displacement is permanent. (3) As a direct result of a written notice of intent to acquire by condemnation, the initiation of negotiations for, or the acquisition of, the real property in whole or in part by the state of Iowa or by an entity or person conferred the right to condemn private property. b. For purposes of section 316.4, subsections 1 and 2, and section 316.7, a person who moves from real property, or moves the person’s personal property from real property in any of the following circumstances: (1) As a direct result of a written notice of intent to acquire, the initiation of negotiations for, or the acquisition of, other real property in whole or in part if the person conducts a business or farm operation on the other real property for a program or project undertaken with federal financial assistance. (2) As a direct result of rehabilitation or demolition of other real property on which the person conducts a business or a farm operation for a program or project undertaken with federal financial assistance in a case in which the head of the displacing agency determines that the displacement is permanent. (3) As a direct result of a written notice of intent to acquire by condemnation, the initiation of negotiations for, or the acquisition of, other real property in whole or in part by the state of Iowa or by an entity or person conferred the right to condemn private property if the person conducts a business or farm operation on the other real property. c. The term “displaced person” does not include any of the following: (1) A person who has been determined to be either in unlawful occupancy of the real property or who has occupied the real property for the purpose of obtaining assistance under this chapter. (2) A person, other than the person who was the occupant of the real property at the time it was acquired, who occupies the real property on a rental basis for a short term or a period subject to termination when the real property is needed for the program or project. (3) An owner-occupant who voluntarily sells the owner-occupant’s property, after being informed in writing that if a

mutually satisfactory agreement of sale cannot be reached the state agency will not acquire the property. (4) A person who retains the right of use and occupancy of the real property for life following its acquisition by a state agency. 6. “Displacing agency” means the state or a state agency carrying out a program or project, or any person carrying out a program or project with federal financial assistance, which causes a person to be a displaced person. 7. “Farm operation” means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator’s support. 8. “Federal financial assistance” means a grant, loan, or contribution provided by the United States; however, “federal financial assistance” does not include any federal guarantee or insurance and any interest reduction payment to an individual in connection with the purchase and occupancy of a residence by that individual. 9. “Federal Uniform Relocation Act” means the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. No. 91-646, as amended by the Uniform Relocation Act Amendments of 1987, Tit. IV, Pub. L. No. 100-17. 10. “Mortgage” means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of real property, under the laws of this state, together with the credit instruments, if any, secured thereby. 11. “Person” means any individual, partnership, corporation, or association. 12. “State agency” means any of the following: a. A department, agency, or instrumentality of the state or of a political subdivision of the state. b. A department, agency, or instrumentality of two or more political subdivisions of the state, or states. c. A person who has the authority to acquire property by eminent domain under state law. [C71, 73, 75, 77, 79, 81, §316.1] 89 Acts, ch 20, §1 – 5; 99 Acts, ch 171, §32, 42 Referred to in §6B.42, 316.4

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 316 - RELOCATION OF PERSONS DISPLACED BY HIGHWAYS Section 316.12 - Payments to displaced persons not to be considered as income.

316.12 Payments to displaced persons not to be considered as income. Except for any federal or state law providing low-income housing assistance, a payment received by a displaced person under this chapter shall not be considered as income for the purpose of determining the eligibility or extent of eligibility of any person for assistance under any federal or state law or for the purposes of chapter 422. [C73, 75, 77, 79, 81, §316.12] 89 Acts, ch 20, §14

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 316 - RELOCATION OF PERSONS DISPLACED BY HIGHWAYS Section 316.13 - Administration.

316.13 Administration. In order to prevent unnecessary expenses and duplications of functions, and to promote uniform and effective administration of relocation assistance programs for displaced persons, the displacing agency may enter into contracts with any individual, firm, association, or corporation for services in connection with the programs, or may carry out its functions through any governmental agency, political subdivision, or instrumentality having an established organization for conducting relocation assistance programs. If practicable, the services of state or local housing agencies, or other agencies having experience in the administration or conduct of similar housing assistance activities shall be used. [C73, 75, 77, 79, 81, §316.13] 89 Acts, ch 20, §15

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 316 - RELOCATION OF PERSONS DISPLACED BY HIGHWAYS Section 316.14 - Funding.

316.14 Funding. 1. Funds appropriated or otherwise available to any state agency for a program or project shall also be available to carry out the provisions of this chapter. 2. Payments and expenditures under this chapter for highway projects are incident to and arise out of the construction, maintenance, and supervision of public highways and streets, and, in the case of any federal-aid highway project, may be made by the department from the primary road fund and funds made available by the federal government for the purpose of carrying out this chapter. Payments made under this chapter may be made from the primary road fund in case of a primary road project only, and in other cases may be made from appropriate funds under the control of a political subdivision. [C71, §316.6; C73, 75, 77, 79, 81, §316.14] 83 Acts, ch 123, §118, 209; 89 Acts, ch 20, §16; 2021 Acts, ch 76, §150 Referred to in §331.429

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 316 - RELOCATION OF PERSONS DISPLACED BY HIGHWAYS Section 316.15 - Federal grants — payment of right-of-way and relocation assistance benefits.

316.15 Federal grants — payment of right-of-way and relocation assistance benefits. The department may do all things necessary to carry out the provisions of this chapter and to secure federal grants to make the payments required by this chapter, but the absence of federal aid to make such payments shall not discharge the obligation to make the payments. The department is authorized to pay all right-of-way and relocation assistance benefits in the full amount authorized by federal standards and rules. In order to avoid delays, payment for such benefits made in cooperation with the federal government may be advanced from the primary road fund. [C71, §316.7; C73, 75, 77, 79, 81, §316.15] 87 Acts, ch 232, §23

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 316 - RELOCATION OF PERSONS DISPLACED BY HIGHWAYS Section 316.2 - Effect on acquisitions and condemnations.

316.2 Effect on acquisitions and condemnations. 1. The provisions of this chapter shall not affect the validity of any property acquisitions by purchase or condemnation. 2. Nothing in this chapter shall be construed as creating in any condemnation

proceedings brought under the power of eminent domain, any element of value or of damage not in existence immediately prior to the date of this chapter. 3. a. A payment made or to be made under the authority granted in this chapter shall be for compensating or reimbursing the displaced person or owner of real property in accordance with the requirements of the federal Uniform Relocation Act and this chapter and the payments shall not for any purpose be deemed or considered compensation for real property acquired or compensation for damages to remaining property. b. Payments authorized to be made by the federal Uniform Relocation Act and this chapter shall be made as relocation payments, and in order to prevent unjust enrichment or a duplication of payments to any condemnee in any condemnation proceeding or appeal from any condemnation proceeding, an allowance shall not be made in determining just compensation in a condemnation proceeding for any damages, for any item of damage, or any cost, which is authorized to be paid as a relocation payment. c. Moving cost payments and allowances for personal property which is damaged or destroyed or reduced in value by an acquisition of property authorized under section 6B.14 or any other provision of the Code under the powers of eminent domain on projects where relocation assistance payments are paid under this chapter shall be those payments and allowances authorized by this chapter and shall not be made or included as part of an award of damages in any condemnation proceeding or appeal from any condemnation proceeding. [C71, §316.8; C73, 75, 77, 79, 81, §316.2] 89 Acts, ch 20, §6; 2010 Acts, ch 1061, §180

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 316 - RELOCATION OF PERSONS DISPLACED BY HIGHWAYS Section 316.3 - Declaration of policy — authorization — divisibility of application.

316.3 Declaration of policy — authorization — divisibility of application. 1. The purpose of this chapter is to establish a uniform policy for the fair and equitable treatment of persons displaced as a result of federally assisted programs or projects in order that the persons shall not suffer disproportionate injuries as a result of programs or projects designed for the benefit of the public as a whole and to minimize the hardship of displacement on the persons. The general assembly declares that relocation assistance for persons displaced by programs and projects is a necessary and essential part of the programs and projects. This chapter shall be known and may be cited as the “Relocation Assistance Law.” 2. If a displacing agency subject to the provisions of the federal Uniform Relocation Act, or if another entity required or electing to provide any of the programs or payments authorized by this chapter, undertakes a project which results in the acquisition of real property or in a person being displaced from the person’s home, business, or farm, the displacing agency or other entity may provide relocation assistance, and make relocation payments to the displaced person and do the other acts and follow the procedures and practices as may be necessary to comply with the provisions of the federal Uniform Relocation Act and this chapter. Displacing agencies may provide all or a part of the program and payments authorized under this chapter to persons displaced by any program or project regardless of the funding source. However, to the extent a program or a payment is provided, the program or payment shall be provided on a uniform basis to all displaced persons. 3. If a provision, clause, or phrase of this chapter, or application of this chapter to a person or circumstance is adjudged invalid by any court of competent jurisdiction, the judgment shall not invalidate the remainder of the chapter, and the application of the chapter to other persons or circumstances shall not be affected by the adjudication. [C73, 75, 77, 79, 81, §316.3] 89 Acts, ch 20, §7

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 316 - RELOCATION OF PERSONS DISPLACED BY HIGHWAYS Section 316.4 - Moving and related expenses.

316.4 Moving and related expenses. 1. If a program or project undertaken by a displacing agency will result in the displacement of a person, the displacing agency shall make a payment to the displaced person, upon proper application as approved by the displacing agency, for actual reasonable and necessary expenses incurred in moving the person, the person’s family, business, farm operation, or other personal property subject to rules and limits established by the department. The payment may also provide for actual direct losses of tangible personal property, purchase of substitute personal property, business reestablishment expenses, storage expenses, and expenses incurred in searching for a replacement business or farm. 2. A displaced person eligible for payments under subsection 1, who is displaced from a dwelling and who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection 1, may receive a moving expense and dislocation allowance determined according to a schedule established by the department. 3. A displaced person, as defined in section 316.1, subsection 2, paragraph “a”, eligible for payments under subsection 1, who is displaced from the person’s place of business or farm operation and who is eligible, may elect to accept the payment authorized by this subsection in lieu of the payment authorized by subsection 1. The payment shall consist of a fixed payment in an amount to be determined according to criteria established by the department. A person whose sole business at the displaced dwelling is the rental of the real property does not qualify for a payment under this subsection. [C71, §316.3; C73, 75, 77, 79, 81, §316.4] 89 Acts, ch 20, §8 Referred to in §316.1

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 316 - RELOCATION OF PERSONS DISPLACED BY HIGHWAYS Section 316.5 - Replacement housing for homeowner.

316.5 Replacement housing for homeowner. 1. In addition to payments otherwise authorized by this chapter, the displacing agency shall make an additional payment to a displaced person who is displaced from a dwelling actually owned and occupied by the displaced person for not less than one hundred eighty days immediately prior to the initiation of negotiations for the acquisition of the property. All determinations to carry out this section shall be made in accordance with administrative rules adopted by the department. The additional payment shall include the following elements: a. The amount, if any, which when added to the acquisition cost of the dwelling acquired by the displacing agency, equals the reasonable cost of a comparable replacement dwelling.

b. The amount, if any, which will compensate the displaced person for any increased interest costs and other debt service costs which the displaced person is required to pay for financing the acquisition of a comparable replacement dwelling. The amount shall be paid only if the dwelling acquired by the displacing agency was encumbered by a bona fide mortgage which was a valid lien on the dwelling for not less than one hundred and eighty days immediately prior to the initiation of negotiations for the acquisition of the dwelling. c. Actual, reasonable, and necessary expenses incurred by the displaced person for evidence of title, recording fees, and other closing costs incident to the purchase of a replacement dwelling, but not including prepaid expenses. 2. The additional payment authorized by this section shall be made only to a displaced person who purchases and occupies a decent, safe, and sanitary replacement dwelling within one year after the date on which the person receives final payment from the displacing agency of all costs of the acquired dwelling, or on the date on which the obligation of the displacing agency under section 316.8 is met, whichever is the later, except that the displacing agency may extend the eligibility period for good cause. If the period is extended, the payment under this section shall be based on the costs of relocating the person to a comparable replacement dwelling within one year of the applicable date. [C71, §316.4(1), 316.5; C73, 75, 77, 79, 81, §316.5] 89 Acts, ch 20, §9 Referred to in §316.6, 316.8

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 316 - RELOCATION OF PERSONS DISPLACED BY HIGHWAYS Section 316.6 - Replacement housing for tenants and certain others.

316.6 Replacement housing for tenants and certain others. In addition to amounts otherwise authorized by this chapter, the displacing agency shall make a payment to or for a displaced person, displaced from a dwelling, not eligible to receive a payment under section 316.5, which dwelling was actually and lawfully occupied by the displaced person for not less than ninety days immediately prior to the initiation of negotiations for acquisition of the dwelling, or as a result of the written order of the displacing agency to vacate the real property. All determinations to carry out this section shall be made in accordance with administrative rules adopted by the department. The displaced person may elect either of the following: 1. The amount necessary to enable the displaced person to lease or rent a comparable replacement dwelling. At the discretion of the displacing agency, a payment under this subsection may be made in periodic installments. Computations of a payment under this subsection to a low-income displaced person for a comparable replacement dwelling shall take into account the person's income. 2. The amount necessary to enable the person to make a down payment, including incidental expenses described in section 316.5, subsection 1, paragraph "c", on the purchase of a decent, safe, and sanitary dwelling. The person may, at the discretion of the displacing agency, be eligible under this subsection for the maximum payment allowed under subsection 1, except that, in the case of a displaced homeowner who has owned and occupied the displaced dwelling for at least ninety days but not more than one hundred and eighty days immediately prior to the initiation of negotiations for the acquisition of the dwelling, the payment shall not exceed the payment the person would otherwise have received under section 316.5, subsection 1, had the person owned and occupied the displaced dwelling for one hundred and eighty days immediately prior to the initiation of the negotiations. [C71, §316.4(2), 316.5; C73, 75, 77, 79, 81, §316.6] 89 Acts, ch 20, §10 Referred to in §316.8

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 316 - RELOCATION OF PERSONS DISPLACED BY HIGHWAYS Section 316.7 - Relocation assistance advisory services.

316.7 Relocation assistance advisory services. 1. A displacing agency shall ensure that relocation assistance advisory services are made available to all persons displaced by the displacing agency. If the displacing agency determines that a person occupying property adjacent to the real property where the displacing activity occurs, is caused substantial economic injury as a result of the displacing activity, the displacing agency may offer the person relocation assistance advisory services. 2. The displacing agency shall cooperate to the maximum extent feasible with federal, state, or local agencies to ensure that the displaced persons receive the maximum assistance available to them. 3. Each relocation assistance advisory program required by subsection 1 shall include such measures, facilities, or services as may be necessary or appropriate in order to comply with the provisions of the federal Uniform Relocation Act and this chapter. 4. The displacing agency shall provide other advisory services to displaced persons in order to minimize hardships to the displaced persons in adjusting to relocation. 5. The displacing agency shall coordinate relocation activities with project work, and other planned or proposed governmental actions or displacing activities in the community or nearby areas which may affect the carrying out of relocation assistance programs. [C71, §316.2; C73, 75, 77, 79, 81, §316.7] 89 Acts, ch 20, §11 Referred to in §316.1

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 316 - RELOCATION OF PERSONS DISPLACED BY HIGHWAYS Section 316.8 - Housing replacement by the displacing agency.

316.8 Housing replacement by the displacing agency. 1. If a project cannot proceed on a timely basis because comparable replacement dwellings are not available, and the displacing agency determines that such dwellings cannot otherwise be made available, the displacing agency may take such action as is necessary or appropriate to provide the dwellings by use of funds authorized for the program or project. The displacing agency may let contracts for the construction of the dwellings, approve plans and specifications for the building of the dwellings, and supervise, inspect, and approve the dwellings once constructed in order that the dwellings so constructed comply with the terms and conditions of this chapter. The displacing agency may under this section exceed the maximum amounts which may be paid under sections 316.5 and 316.6 on a case-by-case basis for good cause as determined in accordance with administrative rules adopted by the department. 2. A person shall not be required to move from the person's dwelling on or after July 1, 1971, on account of any program or project, unless the displacing agency is satisfied that a

comparable replacement dwelling is available to the person. [C73, 75, 77, 79, 81, §316.8] 89 Acts, ch 20, §12 Referred to in §316.5

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 316 - RELOCATION OF PERSONS DISPLACED BY HIGHWAYS Section 316.9 - Rules.

316.9 Rules. 1. The department shall adopt administrative rules pursuant to chapter 17A as necessary to effect the provisions of this chapter and to assure: a. Compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. No. 91-646, as amended by the Uniform Relocation Act Amendments of 1987, Tit. IV, Pub. L. No. 100-17. b. The payments authorized by this chapter are fair and reasonable and as uniform as practicable. c. A displaced person who makes proper application for a payment authorized by this chapter is paid promptly after a move or, in hardship cases, is paid in advance. 2. A person aggrieved by a determination as to eligibility for assistance or a payment authorized by this chapter, or the amount of a payment, upon application may have the matter reviewed. 3. Rules governing reviews shall provide for a prompt one-step uncomplicated fact-finding process. Such a review is an appeal of an agency action as defined in section 17A.2, subsection 2, and is not a contested case. The decision rendered shall be the displacing agency's final agency action. [C71, 73, 75, 77, 79, 81, §316.9] 88 Acts, ch 1209, §1; 89 Acts, ch 20, §13; 2010 Acts, ch 1069, §85 Referred to in §6B.54

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 317 - WEEDS Section 317.1 - Definitions.

317.1 Definitions. As used in this chapter, unless the context otherwise requires: 1. "Book", "list", "record", or "schedule" kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1. 2. "Commissioner" means the county weed commissioner or the commissioner's deputy within each county. 3. "Department" means the department of agriculture and land stewardship. 2000 Acts, ch 1148, §1; 2010 Acts, ch 1069, §86; 2010 Acts, ch 1193, §49; 2018 Acts, ch 1047, §1

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 317 - WEEDS Section 317.10 - Duty of owner or tenant.

317.10 Duty of owner or tenant. Each owner and each person in the possession or control of any lands shall cut, burn, or otherwise destroy, in whatever manner may be prescribed by the board of supervisors, all noxious weeds thereon as defined in this chapter at such times in each year and in such manner as shall be prescribed in the program of weed destruction order or orders made by the board of supervisors, and shall keep said lands free from such growth of any other weeds, as shall render the streets or highways adjoining said land unsafe for public travel. [SS15, §1565-a; C24, 27, 31, 35, §4819; C39, §4829.10; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §317.10]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 317 - WEEDS Section 317.11 - Weeds on roads — harvesting of grass.

317.11 Weeds on roads — harvesting of grass. 1. The county boards of supervisors and the state department of transportation shall control or eradicate noxious weeds growing on the roads under their jurisdiction. 2. Nothing under this chapter shall prevent the landowner from harvesting, in proper season on or after July 15, the grass grown on the road along the landowner's land except for vegetation maintained for highway purposes as part of an integrated roadside vegetation management plan which is consistent with the objectives in section 314.22. [S13, §1565-c, -d, -f; SS15, §1565-a; C24, 27, 31, 35, §4817, 4819; C39, §4829.11; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §317.11] 89 Acts, ch 246, §8; 2010 Acts, ch 1164, §2; 2018 Acts, ch 1047, §5

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 317 - WEEDS Section 317.12 - Weeds on railroad or public lands and gravel pits.

317.12 Weeds on railroad or public lands and gravel pits. All noxious weeds on railroad lands, public lands and within incorporated cities shall be treated in such manner, approved by the board of supervisors, as shall prevent seed production and either destroy or prevent the spread of noxious weeds to adjoining lands. Gravel pits infested with noxious weeds shall not be used as sources of gravel for public highways without previous treatment approved by board of supervisors. [S13, §1565-c, -d, -f; SS15, §1565-a; C24, 27, 31, 35, §4817, 4819; C39, §4829.12; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §317.12]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 317 - WEEDS Section 317.13 - Program of control or eradication.

317.13 Program of control or eradication. 1. The board of supervisors of each county may each year, upon recommendation of the county weed commissioner by resolution prescribe and order a program of weed control or eradication for purposes of complying with all sections of this chapter. The county board of supervisors of each county may also adopt an integrated roadside vegetation management plan as part of a program of weed control or eradication for purposes of complying with all sections of this chapter. 2. The program of weed control or eradication shall include issuing permits for the burning, mowing, or spraying of roadsides by private individuals. The county board of supervisors shall allow only that burning, mowing, or spraying of roadsides by private individuals that is consistent with the adopted integrated roadside vegetation management plan. This subsection applies only to those roadside areas of a county which are included in an integrated roadside vegetation management plan. [S13, §1565-c, -d; C24, 27, 31, 35, §4821; C39, §4829.13; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §317.13] 85 Acts, ch 171, §3; 89 Acts, ch 246, §9; 90 Acts, ch 1267, §36; 2018 Acts, ch 1041, §81; 2018 Acts, ch 1047, §6 Referred to in §317.1C, 317.14, 317.14A, 317.19

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 317 - WEEDS Section 317.14 - Notice of program.

317.14 Notice of program. 1. Notice of any order made pursuant to section 317.13 shall be given by one publication in the official newspapers of the county and shall be directed to all property owners. 2. The notice shall state: a. The time for destruction. b. The manner of destruction, if other than cutting above the surface of the ground. c. That, unless the order is complied with, the weed commissioner shall cause the weeds to be destroyed and the cost of destroying the weeds will be taxed against the real estate on which the noxious weeds are destroyed. [S13, §1565-c, -d; C24, 27, 31, 35, §4822; C39, §4829.14; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §317.14] 2010 Acts, ch 1061, §110

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 317 - WEEDS Section 317.14A - Special requirements for the control or elimination of Palmer amaranth on conservation reserve program land.

317.14A Special requirements for the control or elimination of Palmer amaranth on conservation reserve program land. The program for weed control established pursuant to section 317.13, and any order issued under that program, shall not apply to the control or elimination of Palmer amaranth (*Amaranthus palmeri*) on land enrolled in the conservation reserve program as described in 7 C.F.R. pt. 1410, unless the control or elimination measures comply with the conservation reserve program requirements for that land including contract requirements. The board of supervisors in adopting the program for weed control, or the commissioner in administering the program, shall seek cooperation with the United States department of agriculture, which may include the department's farm service agency office for that county, the farm service agency's state office, or any other office or official designated by the department. 2017 Acts, ch 101, §3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 317 - WEEDS Section 317.15 - Loss or damage to crops.

317.15 Loss or damage to crops. The loss or damage to crops or property incurred by reason of such destruction shall be borne by the titleholder of said real estate, unless said real estate shall be sold under contract whereby possession has been delivered to the purchaser, in which event such purchaser shall bear such loss or damage, excepting where a contract has been entered into providing a different adjustment for such loss or damage. [S13, §1565-c, -d; C24, 27, 31, 35, §4822; C39, §4829.15; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §317.15]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 317 - WEEDS Section 317.16 - Failure to comply.

317.16 Failure to comply. 1. In case of a substantial failure to comply by the date prescribed in any order of destruction of weeds made pursuant to this chapter, the weed commissioner may do any of the following: a. Enter upon the land as provided in section 317.6 and provide for the destruction of the weeds as provided in section 317.6. b. Impose a maximum penalty of a ten dollar fine for each day, up to ten days, that the owner or person in possession or control of the land fails to comply. If a penalty is imposed and the owner or person in possession or control of the land fails to comply, the weed commissioner shall cause the weeds to be destroyed. 2. If the weed commissioner enters the land and causes the weeds to be destroyed, the actual cost and expense of cutting, burning, or otherwise destroying the weeds, along with the cost of providing notice and special meetings or proceedings, if any, shall be paid by the county and, together with the additional assessment to apply toward costs of supervision and administration, be recovered by an assessment against the tract of real estate on which the weeds were growing, as provided in section 317.21. Any fine imposed under this section shall be recovered by a similar assessment. [S13, §1565-c, -d; C24, 27, 31, 35, §4823; C39, §4829.16; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §317.16] 83 Acts, ch 123, §121, 209; 85 Acts, ch 171, §4; 2005 Acts, ch 39, §2 Referred to in §317.21

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 317 - WEEDS Section 317.18 - Order for weed control or eradication on roads.

317.18 Order for weed control or eradication on roads. A county board of supervisors and the state department of transportation shall control or eradicate noxious weeds growing on the roads under their jurisdiction. A board of supervisors may order all noxious weeds, within the right-of-way of all roads under county jurisdiction be controlled or eradicated, either upon its own motion or upon receipt of written notice requesting the action from any residents of the township in which the roads are located, or any person regularly using the roads. The order shall be consistent with the county integrated roadside vegetation management plan, if the county has adopted such a plan. The order shall define the roads along which noxious weeds are required to be controlled or eradicated and shall require the weeds to be controlled or eradicated within fifteen days after the publication of the order in the official newspapers of the county or as prescribed in the county's integrated roadside vegetation management plan. [C39, §4829.18; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §317.18] 83 Acts, ch 123, §122, 209; 85 Acts, ch 171, §5; 89 Acts, ch 246, §10; 98 Acts, ch 1075, §14; 2018 Acts, ch 1047, §7

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 317 - WEEDS Section 317.19 - Road clearing appropriation.

317.19 Road clearing appropriation. 1. The board of supervisors may appropriate moneys to be used for the purposes of controlling or eradicating weeds or brush within the right-of-way of roads under county jurisdiction in a manner consistent with the county's program of weed control or eradication pursuant to section 317.13, except as provided in section 314.17. 2. The board of supervisors may purchase or hire necessary equipment or contract with the adjoining landowner to carry out this section. 83 Acts, ch 123, §123,

209; 84 Acts, ch 1219, §20; 85 Acts, ch 171, §6; 89 Acts, ch 246, §11; 98 Acts, ch 1075, §15; 2010 Acts, ch 1164, §3; 2018 Acts, ch 1047, §8

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 317 - WEEDS Section 317.1A - Noxious weeds.

317.1A Noxious weeds. 1. The following weeds are hereby declared to be noxious and shall be divided into two classes, as follows: a. Primary noxious weeds, which shall include: (1) Quack grass (*Elymus repens*). (2) Perennial sow thistle (*Sonchus arvensis*). (3) Canada thistle (*Cirsium arvense*). (4) Bull thistle (*Cirsium vulgare*). (5) European morning glory or field bindweed (*Convolvulus arvensis*). (6) Horse nettle (*Solanum carolinense*). (7) Leafy spurge (*Euphorbia esula*). (8) Perennial pepper-grass (*Cardaria draba*). (9) Russian knapweed (*Acroptilon repens*). (10) Buckthorn (*Rhamnus* spp., not to include *Frangula alnus*, syn. *Rhamnus frangula*). (11) All other species of thistles belonging in the genera of *Cirsium* and *Carduus*. (12) Palmer amaranth (*Amaranthus palmeri*). b. Secondary noxious weeds, which shall include: (1) Butterprint (*Abutilon theophrasti*) annual. (2) Cocklebur (*Xanthium strumarium*) annual. (3) Wild mustard (*Sinapis arvensis*) annual. (4) Wild carrot (*Daucus carota*) biennial. (5) Buckhorn (*Plantago lanceolata*) perennial. (6) Sheep sorrel (*Rumex acetosella*) perennial. (7) Sour dock (*Rumex crispus*) perennial. (8) Smooth dock (*Rumex altissimus*) perennial. (9) Poison hemlock (*Conium maculatum*). (10) Multiflora rose (*Rosa multiflora*). (11) Wild sunflower (wild strain of *Helianthus annuus* L.) annual. (12) Puncture vine (*Tribulus terrestris*) annual. (13) Teasel (*Dipsacus* spp.) biennial. (14) Shattercane (*Sorghum bicolor*) annual. 2. a. The multiflora rose (*Rosa multiflora*) shall not be considered a secondary noxious weed when cultivated for or used as understock for cultivated roses or as ornamental shrubs in gardens, or in any county whose board of supervisors has by resolution declared it not to be a noxious weed. b. Shattercane (*Sorghum bicolor*) shall not be considered a secondary noxious weed when cultivated or in any county whose board of supervisors has by resolution declared it not to be a noxious weed. 3. A plant is also declared to be a noxious weed as provided in rules adopted by the department pursuant to chapter 17A. The department's determination shall be based on a finding that the plant is competitive, persistent, or pernicious, and may directly or indirectly injure or cause damage to crops, other useful plants, livestock, or poultry; irrigation, land, public roads, fish or wildlife resources; or the public health. [S13, §1565-b; C24, 27, 31, 35, §4818; C39, §4829.01; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §317.1] 85 Acts, ch 171, §1; 2000 Acts, ch 1154, §20 C2001, §317.1A 2010 Acts, ch 1061, §108; 2011 Acts, ch 34, §79; 2017 Acts, ch 101, §2; 2018 Acts, ch 1047, §2 Referred to in §317.1C, 716.14 Noxious weed seed defined, see §199.1

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 317 - WEEDS Section 317.1B - State weed commissioner.

317.1B State weed commissioner. The secretary of agriculture may appoint a state weed commissioner to aid in the administration of this chapter and carry out other duties as assigned by the secretary of agriculture relating to the control or eradication of weeds. 2018 Acts, ch 1047, §3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 317 - WEEDS Section 317.1C - Department — powers and duties.

317.1C Department — powers and duties. 1. The department shall assist commissioners, boards of supervisors, and cities in the interpretation of this chapter and the administration and enforcement of this chapter. 2. a. The department may adopt administrative rules, pursuant to chapter 17A, providing a list of plants that it determines is noxious in the manner provided in section 317.1A. b. The department may establish priorities from the list of noxious weeds described in section 317.1A for control or eradication. The priorities may be published annually and made available to the state department of transportation, counties, commissioners, and to the public on the internet site controlled by the department of agriculture and land stewardship. The state department of transportation, boards of supervisors, and weed commissioners shall consider the priorities when establishing programs of weed control or eradication pursuant to section 317.13. 3. The department may adopt rules, pursuant to chapter 17A, providing a list of recommended methods for control or eradication of noxious weeds. 2018 Acts, ch 1047, §4

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 317 - WEEDS Section 317.1D - Exemption — Iowa hemp Act.

317.1D Exemption — Iowa hemp Act. This chapter does not apply to a plant or any part of the plant qualifying as hemp, if the hemp is produced on a crop site regulated under chapter 204. 2019 Acts, ch 130, §30, 33

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 317 - WEEDS Section 317.20 - Equipment and materials — use on private property.

317.20 Equipment and materials — use on private property. The board of supervisors may appropriate moneys for the purpose of purchasing weed eradicating equipment and materials to carry out the duties of the commissioner for use on all lands in the county, public or private, and for the payment of the necessary expenses and compensation of the commissioner, and the commissioner's deputies, if any. When equipment or materials so purchased are used on private property within the corporate limits of cities by the commissioner, the cost of materials used and an amount to be fixed by the board of supervisors for the use of the equipment shall be returned by the county treasurer upon the collection of the special assessment taxed against the property. In the certification to the county treasurer by the county auditor this apportionment shall be designated along with the special tax assessed under section 317.21. The equipment and its use are subject to the authorization and direction of the county board of supervisors. 83 Acts, ch 123, §124, 209 Referred to in §331.559

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 317 - WEEDS Section 317.21 - Cost of weed destruction.

317.21 Cost of weed destruction. When the commissioner destroys any weeds under the authority of section 317.16, after failure of the landowner responsible to destroy such weeds pursuant to the order of the board of supervisors, the cost of the destruction shall be assessed against the land and collected from the landowner responsible in the following manner: 1. Annually, after the weed commissioner has completed the program of destruction of weeds by reason of noncompliance by persons responsible for the destruction, the board of supervisors shall determine as to each tract of real estate the actual cost of labor and materials used by the commissioner in cutting, burning, or otherwise destroying the weeds, the cost of serving notice, and of special meetings or proceedings, if any. To the total of all sums expended, the board shall add an amount equal to twenty-five percent of that total to compensate for the cost of supervision and administration and assess the resulting sum against the tract of real estate by a special tax, which shall be certified to the county auditor and county treasurer by the clerk of the board of supervisors, and shall be placed upon the tax books, and collected, with interest after delinquent, in the same manner as other unpaid taxes. The tax shall be due on March 1 after assessment, and shall be delinquent from April 1 after due. However, when the last day of March is a Saturday or Sunday, such amount shall be delinquent from the second business day of April. When collected, the moneys shall be paid into the fund from which the costs were originally paid. 2. Before making any such assessment, the board of supervisors shall prepare a plat or schedule showing the several lots, tracts of land or parcels of ground to be assessed which shall be in accord with the assessor's records and the amount proposed to be assessed against each of the same for destroying or controlling weeds during the fiscal year. 3. Such board shall thereupon fix a time for the hearing on such proposed assessments, which time shall not be later than December 15 of the year, and at least twenty days prior to the time thus fixed for such hearing shall give notice thereof to all concerned that such plat or schedule is on file, and that the amounts as shown therein will be assessed against the several lots, tracts of land or parcels of ground described in said plat or schedule at the time fixed for such hearing, unless objection is made thereto. Notice of such hearing shall be given by one publication in official county newspapers in the county in which the property to be assessed is situated; or by posting a copy of such notice on the premises affected and by mailing a copy by certified mail to the last known address of the person owning or controlling said premises. At such time and place the owner of said premises or anyone liable to pay such assessment, may appear with the same rights given by law before boards of review, in reference to assessments for general taxation. [S13, §1565-c, -d; C24, 27, §4824, 4825; C31, 35, §4824, 4825, 4825-c1, -c2; C39, §4829.19; C46, §317.20; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §317.21] 85 Acts, ch 171, §7; 92 Acts, ch 1016, §4; 98 Acts, ch 1107, §7; 2005 Acts, ch 34, §2, 26 Referred to in §317.16, 317.20, 331.502, 331.559

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 317 - WEEDS Section 317.22 - Duty of highway maintenance personnel.

317.22 Duty of highway maintenance personnel. All officers directly responsible for the care of public highways shall make a complaint to the weed commissioners or board of supervisors, if it appears that the provisions of this chapter may not be complied with in time to prevent the blooming and maturity of noxious weeds or the unlawful growth of weeds or marijuana, whether in the streets or highways for which they are responsible or upon lands adjacent to the same. [S13, §1565-c, -e; C24, 27, 31, 35, §4826; C39, §4829.20; C46, §317.21; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §317.22] 90 Acts, ch 1179, §3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 317 - WEEDS Section 317.23 - Duty of county attorney.

317.23 Duty of county attorney. It shall be the duty of the county attorney upon complaint of any citizen that any officer charged with the enforcement of the provisions of this chapter has neglected or failed to perform the officer's duty, to enforce the performance of such duty. [C24, 27, 31, 35, §4828; C39, §4829.21; C46, §317.22; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §317.23] Referred to in §331.756(47)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 317 - WEEDS Section 317.24 - Punishment of officer.

317.24 Punishment of officer. Any officer referred to in this chapter who neglects or fails to perform the duties incumbent upon the officer under the provisions of this chapter shall be guilty of a simple misdemeanor. [S13, §1565-i; C24, 27, 31, 35, §4829; C39, §4829.22; C46, §317.23; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §317.24]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 317 - WEEDS Section 317.25 - Invasive plants prohibited — exception — penalty.

317.25 Invasive plants prohibited — exception — penalty. 1. a. A person shall not import, sell, offer for sale, or distribute in this state in any form, including the seeds, any of the following plants: (1) Teasel (*Dipsacus*) biennial. (2) Multiflora rose (*Rosa multiflora*). (3) Purple loosestrife (*Lythrum salicaria*). (4) Purple loosestrife (*Lythrum virgatum*). (5) Garlic mustard (*Alliaria petiolata*). (6) Oriental bittersweet (*Celastrus orbiculatus*). (7) Japanese knotweed (*Fallopia japonica*). (8) Japanese hop (*Humulus japonicus*). (9) Palmer amaranth (*Amaranthus palmeri*). b. However, paragraph "a" does not prohibit the sale, offer for sale, or distribution of the multiflora rose (*Rosa multiflora*) used for understock for either cultivated roses or ornamental shrubs in gardens. 2. Any person violating subsection 1 commits a public offense and is subject to a fine not to exceed one hundred dollars. [C75, 77, 79, 81, §317.25] 89 Acts, ch 193, §1; 90 Acts, ch 1111, §1; 91 Acts, ch 5, §1; 91 Acts, ch 258, §46; 2001 Acts, ch 91, §1; 2002 Acts, ch 1050, §31; 2013 Acts, ch 74, §1; 2014 Acts, ch 1092, §72; 2017 Acts, ch 29, §90; 2017 Acts, ch 101, §4

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 317 - WEEDS Section 317.26 - Alternative remediation practices.

317.26 Alternative remediation practices. The director of the department of natural resources, in cooperation with the secretary of agriculture and county conservation boards or the board of supervisors, shall develop and implement projects which utilize alternative practices in the remediation of noxious weeds and other vegetation within highway rights-of-way. 87 Acts, ch 225, §231

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 317 - WEEDS Section 317.3 - Weed commissioner — standards for noxious weed control.

317.3 Weed commissioner — standards for noxious weed control. 1. The board of supervisors of each county may annually appoint a county weed commissioner who may be a person otherwise employed by the county and who passes minimum standards established by the department of agriculture and land stewardship for noxious weed identification and the recognized methods for noxious weed control and elimination. The county weed commissioner's appointment shall be effective as of March 1 and shall continue for a term at the discretion of the board of supervisors unless the commissioner is removed from office as provided for by law. The name and address of the person appointed as county weed commissioner shall be certified to the county auditor and to the secretary of agriculture within ten days of the appointment. 2. The board of supervisors shall fix the compensation of the county weed commissioner and deputies. Compensation shall be for the period of actual work only, although a weed commissioner assigned other duties not related to weed eradication may receive an annual salary. The board of supervisors shall likewise determine whether employment shall be by hour, day, or month and the rate of pay for the employment time. In addition to compensation, the commissioner and deputies shall be paid their necessary travel expenses. 3. At the discretion of the board of supervisors, the weed commissioner shall attend a seminar or school conducted or approved by the department of agriculture and land stewardship relating to the identification, control, and elimination of noxious weeds. The county weed commissioner may, with the approval of the board of supervisors, require that commercial applicators and their appropriate employees pass the same standards for noxious weed identification as established by the department of agriculture and land stewardship. 4. The board of supervisors shall prescribe the time of year the weed commissioner shall perform the powers and duties of county weed commissioner under this chapter which may be during that time of year when noxious weeds can effectively be killed. [S13, §1565-c, -d, -f; C24, 27, §4817; C31, 35, §4817, 4817-d1; C39, §4829.03; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §317.3] 83 Acts, ch 123, §119, 209; 85 Acts, ch 160, §1; 94 Acts, ch 1173, §14; 2018 Acts, ch 1041, §80 Referred to in §331.321

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 317 - WEEDS Section 317.4 - Direction and control.

317.4 Direction and control. Each commissioner, subject to direction and control by the county board of supervisors, shall supervise the control and destruction of all noxious weeds in the county, including those growing within the limits of cities, within the confines of abandoned cemeteries, and along streets and highways unless otherwise provided. A commissioner shall notify the department of public safety of the location of marijuana plants found growing on public or private property. A commissioner may enter upon any land in the county at any time for the performance of the commissioner's duties, and shall hire the labor and equipment necessary subject to the approval of the board of supervisors. [S13, §1565-c, -d, -f; C24, 27, 31, 35, §4817; C39, §4829.04; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §317.4; 81 Acts, ch 117, §1047] 83 Acts, ch 123, §120, 209; 90 Acts, ch 1179, §2; 2010 Acts, ch 1069, §87

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 317 - WEEDS Section 317.6 - Entering land to destroy weeds — notice.

317.6 Entering land to destroy weeds — notice. 1. If there is a substantial failure by the owner or person in possession or control of any land to comply with any order of destruction pursuant to the provisions of this chapter, the county weed commissioner, including the weed commissioner's deputies, or employees acting under the weed commissioner's direction may enter upon any land within the commissioner's county for the purpose of destroying noxious weeds. 2. The entry may be made without the consent of the landowner or person in possession or control of the land. However, the actual work of destruction shall not be commenced until five days after the landowner and the person in possession or control of the land have been notified. 3. The notice shall state the facts relating to failure of compliance with the county program of weed destruction order or orders made by the board of supervisors. The notice shall be delivered by personal service on the owner and persons in possession and control of the land. The personal service may be served by the weed commissioner or any person designated in writing by the weed commissioner. However, in lieu of personal service, the weed commissioner may provide that the notice be delivered by certified mail. A copy of the notice shall be filed in the office of the county auditor. The last known address of the owner or person in possession or control of the land may be ascertained, if necessary, from the last tax list in the county treasurer's office. Where any person owning land within the county has filed a written instrument in the office of the county auditor designating the name and address of its agent, the notice may be delivered to that agent. In computing time for notice, it shall be from the date of service as evidenced on the return of service. If delivery is made by certified mail, it shall be from the date of mailing. [S13, §1565-c, -d, -f; C24, §4817; C27, 31, 35, §4817, 4823-b1; C39, §4829.05, 4829.06; C46, §317.5, 317.6; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §317.6] 2005 Acts, ch 39, §1; 2010 Acts, ch 1061, §109 Referred to in §317.16

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 317 - WEEDS Section 317.7 - Report to board.

317.7 Report to board. Each weed commissioner shall for the territory under the commissioner's jurisdiction on or before the first

day of November of each year make a written report to the board of supervisors. Said report shall state: 1. The name and location of all primary noxious weeds, and any new weed which appears to be a serious pest. 2. A detailed statement of the treatment used, and future plans, for eradication of weeds on each infested tract on which the commissioner has attempted to exterminate weeds, together with the costs and results obtained. 3. A summary of the weed situation within the jurisdiction, together with suggestions and recommendations which may be proper and useful, a copy of which shall be forwarded to the state secretary of agriculture. [S13, §1565-c, -d, -f; C24, 27, 31, 35, §4817; C39, §4829.07; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §317.7]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 317 - WEEDS Section 317.9 - Duty of board to enforce.

317.9 Duty of board to enforce. Unless otherwise provided, responsibility for the enforcement of the provisions of this chapter shall be vested in the board of supervisors as to all of the following: 1. Farm lands. 2. Railroad lands. 3. Abandoned cemeteries. 4. State lands and state parks. 5. Primary and secondary roads. 6. Roads, streets, and other lands within cities. [S13, §1565-c, -d, -f; C24, 27, 31, 35, §4817; C39, §4829.09; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §317.9] 2019 Acts, ch 59, §89

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 318 - OBSTRUCTIONS IN HIGHWAY RIGHTS-OF-WAY Section 318.1 - Definitions.

318.1 Definitions. As used in this chapter, unless the context otherwise requires: 1. “Department” means the state department of transportation. 2. “Highway authority” means the county board of supervisors, in the case of secondary roads, and the department, in the case of primary roads. 3. “Highway right-of-way” means the total area of land, whether reserved by public ownership or easement, that is reserved for the operation and maintenance of a legally established public roadway. This area shall be deemed to consist of two portions, a central traveled way including the shoulders and that remainder on both sides of the road, between the outside shoulder edges and the outer boundaries of the right-of-way. 4. “Obstruction” means an obstacle in the highway right-of-way, or an impediment or hindrance which impedes, opposes, or interferes with free passage along the highway right-of-way, not including utility structures installed in accordance with an approved permit. 5. “Officer” means any department employee, county employee, or elected county official. 6. “Traveled portion of the right-of-way” means that area of the highway right-of-way, not including the shoulders, on which vehicles normally travel. 7. “Utility” means all private, public, municipal, or cooperative owned systems for water, sewer, natural gas, electric, telegraph, telephone, transit, pipeline, heating plants, railroads, bridges, street lights, or traffic control signals. 8. “Utility structures” means the aboveground devices, required by a utility, including poles, lines, and wires, used for telephone, electric, natural gas, and other distribution or transmission purposes, and natural gas and electrical substations. 2006 Acts, ch 1097, §1

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 318 - OBSTRUCTIONS IN HIGHWAY RIGHTS-OF-WAY Section 318.10 - Fences.

318.10 Fences. 1. A fence which constitutes an immediate and dangerous hazard shall, without notice or liability in damages, be removed by the highway authority. In all other cases where a fence is an obstruction in a highway right-of-way, notice in writing of not less than thirty days shall be given to the owner, occupant, or agent of the land enclosed by the fence. 2. The notice shall, with reasonable certainty, specify the line to which the fences shall be removed and shall be served in the same manner that original notices are required to be served, or in writing by certified mail, or in any other manner reasonably calculated to apprise the person responsible for the fence. 3. The department and the county engineer, or the board of supervisors if a county engineer is not available, may designate the location of a fence within a highway right-of-way. A fence that is not properly located within the highway right-of-way shall be removed within a time prescribed to a designated location. If not so removed, the highway authority may remove the fences and recover costs as provided in section 318.5. 2006 Acts, ch 1097, §10 Manner of service. R.C.P. 1.302 – 1.315

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 318 - OBSTRUCTIONS IN HIGHWAY RIGHTS-OF-WAY Section 318.11 - Billboards and signs.

318.11 Billboards and signs. 1. No billboard or advertising sign or device, except a sign or device authorized by law or approved by the highway authority, shall be placed or erected upon a highway right-of-way. 2. A billboard or advertising sign, whether on public or private property, that obstructs the view of any portion of a public highway or of a railway track making the use of the traveled portion of the right-of-way dangerous is a public nuisance and shall be abated. The person responsible for the erection and maintenance of the billboard or sign may be punished as provided in chapter 657. 2006 Acts, ch 1097, §11 Referred to in §331.756(48)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 318 - OBSTRUCTIONS IN HIGHWAY RIGHTS-OF-WAY Section 318.12 - Enforcement.

318.12 Enforcement. A highway authority shall enforce the provisions of this chapter by appropriate civil or criminal proceeding or by both such proceedings. 2006 Acts, ch 1097, §12

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 318 - OBSTRUCTIONS IN HIGHWAY RIGHTS-OF-WAY Section 318.2 - Purpose.

318.2 Purpose. The purpose of this chapter is to enhance public safety for those traveling the public roads and allow economical maintenance of highway rights-of-way. 2006 Acts, ch 1097, §2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 318 - OBSTRUCTIONS IN HIGHWAY RIGHTS-OF-WAY Section 318.3 - Obstructions in highway right-of-way.

318.3 Obstructions in highway right-of-way. A person shall not place, or cause to be placed, an obstruction within any highway right-of-way. This prohibition includes, but is not limited to, the following actions: 1. The excavation, filling, or making of any physical changes to any part of the highway right-of-way, except as provided under section 318.8. 2. The cultivation or growing of crops within the highway right-of-way. 3. The destruction of plants placed within the highway right-of-way. 4. The placing of fences or ditches within the highway right-of-way. 5. The alteration of ditches, water breaks, or drainage tiles within the highway right-of-way. 6. The placement of trash, litter, debris, waste material, manure, rocks, crops or crop residue, brush, vehicles, machinery, or other items within the highway right-of-way. 7. The placement of billboards, signs, or advertising devices within the highway right-of-way. 8. The placement of any red reflector, or any object or other device which shall cause the effect of a red reflector on the highway right-of-way which is visible to passing motorists. 2006 Acts, ch 1097, §3 Referred to in §318.6, 318.8 See also §318.5, 318.10, and 318.11

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 318 - OBSTRUCTIONS IN HIGHWAY RIGHTS-OF-WAY Section 318.4 - Duty of highway authorities.

318.4 Duty of highway authorities. The highway authority shall cause all obstructions in a highway right-of-way under its jurisdiction to be removed. 2006 Acts, ch 1097, §4

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 318 - OBSTRUCTIONS IN HIGHWAY RIGHTS-OF-WAY Section 318.5 - Removal and cost.

318.5 Removal and cost. 1. An obstruction in a highway right-of-way which constitutes an immediate and dangerous hazard shall, without notice or liability in damages, be removed by the highway authority. 2. An obstruction not constituting an immediate and dangerous hazard shall be removed by the highway authority without liability after forty-eight-hour notice served in the same manner in which an original notice is served, or in writing by certified mail, or in any other manner reasonably calculated to apprise the person responsible for the obstruction that the obstruction will be removed at the person's expense. The highway authority shall assess the removal cost. 3. Upon removal of the obstruction, the highway authority may immediately send a statement of the cost to the person responsible for the obstruction. If within ten days after sending the statement the cost is not paid, the highway authority may institute legal proceedings to collect the cost of removal. The removal costs shall be assessed against the following persons, as applicable: a. The vehicle owner in the case of an abandoned vehicle. b. The abutting property owner in the case of a fence, other than a right-of-way line fence, or other temporary obstruction placed within the highway right-of-way by the owner or tenant of the abutting property. c. The owner or person responsible for placement of any other obstruction. 4. All removals shall be without liability on the part of any officer ordering or effecting such removal. 2006 Acts, ch 1097, §5 Referred to in §68A.406, 318.9, 318.10 Manner of service, R.C.P. 1.302 – 1.315

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 318 - OBSTRUCTIONS IN HIGHWAY RIGHTS-OF-WAY Section 318.6 - Public nuisance.

318.6 Public nuisance. 1. Any person who places, or causes to be placed, any obstruction in a highway right-of-way as prohibited under section 318.3 is deemed to have created a public nuisance punishable as provided in chapter 657. 2. If a person is found guilty of placing an obstruction within a highway right-of-way, the court may, in addition to any fine imposed, or judgment for damages or costs for which a separate execution may issue, order that the obstruction be abated or removed at the expense of the defendant. The costs for abatement or removal of the obstruction may be entered as a personal judgment against the defendant or assessed against the property where the obstruction occurred, or both. 2006 Acts, ch 1097, §6

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 318 - OBSTRUCTIONS IN HIGHWAY RIGHTS-OF-WAY Section 318.7 - Injunction to restrain obstructions.

318.7 Injunction to restrain obstructions. A highway authority may maintain a suit in equity aided by injunction to restrain an obstruction in a highway right-of-way. In such actions, the highway authority may cause the legal boundary lines of the highway to be adjudicated provided all interested parties are impleaded. 2006 Acts, ch 1097, §7

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 318 - OBSTRUCTIONS IN HIGHWAY RIGHTS-OF-WAY Section 318.8 - Permit required.

318.8 Permit required. A person shall not excavate, fill, or make a physical change within a highway right-of-way without obtaining a permit from the applicable highway authority. At the request of a permittee, a modification may be granted in the discretion of the highway authority. Work performed under the permit shall be performed in conformity with the specifications prescribed by the highway authority. If the work does not conform to permit specifications, the person shall be notified to make the conforming

changes. If after twenty days the changes have not been made, the highway authority may make the necessary changes and immediately send a statement of the cost to the responsible person. If within thirty days after sending the statement the cost is not paid, the highway authority may institute legal proceedings to collect the cost of correction. A violation of the permit specifications shall be considered a violation of section 318.3. A public utility subject to section 306A.3 is exempt from this section. 2006 Acts, ch 1097, §8 Referred to in §318.3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 318 - OBSTRUCTIONS IN HIGHWAY RIGHTS-OF-WAY Section 318.9 - Utility structures.

318.9 Utility structures. 1. a. A utility structure in a highway right-of-way used for telephone, electric, natural gas, or other distribution or transmission purposes shall be removed by the owner or operator of the transmission lines upon written notice from the highway authority of not less than ninety days, to the owner and operator. The notice shall, with reasonable certainty, specify the utility structure to be removed and shall be served in the same manner that original notices are required to be served. If the owner or operator of the transmission line is unable to remove the utility structure within the required time due to circumstances beyond the control of the owner or operator, the owner or operator shall file a request with the highway authority for an extension of time to complete the work. b. If the owner or operator of a transmission line needs authorization from the utilities board or other governmental authority to relocate a utility structure or to obtain a new private easement right for relocation of the utility structure, the owner or operator shall request an extension of time within which to remove the utility structure. The highway authority shall grant an extension of time for at least ninety days following the date authorization is granted or the easement right is obtained. 2. Upon written application, the highway authority shall locate the construction of new telephone, electric, or transmission lines or parts of lines, including natural gas pipeline, for the roads within the highway authority's jurisdiction, subject to the jurisdiction of the utilities board under chapters 476, 478, and 479, as follows: a. The county engineer, or the board of supervisors if a county engineer is not available, shall locate the lines for secondary roads. b. The department shall locate the lines for primary roads. 3. The department and the county engineer, or the board of supervisors if a county engineer is not available, may designate the location of a utility structure within a highway right-of-way. A utility structure that is not properly located within the highway right-of-way shall be removed within a time prescribed to a designated location. If not so removed, the highway authority may remove the utility structure and recover costs as provided in section 318.5. 2006 Acts, ch 1097, §9 Referred to in §306.46 Manner of service, R.C.P. 1.302 – 1.315

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 320 - USE OF HIGHWAYS FOR SIDEWALKS, SERVICE MAINS, OR CATTLEWAYS Section 320.1 - Construction of sidewalks in certain school districts.

320.1 Construction of sidewalks in certain school districts. Where an independent or community school district has within its limits a city of one hundred twenty-five thousand population or more, and has a schoolhouse located outside the city limits of such city and outside the limits of any city, the board of supervisors of the county in which such school district is located shall upon the filing of a petition signed by the owners of at least seventy-five percent of the property which will be assessed, order the construction or reconstruction of a permanent sidewalk not less than four feet in width along the highway adjacent to the property described and leading to such schoolhouse. [C27, 31, 35, §4857-b1; C39, §4857.1; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §320.1] Referred to in §331.362

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 320 - USE OF HIGHWAYS FOR SIDEWALKS, SERVICE MAINS, OR CATTLEWAYS Section 320.2 - Assessment of costs.

320.2 Assessment of costs. Said work shall be undertaken and consummated and the cost thereof assessed to the abutting property in the manner and method and with the same effect as provided for the construction of sidewalks and the assessment of the costs thereof against benefited property by city councils within the limits of a city. [C27, 31, 35, §4857-b2; C39, §4857.2; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §320.2] Referred to in §331.362

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 320 - USE OF HIGHWAYS FOR SIDEWALKS, SERVICE MAINS, OR CATTLEWAYS Section 320.3 - Repairs.

320.3 Repairs. After the construction of such sidewalk the board of supervisors shall keep the same in repair and assess and certify the cost thereof in the same manner and to the same extent in which like repairs are assessed and certified by city councils. [C27, 31, 35, §4857-b3; C39, §4857.3; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §320.3] Referred to in §331.362

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 320 - USE OF HIGHWAYS FOR SIDEWALKS, SERVICE MAINS, OR CATTLEWAYS Section 320.4 - Water and gas mains, sidewalks, and cattleways.

320.4 Water and gas mains, sidewalks, and cattleways. The state department of transportation in case of primary roads, and the board of supervisors in case of secondary roads, on written application designating the particular highway and part of the highway, the use of which is desired, may grant permission: 1. To lay gas mains in highways outside cities to local municipal distributing plants or companies, but not to pipeline companies. This section shall not apply to or include pipeline companies required to obtain a license from the utilities board. 2. To construct and maintain cattleways over or under such highways. 3. To construct sidewalks on

and along such highways. 4. To lay water mains in, under, or along highways. [C97, §1524; S13, §1527-e; SS15, §1527-b; C24, 27, 31, 35, 39, §4858; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §320.4] 2023 Acts, ch 19, §2662 Referred to in §320.5, 331.362, 589.29 Subsection 1 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 320 - USE OF HIGHWAYS FOR SIDEWALKS, SERVICE MAINS, OR CATTLEWAYS Section 320.5 - Term of grant.

320.5 Term of grant. A grant made under section 320.4 shall be on such reasonable conditions as the state department of transportation or the board of supervisors may exact, and on such conditions as the general assembly may prescribe. [C97, §1524; S13, §1527-e; C24, 27, 31, 35, 39, §4859; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §320.5] 2001 Acts, ch 32, §11 Referred to in §331.362

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 320 - USE OF HIGHWAYS FOR SIDEWALKS, SERVICE MAINS, OR CATTLEWAYS Section 320.6 - Conditions — damages.

320.6 Conditions — damages. 1. Mains, pipes, and cattleways erected and maintained under this chapter shall not interfere with public travel or with the future improvement of the highway. The owner of the mains, pipes, and cattleways shall be responsible for all damages arising from laying, maintaining, or erecting the mains, pipes, or cattleways or from the mains, pipes, or cattleways not being kept in a proper state of repair. 2. The location of mains or pipes may be changed, on reasonable notice, when change is necessary due to the improvement or maintenance of the highway. [C97, §1524; S13, §1527-e; SS15, §1527-b; C24, 27, 31, 35, 39, §4860; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §320.6] 2021 Acts, ch 80, §165 Referred to in §331.362

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 320 - USE OF HIGHWAYS FOR SIDEWALKS, SERVICE MAINS, OR CATTLEWAYS Section 320.7 - Failure to maintain.

320.7 Failure to maintain. Failure of the grantee to comply with the terms of the grant shall be grounds for forfeiture of the grant. [C24, 27, 31, 35, 39, §4861; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §320.7] 2023 Acts, ch 64, §51 Referred to in §331.362 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 320 - USE OF HIGHWAYS FOR SIDEWALKS, SERVICE MAINS, OR CATTLEWAYS Section 320.8 - Penalty.

320.8 Penalty. Failure to comply with any of the conditions of said grant, whether made such by statute or by agreement, or the laying of any such mains, or the constructing of any such cattleways, without having secured the grant of permission as provided by law shall be deemed a simple misdemeanor. It shall be the duty of the state department of transportation and of the board of supervisors, as regards the highways under their respective jurisdictions, to enforce the provisions of this section and the laws relating thereto. [S13, §1527-d; C24, 27, 31, 35, 39, §4862; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §320.8] Referred to in §331.362

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.1 - Definitions of words and phrases.

321.1 Definitions of words and phrases. 49 C.F.R. §171.8 . 1A. “Air bag” means a motor vehicle inflatable occupant restraint system that operates in the event of a crash and is designed in accordance with federal motor vehicle safety standards for the specific make, model, and year of the motor vehicle in which it is or will be installed. “Air bag” includes all component parts to a motor vehicle inflatable occupant restraint system, including but not limited to the cover, sensors, controllers, inflators, wiring, and seat belt systems. 1B. “Alcohol concentration” means the number of grams of alcohol per any of the following: a. One hundred milliliters of blood. b. Two hundred ten liters of breath. c. Sixty-seven milliliters of urine. 2. “Alcoholic beverage” includes alcohol, wine, spirits, beer, or any other beverage which contains ethyl alcohol and is fit for human consumption. 3. “Alley” means a thoroughfare laid out, established, and platted as such, by constituted authority. 4. “All-terrain vehicle” means a motor vehicle designed to travel on three or more wheels and designed primarily for off-road recreational use. “All-terrain vehicle” includes off-road utility vehicles, but does not include farm tractors or equipment, construction equipment, forestry vehicles, or lawn and grounds maintenance vehicles. 5. “Ambulance” means a motor vehicle which is equipped with life support systems and used to transport sick and injured persons who require emergency medical care to medical facilities. 6. “Authorized emergency vehicle” means vehicles of the fire department, police vehicles, ambulances, and emergency vehicles owned by the United States, this state, any subdivision of this state, or any municipality of this state, and privately owned vehicles as are designated or authorized by the director of transportation under section 321.451. 6A. “Autocycle” means a three-wheeled motor vehicle originally designed with two front wheels and one rear wheel, a steering wheel rather than handlebars, no more than two permanent seats that do not require the operator or a passenger to straddle or sit astride the vehicle, and foot pedals that control the brakes, acceleration, and clutch, where applicable. A motor vehicle meeting the definition of “autocycle” is an autocycle even if the vehicle bears a vehicle identification number, or is accompanied by a manufacturer’s certificate of origin, that identifies the vehicle as a motorcycle. 6B. “Bona fide business address” means the current street or highway address of a firm, association, or corporation. 6C. “Bona fide residence” or “bona fide address” means the current street or highway address of an individual’s residence. The bona fide residence

of a person with more than one dwelling is the dwelling for which the person claims a homestead tax credit under chapter 425, if applicable. The bona fide residence of a homeless person is a primary nighttime residence meeting one of the criteria listed in section 48A.2, subsection 3. 7. “Business district” means the territory contiguous to and including a highway when fifty percent or more of the frontage thereon for a distance of three hundred feet or more is occupied by buildings in use for business. 7A. “Business-trade truck” means a model year 2010 or newer motor truck with an unladen weight of ten thousand pounds or less which is owned by a corporation, limited liability company, or partnership or by a person who files a schedule C or schedule F form with the federal internal revenue service and which is eligible for depreciation under §167 of the Internal Revenue Code. If the motor truck is a leased vehicle, the motor truck is a business-trade truck only if the lessee is a corporation, limited liability company, or partnership and the truck is used primarily for purposes of the business operations of the corporation, limited liability company, or partnership or the lessee is a person who files a schedule C or schedule F form with the federal internal revenue service and the truck is used primarily for purposes of the person’s own business or farming operation. 8. “Chauffeur” means a person who operates a motor vehicle, including a school bus, in the transportation of persons for wages, compensation, or hire. a. A person is not a chauffeur when the operation of the motor vehicle, other than a truck tractor, by the owner or operator is occasional and merely incidental to the owner’s or operator’s principal business. b. A fire fighter is not a chauffeur when operating a fire apparatus. c. An ambulance or rescue squad attendant is not a chauffeur when operating an ambulance or rescue squad apparatus. d. If authorized to transport inmates, probationers, parolees, or work releasees by the director of the Iowa department of corrections or the director’s designee, an employee of the Iowa department of corrections or a district department of correctional services is not a chauffeur when transporting the inmates, probationers, parolees, or work releasees. e. A farmer or the farmer’s hired help is not a chauffeur when operating a truck, other than a truck tractor, owned by the farmer and used exclusively in connection with the transportation of the farmer’s own products or property. f. A farmer or the farmer’s hired help, who is eighteen years of age or older, is not a chauffeur when operating a special truck owned by the farmer and used exclusively to transport the farmer’s own products or property to a destination no more than one hundred miles from farmland owned or rented by the farmer as measured by calculating the straight-line distance between the farmland and the destination. g. If authorized to transport patients or clients by the director of health and human services or the director’s designee, an employee of the department of health and human services is not a chauffeur when transporting the patients or clients in an automobile. h. A person is not a chauffeur when the operation is by a home care aide in the course of the home care aide’s duties. i. If authorized to transport students or clients by the superintendent of the Iowa school for the deaf, or the superintendent’s respective designee, an employee of the Iowa school for the deaf is not a chauffeur when transporting the students or clients. j. If authorized to transport patients or residents of the Iowa veterans home by the commandant or the commandant’s designee, an employee of or volunteer at the Iowa veterans home is not a chauffeur when transporting the patients or residents in an automobile in the course of the employee’s or volunteer’s normal duties. k. A person operating a motorsports recreational vehicle is not a chauffeur. l. A transportation network company driver, as defined in section 321N.1, is not a chauffeur. m. A person operating a taxicab having a seating capacity of less than seven passengers and not operating on a regular route or between specified points is not a chauffeur. 9. “Combination” or “combination of vehicles” shall be construed to mean a group consisting of two or more motor vehicles, or a group consisting of a motor vehicle and one or more trailers, semitrailers or vehicles, which are coupled or fastened together for the purpose of being moved on the highways as a unit. 10. a. “Combined gross weight” means the gross weight of a combination of vehicles. b. “Gross combination weight rating” means the combined gross vehicle weight ratings for each vehicle in a combination of vehicles. In the absence of a weight specified by the manufacturer for a towed vehicle, the gross vehicle weight rating of the towed vehicle is its gross weight. 11. For purposes of administering and enforcing the commercial driver’s license provisions: a. “Commercial driver” means the operator of a commercial motor vehicle. b. “Commercial driver’s license” means commercial driver’s license as defined in 49 C.F.R. §383.5 . c. “Commercial driver’s license information system” means the national information system established to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers. d. “Commercial learner’s permit” means commercial learner’s permit as defined in 49 C.F.R. §383.5 . e. “Commercial motor carrier” means a person responsible for the safe operation of a commercial motor vehicle. f. “Commercial motor vehicle” means a motor vehicle or combination of vehicles used to transport passengers or property if any of the following apply: (1) The combination of vehicles has a gross combination weight rating or combined gross weight, whichever is greater, of twenty-six thousand one or more pounds, including a towed vehicle or vehicles having a gross vehicle weight rating or gross weight, whichever is greater, of ten thousand one or more pounds. (2) The motor vehicle has a gross vehicle weight rating or gross weight, whichever is greater, of twenty-six thousand one or more pounds. (3) The motor vehicle is designed to transport sixteen or more persons, including the operator, or is of a size and design to transport sixteen or more persons, including the operator, but is redesigned or modified to transport less than sixteen persons with disabilities. (4) The motor vehicle is used in the transportation of hazardous material of a type or quantity requiring vehicle placarding. g. “Employer” means any person, including the United States, a state, the District of Columbia, or a political subdivision of a state, who owns or leases a commercial motor vehicle or assigns an employee to operate such a vehicle. h. “Foreign jurisdiction” means a jurisdiction outside the fifty United States and the District of Columbia. i. “Nonresident commercial driver’s license” means a commercial driver’s license issued to a person domiciled in a foreign jurisdiction meeting the requirements of 49 C.F.R. §383.23(b)(1) , or to a person domiciled in another state meeting the requirements of 49 C.F.R. §383.23(b)(2) . j. “Nonresident commercial learner’s permit” means a commercial learner’s permit issued to a person domiciled in a foreign jurisdiction meeting the requirements of 49 C.F.R. §383.23(b)(1) , or to a person domiciled in another state meeting the requirements of 49 C.F.R. §383.23(b)(2) . k. “Tank vehicle” means a commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks

having an individual rated capacity of more than one hundred nineteen gallons and an aggregate rated capacity of one thousand gallons or more that is either permanently or temporarily attached to the vehicle or chassis. A commercial motor vehicle transporting an empty storage container tank not designed for transportation with a rated capacity of one thousand gallons or more that is temporarily attached to a flatbed trailer is not considered a tank vehicle. 12. "Commercial vehicle" means a vehicle or combination of vehicles designed principally to transport passengers or property of any kind if any of the following apply: a. The vehicle or any combination of vehicles has a gross weight or combined gross weight of ten thousand one or more pounds. b. The vehicle or any combination of vehicles has a gross vehicle weight rating or gross combination weight rating of ten thousand one or more pounds. c. The vehicle is designed to transport sixteen or more persons, including the driver. d. The vehicle is used in the transportation of hazardous material of a type or quantity requiring vehicle placarding. 12A. "Completed motor vehicle" means a motor vehicle which does not require any additional manufacturing operations to perform its intended function except the addition of readily attachable equipment, components, or minor finishing operations. "Completed motor vehicle" also includes a glider kit vehicle. 13. "Component part" means any part of a vehicle, other than a tire, having a component part number. 14. "Component part number" means the vehicle identification derivative consisting of numerical and alphabetical designations affixed to a component part by the manufacturer or the department or affixed by, or caused to be affixed by, the owner pursuant to rules promulgated by the department as a means of identifying the component part. 15. "Conviction" means a final conviction, including but not limited to a plea of guilty or nolo contendere accepted by the court; a final administrative ruling or determination; or an unvacated forfeiture of bail or collateral deposited to secure a person's appearance in court. 15A. "Crane" means a machine for raising, shifting, and lowering heavy weights by means of a projecting swinging arm. 16. "Crosswalk" means that portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections, or any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface. 17. "Dealer" means every person engaged in the business of buying, selling, or exchanging vehicles of a type required to be registered hereunder and who has an established place of business for such purpose in this state. "Dealer" includes those persons required to be licensed as dealers under chapters 322 and 322C. 18. "Demolisher" means any agency or person whose business is to convert a vehicle to junk, processed scrap, or scrap metal, or otherwise to wreck or dismantle vehicles. 19. "Department" means the state department of transportation. "Commission" means the state transportation commission. 20. "Director" means the director of transportation or the director's designee. 20A. "Driver's license" means any license or permit issued to a person to operate a motor vehicle on the highways of this state, including but not limited to a temporary restricted or temporary license and an instruction, chauffeur's instruction, commercial learner's, or temporary permit. For purposes of license suspension, revocation, bar, disqualification, cancellation, or denial under this chapter and chapters 321A, 321C, and 321J, "driver's license" includes any privilege to operate a motor vehicle. 20B. "Electric personal assistive mobility device" means a self-balancing, nontandem two-wheeled device powered by an electric propulsion system that averages seven hundred fifty watts and is designed to transport one person, with a maximum speed on a paved level surface of less than twenty miles per hour. The maximum speed shall be calculated based on operation of the device by a person who weighs one hundred seventy pounds when the device is powered solely by the electric propulsion system. For purposes of this chapter, "electric personal assistive mobility device" does not include an assistive device as defined in section 216E.1. 21. "Endorsement" means an authorization to a person's driver's license required to permit the person to operate certain types of motor vehicles or to transport certain types or quantities of hazardous materials. 22. "Essential parts" mean 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. 23. "Established place of business" means the place actually occupied either continuously or at regular periods by a dealer or manufacturer where the dealer's or manufacturer's books and records are kept and a large share of the dealer's or manufacturer's business is transacted. If a dealer has designated one established place of business for purposes of keeping all the dealer's books and records pursuant to section 321.63, "established place of business" also includes any place actually occupied either continuously or at regular periods by the dealer where a large share of the dealer's business is transacted but not where the dealer's books and records are kept. 24. "Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry. 24A. "Fence-line feeder" means a vehicle used exclusively for the mixing and dispensing of nutrients to bovine animals at a feedlot. 24B. "Financial liability coverage" means any of the following: a. An owner's policy of liability insurance which is issued by an insurance carrier authorized to do business in Iowa to or for the benefit of the person named in the policy as insured, and insuring the person named as insured and any person using an insured motor vehicle with the express or implied permission of the named insured against loss from liability imposed by law for damages arising out of the ownership, maintenance, or use of an insured motor vehicle within the United States of America or Canada, but subject to minimum limits, exclusive of interest and costs, in the amounts specified in section 321A.21 or specified in another provision of the Code, whichever is greater. b. A bond filed with the department pursuant to section 321A.24. c. A certificate of deposit filed with the department as provided in section 321A.25. d. A valid certificate of self-insurance issued by the department pursuant to section 321A.34. 25. "Fire vehicle" means a motor vehicle which is equipped with pumps, tanks, hoses, nozzles, ladders, generators, or other fire apparatus used to transport fire personnel, fight fires, and respond to emergencies. 26. "Foreign vehicle" means every vehicle of a type required to be registered under this chapter brought into this state from another state, territory, or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in this state. 27. The linear measure of the plot of ground upon which the building is located abutting upon the highway shall be deemed "frontage occupied by the building", and the phrase "frontage on such highway for a distance of three hundred feet or more" shall mean the total frontage on both sides of the highway for such distance. 28.

“Garage” means every place of business where motor vehicles are received for housing, storage, or repair for compensation. 28A. “Glider kit vehicle” means a commercial motor vehicle, as defined in subsection 11, that is a combination of a new cab and a new frame with an engine, transmission, and drive axle that are not new such that the resulting vehicle is not a newly manufactured vehicle pursuant to 49 C.F.R. §571.7(e). 28B. “Grain cart” means a vehicle with a nonsteerable single or tandem axle designed to move grain. 29. a. “Gross weight” means the empty weight of a vehicle plus the maximum load to be carried by the vehicle. The maximum load to be carried by a passenger-carrying vehicle shall be determined by multiplying one hundred fifty pounds by the number of passenger seats carried by such vehicle. b. “Unladen weight” means the weight of a vehicle or vehicle combination without load. c. “Gross vehicle weight rating” means the weight specified by the manufacturer as the loaded weight of a single vehicle. 30. “Guaranteed arrest bond certificate” means any printed, unexpired certificate issued by an automobile club or association to any of its members, or any printed, unexpired certificate issued by an insurance company authorized to write automobile liability insurance within this state, which certificate is signed by such member or insured and contains a printed statement that such automobile club, association, or insurance company and a surety company which is doing business in this state under the provisions of section 515.48, subsection 2, guarantee the appearance of the person whose signature appears on the certificate and that they will, in the event of failure of such person to appear in court at the time of trial, pay any fine or forfeiture imposed on such person in an amount not to exceed one thousand dollars. If such insurance company is itself qualified under the provisions of section 515.48, subsection 2, the insurance company may be its own surety. Bail in this form shall be subject to the forfeiture and enforcement provisions with respect to bail bonds in criminal cases as provided by law. 31. “Hazardous material” means a substance or material which has been determined by the United States secretary of transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and which has been so designated. 32. “Implement of husbandry” means a vehicle or special mobile equipment manufactured, designed, or reconstructed for agricultural purposes and, except for incidental uses, exclusively used in the conduct of agricultural operations. “Implements of husbandry” includes all-terrain vehicles operated in compliance with section 321.234A, subsection 1, paragraph “a”, fence-line feeders, and vehicles used exclusively for the application of organic or inorganic plant food materials, organic agricultural limestone, or agricultural chemicals. To be considered an implement of husbandry, a self-propelled implement of husbandry must be operated at speeds of thirty-five miles per hour or less. “Reconstructed” as used in this subsection means materially altered from the original construction by the removal, addition, or substitution of essential parts, new or used. A vehicle covered under this subsection, if it otherwise qualifies, may be operated as special mobile equipment and under such circumstances this subsection shall not be applicable to such vehicle, and such vehicle shall not be required to comply with sections 321.384 through 321.423, when such vehicle is moved during daylight hours; however, the provisions of section 321.383 shall remain applicable to such vehicle. 33. “Intersection” means the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. 34. “Laned highway” means a highway the roadway of which is divided into three or more clearly marked lanes for vehicular traffic. 35. “Light delivery truck”, “panel delivery truck”, or “pickup” means any motor vehicle designed to carry merchandise or freight of any kind, not to exceed two thousand pounds. 36. “Local authorities” means every county, municipal, and other local board or body having authority to adopt local police regulations under the Constitution and laws of this state. 36A. “Low-speed electric bicycle” means a device having a saddle or seat for the use of a rider, two or three wheels equipped with fully operable pedals, and an electric motor of less than seven hundred fifty watts that meets the requirements of one of the following classes: a. “Class 1 low-speed electric bicycle” means a low-speed electric bicycle equipped with a motor that may be used to provide assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour or more. b. “Class 2 low-speed electric bicycle” means a low-speed electric bicycle equipped with a motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle reaches a speed of twenty miles per hour or more. c. “Class 3 low-speed electric bicycle” means a low-speed electric bicycle equipped with a motor that may be used to provide assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty-eight miles per hour or more. 36B. “Low-speed vehicle” means a motor vehicle manufactured in compliance with the national highway and traffic safety administration standards for low-speed vehicles in 49 C.F.R. §571.500. A low-speed vehicle which is in compliance with the equipment requirements in 49 C.F.R. §571.500 shall be deemed to be in compliance with all equipment requirements of this chapter. 36C. “Manufactured home” is a factory-built structure constructed under authority of 42 U.S.C. §5403, which is required by federal law to display a seal from the United States department of housing and urban development, and was constructed on or after June 15, 1976. 36D. a. “Manufactured or mobile home” means any vehicle without 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. b. “Travel trailer” means a vehicle without motive power used, manufactured, or constructed to permit its use as a conveyance upon the public streets and highways and designed to permit its use as a place of human habitation by one or more persons. The vehicle may be up to eight feet six inches in width and its overall length shall not exceed forty-five feet. The vehicle shall be customarily or ordinarily used for vacation or recreational purposes and not used as a place of permanent habitation. If the vehicle is used in this state as a place of human habitation for more than one hundred eighty consecutive days in one location it shall be classed as a manufactured or mobile home regardless of the size limitations provided in this paragraph. c. “Fifth-wheel travel trailer” means a type of travel trailer which is towed by a pickup by a connecting device known as a fifth wheel. However, this type of travel trailer may have an overall length which shall not exceed forty-five feet.

d. "Motor home" means a motor vehicle designed as an integral unit to be used as a conveyance upon the public streets and highways and for use as a temporary or recreational dwelling and having at least four, two of which shall be systems specified in subparagraphs (1), (4), or (5) of this paragraph, of the following permanently installed systems which meet American national standards institute and national fire protection association standards in effect on the date of manufacture: (1) Cooking facilities. (2) Ice box or mechanical refrigerator. (3) Potable water supply including plumbing and a sink with faucet either self-contained or with connections for an external source, or both. (4) Self-contained toilet or a toilet connected to a plumbing system with connection for external water disposal, or both. (5) Heating or air conditioning system or both, separate from the vehicle engine or the vehicle engine electrical system. (6) A one hundred ten – one hundred fifteen volt alternating current electrical system separate from the vehicle engine electrical system either with its own power supply or with a connection for an external source, or both, or a liquefied petroleum system and supply. e. "Motorsports recreational vehicle" means a modified motor vehicle used for the purpose of participating in motorsports competitions and consisting of a conversion unit mounted on a truck tractor or motor truck chassis such that the motor vehicle can be used as a conveyance on the highway and as a temporary or recreational dwelling. The motor vehicle must have at least four of the permanently installed systems listed in paragraph "d", two of which shall be systems specified in paragraph "d", subparagraph (1), (4), or (5). 37. "Manufacturer" means every person engaged in the business of fabricating or assembling vehicles of a type required to be registered. "Manufacturer" does not include a person who converts, modifies, or alters a completed motor vehicle manufactured by another person or a person who assembles a glider kit vehicle. "Manufacturer" includes a person who uses a completed motor vehicle manufactured by another person to construct a class "B" motor home as defined in section 321.124. "Manufacturer" also includes a final-stage manufacturer as defined in section 322.2. 38. "Metal tire" means every tire the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material. 39. Reserved. 40. a. "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 but excluding a tractor, an autocycle, a low-speed electric bicycle, and a motorized bicycle. b. "Motorized bicycle" means a motor vehicle having a saddle or seat for the use of a rider, designed to travel on not more than three wheels in contact with the ground, and not capable of operating at a speed in excess of thirty-nine miles per hour on level ground unassisted by human power, but excluding a low-speed electric bicycle. c. "Bicycle" means either of the following: (1) A device having two or three wheels and having at least one saddle or seat for the use of a rider which is propelled by human power. (2) A low-speed electric bicycle. 41. "Motor truck" means every motor vehicle designed primarily for carrying livestock, merchandise, freight of any kind, or over nine persons as passengers. 42. a. "Motor vehicle" means a vehicle which is self-propelled and not operated upon rails. b. "Used motor vehicle" or "secondhand motor vehicle" or "used car" means a motor vehicle of a type subject to registration under the laws of this state which has been sold "at retail" as defined in chapter 322 and previously registered in this or any other state. c. "New motor vehicle or new car" means a motor vehicle subject to registration which has not been sold "at retail" as defined in chapter 322. d. "Car" or "automobile" means a motor vehicle designed primarily for carrying nine passengers or less, excluding motorcycles and motorized bicycles. 43. Reserved. 44. "Multipurpose vehicle" means a motor vehicle designed to carry not more than ten people, and constructed either on a truck chassis or with special features for occasional off-road operation. 45. "Nonresident" means every person who is not a resident of this state. 46. "Official traffic-control devices" means all signs, signals, markings, and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic. 47. "Official traffic-control signal" means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed. 47A. "Off-road utility vehicle" means a motorized flotation-tire vehicle with not less than four and not more than eight low-pressure tires that is limited in engine displacement to less than one thousand five hundred cubic centimeters and in total dry weight to not more than one thousand eight hundred pounds and that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control. 48. "Operator" or "driver" means every person who is in actual physical control of a motor vehicle upon a highway. 49. "Owner" means a person who holds the legal title of a vehicle, or in the event a vehicle is the subject of a security agreement with an immediate right of possession vested in the debtor, then such debtor shall be deemed the owner for the purpose of this chapter. 50. "Peace officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations in addition to its meaning in section 801.4. 51. "Pedestrian" means any person afoot. 52. "Person" means every natural person, firm, partnership, association, or corporation. Where the term "person" is used in connection with the registration of a motor vehicle, it shall include any corporation, association, partnership, company, firm, or other aggregation of individuals which owns or controls such motor vehicle as actual owner, or for the purpose of sale or for renting, whether as agent, salesperson, or otherwise. 53. "Pneumatic tire" means every tire in which compressed air is designed to support the load. 54. "Private road" or "driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons. 54A. "Product identification number" or the acronym PIN means a group of unique numerical or alphabetical designations assigned to a complete fence-line feeder, grain cart, or tank wagon by the manufacturer or by the department and affixed to the vehicle, pursuant to rules adopted by the department, as a means of identifying the vehicle or the year of manufacture. 54B. "Proof of financial liability coverage card" means either a liability insurance card issued under section 321.20B, a bond insurance card issued under section 321A.24, a security insurance card issued under section 321A.25, or a self-insurance card issued under section 321A.34. 55. "Railroad" means a carrier of persons or property upon cars operated upon stationary rails. 56. "Railroad corporation" means any corporation organized under the laws of this state or any other state for the purpose of operating the railroad within this state. 57. "Railroad sign" or "signal" means any sign, signal, or device erected by authority of a public body or official or

by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train. 58. "Railroad train" means an engine or locomotive with or without cars coupled thereto, operated upon rails. 59. "Reconstructed vehicle" means every vehicle of a type required to be registered under this chapter materially altered from its original construction by the removal, addition, or substitution of essential parts, new or used. "Reconstructed vehicle" does not include a street rod, replica vehicle, or glider kit vehicle. 59A. "Registration fees", unless otherwise specified, means both the annual vehicle registration fee and the fee for new registration, to the extent applicable, for purposes of administering the provisions of this chapter concerning vehicle registration fees. 60. "Registration year" means the period of twelve consecutive months beginning on the first day of the month following the month of the birth of the owner of the vehicle for vehicles registered by the county treasurer, except that "registration year" means the calendar year for motor trucks and truck tractors which are registered by the county treasurer in two equal semiannual installments pursuant to sections 321.120, 321.121, and 321.122, and "registration year" means the period of twelve consecutive months, as determined by the owner, for motor trucks and truck tractors that are registered by the county treasurer on an annual basis pursuant to sections 321.120, 321.121, and 321.122. For leased vehicles registered by the county treasurer, except for motor trucks and truck tractors registered pursuant to sections 321.120, 321.121, and 321.122, "registration year" means the period of twelve consecutive months beginning on the first day of the month following the month in which the lease expires. For vehicles registered under chapter 326, "registration year" means the twelve-month period determined by the department pursuant to section 326.14. 61. "Replica vehicle" means any completed motor vehicle other than a motorcycle or motorized bicycle with a gross vehicle weight rating of less than ten thousand pounds consisting of a body, frame, and other essential parts, assembled as a reproduction of a vehicle originally manufactured by a generally recognized manufacturer of motor vehicles with the substitution or addition of essential parts to update the vehicle for purposes of safety, performance, or reliability. For purposes of vehicle registration, the model year of a replica vehicle shall be the same as the model year of the motor vehicle that it is designed to resemble. 62. "Rescue vehicle" means a motor vehicle which is equipped with rescue, fire, life support, hazardous material, or emergency management equipment used to assist and rescue persons in emergencies or support emergency personnel in the performance of their duties. 63. "Residence district" means the territory within a city contiguous to and including a highway, not comprising a business, suburban, or school district, where forty percent or more of the frontage on such highway for a distance of three hundred feet or more is occupied by dwellings or by dwellings and buildings in use for business. 63A. "Retractable axle" means an axle designed with the capability of manipulation or adjustment of the weight on the axle. 64. "Right-of-way" means the privilege of the immediate use of the highway. 64A. "Road tractor" means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn. 65. "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel. 66. "Road work zone" means the portion of a highway which is identified by posted or moving signs as the site of construction, maintenance, survey, or utility work. The zone starts upon meeting the first sign identifying the zone and continues until a posted or moving sign indicates that the work zone has ended. 67. "Rural residence district" means an unincorporated area established by a county board of supervisors which is contiguous to and including a secondary highway, not comprising a business district, where forty percent or more of the frontage of the highway for a distance of three hundred feet or more is occupied by dwellings or by dwellings and buildings in use for business. For purposes of this subsection, farm houses and farm buildings are not to be considered. 68. "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone. 68A. "Salvage pool" means the business of selling at auction wrecked or salvage vehicles, as defined in section 321.52. 69. "School bus" means every vehicle operated for the transportation of children to or from school, except vehicles which are: a. Privately owned and not operated for compensation; b. Used exclusively in the transportation of the children in the immediate family of the driver; c. Operated by a municipally or privately owned urban transit company or a regional transit system as defined in section 324A.1 for the transportation of children as part of or in addition to their regularly scheduled service; or d. New or used motor vehicles designed to carry not more than ten persons as passengers, including the driver, or used passenger vans designed to carry not more than twelve persons as passengers, including the driver, 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 shall be operated by employees of the school district who are specifically approved by the local superintendent of schools for the assignment. 70. "School district" means the territory contiguous to and including a highway for a distance of two hundred feet in either direction from a schoolhouse in a city. 71. "Semitrailer" means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle. Wherever the word "trailer" is used in this chapter, same shall be construed to also include "semitrailer". A "semitrailer" shall be considered in this chapter separately from its power unit. 72. "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians. 73. "Solid rubber tire" means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load. 74. "Special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including road construction or maintenance machinery and ditch-digging apparatus. This description does not exclude other vehicles which are within the general terms of this subsection. 75. "Special truck" means a motor truck or truck tractor not used for hire with a gross weight registration of six through thirty-nine tons used by a person engaged in farming to transport commodities produced only by the owner, or to transport commodities purchased by the owner for use in the owner's own farming operation or occasional use for charitable

purposes. "Special truck" also means a motor truck or truck tractor not used for hire with a gross weight registration of six through thirty-nine tons used by a person engaged in farming who assists another person engaged in farming through an exchange of services. A "special truck" does not include a truck tractor operated more than fifteen thousand miles annually. 76. "Specially constructed vehicle" means every vehicle of a type required to be registered under this chapter not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction. "Specially constructed vehicle" does not include a street rod, replica vehicle, or glider kit vehicle. 77. "Stinger-steered automobile transporter" means any vehicle combination designed and used specifically for the transport of assembled highway vehicles, recreational vehicles, or boats in which the fifth wheel is located on a drop frame located below and behind the rearmost axle of the power unit. 78. "Street" or "highway" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic. 78A. "Street rod" means any car or motor truck with a gross vehicle weight rating of less than ten thousand pounds required to be registered under this chapter, manufactured by a generally recognized manufacturer of motor vehicles prior to the year 1949, which may contain a body or frame not manufactured by the original manufacturer, or any motor vehicle designed and manufactured to resemble a motor vehicle manufactured prior to the year 1949. For purposes of vehicle registration, the model year of a street rod shall be the same as the model year of the motor vehicle that it is designed to resemble. 79. "Suburban district" means all other parts of a city not included in the business, school, or residence districts. 80. "Tandem axle" means any two or more consecutive axles whose centers are more than forty inches but not more than ninety-six inches apart. 80A. "Tank wagon" means a vehicle designed to carry liquid animal or human excrement. 81. "Through (or thru) highway" means every highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this chapter or such entrances are controlled by a peace officer or traffic-control signal. The term "arterial" is synonymous with "through" or "thru" when applied to highways of this state. 82. "Tourist attraction" means a business, activity, service, or site where a major portion of the product or service provided is tourist oriented. 83. "Tourist-oriented directional sign" means a sign providing identification and directional information for a tourist attraction. 83A. "Towing or recovery vehicle" means a motor vehicle equipped with booms, winches, slings, or wheel lifts used to tow, recover, or transport other motor vehicles. 83B. "Tracked implement of husbandry" means a fence-line feeder, grain cart, or tank wagon that is mounted on a chassis attached to a pair of tracks that transfer the weight of the implement to the ground or the roadway surface. 84. "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances either singly or together while using any highway for purposes of travel. 85. "Trailer" means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle. 86. Reserved. 87. "Transporter" means a person engaged in the business of delivering vehicles of a type required to be registered or titled in this state who has received authority to make delivery as specified by rules adopted by the department. 88. "Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn. However, a truck tractor may have a box, deck, or plate for carrying freight, mounted on the frame behind the cab, and forward of the fifth-wheel connection point. 89. "Used vehicle parts dealer" means a person engaged in, or advertising as being engaged in, the business of selling bodies, parts of bodies, frames, or component parts of used vehicles subject to registration under this chapter. 89A. "Utility maintenance vehicle" means a motor vehicle operated by an employee or contractor of an entity, including but not limited to the state, a political subdivision of the state, or any commission, department, or agency thereof, an electric cooperative association, or a public or private corporation, in connection with the provision of utility services. 89B. "Utility services" means cable, electric, natural gas, telephone, telecommunication, water, and wastewater treatment services and includes but is not limited to the improvement, installation, maintenance, relocation, or repair of cables, fibers, pipes, utility poles, utility structures, wires, and associated right-of-way and other infrastructure associated with such services. 90. "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway. "Vehicle" does not include: a. Any device moved by human power, including a low-speed electric bicycle. b. Any device used exclusively upon stationary rails or tracks. c. Any personal delivery device operated pursuant to chapter 321O. d. Any integral part of a truck tractor or road tractor which is mounted on the frame of the truck tractor or road tractor immediately behind the cab and which may be used to transport persons and property but which cannot be drawn upon the highway by the truck tractor or another motor vehicle. e. Any steering axle, dolly, auxiliary axle, or other integral part of another vehicle which in and of itself is incapable of commercially transporting any person or property but is used primarily to support another vehicle. 91. "Vehicle identification number" or the initials VIN mean the numerical and alphabetical designations affixed to a vehicle or a component part of a vehicle by the manufacturer or the department or affixed by, or caused to be affixed by, the owner pursuant to rules promulgated by the department as a means of identifying the vehicle. 92. "Vehicle rebuilder" means a person engaged in, or advertising as being engaged in, the business of rebuilding or restoring to operating condition vehicles subject to registration under this chapter, which have been damaged or wrecked. 93. "Vehicle salvager" means a person engaged in, or advertising as being engaged in, the business of scrapping vehicles, dismantling or storing wrecked or damaged vehicles or selling reusable parts of vehicles or storing vehicles not currently registered which vehicles are subject to registration under this chapter. 94. "Where a vehicle is kept" shall refer to the county of residence of the owner or to the county where the vehicle is mainly kept if said owner is a nonresident of the state. [S13, §1571-m1, -m20; C24, 27, §4863, 5030, 13012; C31, 35, §4863, 4960-d1, 5030, 13012; C39, §5000.01; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.1; 81 Acts, ch 101, §1; 81 Acts 2d Ex, ch 2, §5; 82 Acts, ch 1056, §1, ch 1122, §1, ch 1254, §1] 82 Acts, ch 1062, §1, 2, 38; 83 Acts, ch 9, §3, 8; 83 Acts, ch 24, §1, 12; 84 Acts, ch 1219, §21; 84 Acts, ch 1252, §1; 84 Acts, ch 1292, §2; 85 Acts, ch 21, §41;

85 Acts, ch 35, §1, 2; 85 Acts, ch 37, §1; 85 Acts, ch 40, §1; 86 Acts, ch 1056, §1; 86 Acts, ch 1071, §1; 86 Acts, ch 1210, §1, 2; 86 Acts, ch 1237, §19; 86 Acts, ch 1238, §13; 87 Acts, ch 170, §2 – 4; 87 Acts, ch 186, §1, 2; 87 Acts, ch 189, §1; 88 Acts, ch 1047, §1; 88 Acts, ch 1083, §1, 2; 89 Acts, ch 34, §1; 89 Acts, ch 83, §40, 41; 89 Acts, ch 118, §1; 90 Acts, ch 1183, §3; 90 Acts, ch 1230, §6 – 14; 91 Acts, ch 56, §1; 91 Acts, ch 219, §14; 92 Acts, ch 1048, §1; 92 Acts, ch 1104, §1; 92 Acts, ch 1175, §19, 28; 93 Acts, ch 114, §1; 93 Acts, ch 139, §7; 94 Acts, ch 1087, §1; 95 Acts, ch 10, §1; 95 Acts, ch 55, §1, 2; 95 Acts, ch 56, §1; 95 Acts, ch 118, §1, 2; 96 Acts, ch 1005, §1; 96 Acts, ch 1129, §113; 97 Acts, ch 100, §1; 97 Acts, ch 104, §5; 97 Acts, ch 108, §1, 2; 97 Acts, ch 139, §1, 17, 18; 97 Acts, ch 148, §7, 9; 98 Acts, ch 1073, §1 – 4; 98 Acts, ch 1075, §20; 98 Acts, ch 1121, §8; 99 Acts, ch 13, §1 – 3, 29; 99 Acts, ch 108, §1 – 3; 99 Acts, ch 188, §1; 2000 Acts, ch 1005, §1; 2000 Acts, ch 1016, §1; 2000 Acts, ch 1025, §1, 6; 2000 Acts, ch 1133, §1; 2001 Acts, ch 32, §15; 2001 Acts, ch 132, §1; 2001 Acts, ch 153, §15, 17; 2001 Acts, ch 176, §80; 2002 Acts, ch 1063, §17, 18; 2003 Acts, ch 6, §1; 2003 Acts, ch 24, §2; 2004 Acts, ch 1013, §1, 35; 2004 Acts, ch 1132, §80; 2004 Acts, ch 1175, §397, 400; 2005 Acts, ch 8, §2, 3; 2005 Acts, ch 20, §4; 2006 Acts, ch 1068, §6, 7, 41 ; 2008 Acts, ch 1018, §1 – 3 ; 2008 Acts, ch 1021, §1 – 4; 2008 Acts, ch 1032, §106; 2008 Acts, ch 1044, §1 – 4, 8; 2008 Acts, ch 1113, §2, 11, 38; 2009 Acts, ch 90, §1; 2009 Acts, ch 130, §20; 2010 Acts, ch 1035, §1; 2010 Acts, ch 1061, §111; 2010 Acts, ch 1186, §3; 2011 Acts, ch 38, §2; 2012 Acts, ch 1013, §1, 2; 2012 Acts, ch 1093, §1; 2013 Acts, ch 37, §1; 2013 Acts, ch 103, §2 – 4, 21; 2014 Acts, ch 1023, §1; 2014 Acts, ch 1027, §1; 2014 Acts, ch 1127, §4, 5; 2015 Acts, ch 29, §114; 2015 Acts, ch 72, §1, 4; 2015 Acts, ch 123, §31, 44; 2016 Acts, ch 1073, §101; 2016 Acts, ch 1098, §1, 2; 2016 Acts, ch 1101, §1, 24; 2017 Acts, ch 84, §1; 2018 Acts, ch 1010, §1; 2018 Acts, ch 1022, §1; 2018 Acts, ch 1095, §1; 2019 Acts, ch 59, §90; 2019 Acts, ch 67, §1, 20; 2019 Acts, ch 138, §1; 2019 Acts, ch 146, §1; 2020 Acts, ch 1063, §145; 2020 Acts, ch 1089, §3; 2021 Acts, ch 33, §1 – 3; 2021 Acts, ch 119, §1; 2021 Acts, ch 125, §2 – 4; 2023 Acts, ch 19, §1055, 2507; 2023 Acts, ch 66, §67 Referred to in §123.48, 142D.2, 159A.11, 214A.32, 308A.1, 321.20B, 321.24, 321.56, 321.105A, 321.121, 321.126, 321.234A, 321.235A, 321.235B, 321.260, 321.285, 321.373, 321.471, 321.474, 321.486, 321A.1, 321A.32, 321E.7, 321E.14, 321E.34, 321G.9, 321G.20, 321G.24, 321I.7, 321I.21, 321J.6, 321J.8, 321N.3, 321O.1, 321O.2, 321O.4, 321O.7, 322.2, 322.3, 322.4, 322.27A, 322.35, 322C.2, 322D.1, 325A.2, 326.2, 327F.39, 423.1, 423.6, 423B.2, 452A.74A, 452A.76, 453A.4, 455B.301, 462A.34A, 476.27, 481A.54, 522A.2, 537.3604, 537B.2, 537B.4, 668.12A, 668.15A, 669.14, 670.4, 707.6A, 713.6A, 713.6B, 714.2, 714.8, 805.8A(14)(i), 805.9, 805.16, 811.9 Subsection 8, paragraphs g and i amended Subsection 73 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.10 - Certified copies of records.

321.10 Certified copies of records. 1. The director and officers of the department designated by the director are authorized to prepare under the seal of the department and provide upon request a certified copy of any record of the department, charging a fee of fifty cents for each document so authenticated, and every such certified copy shall be admissible in any proceeding in any court in like manner as the original and shall be considered to be true and accurate unless shown otherwise by an objecting party. The seal of the department may be applied electronically on certified copies of records. 2. Any records or certified copies of records prepared pursuant to this section and any certified abstract, or a copy of a certified abstract, of the operating record of a driver or a motor vehicle owner prepared pursuant to this chapter, chapter 321A, or chapter 321J shall be received in evidence if determined to be relevant, in any court, preliminary hearing, grand jury proceeding, civil proceeding, administrative hearing, or forfeiture proceeding in the same manner and with the same force and effect as if the director or the director's designee had testified in person. [C39, §5000.10; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.10] 98 Acts, ch 1075, §21; 2006 Acts, ch 1010, §87; 2008 Acts, ch 1018, §4 Referred to in §321.11

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.100 - False evidences of registration.

321.100 False evidences of registration. It is a fraudulent practice for any person to commit any of the following acts: 1. To alter with a fraudulent intent any certificate of title, manufacturer's or importer's certificate, registration card, registration plate, manufacturer's vehicle identification plate, or permit issued by the department or county treasurer. 2. To forge or counterfeit any such document or plate. 3. To hold or use any such document or plate knowing the same to have been so altered, forged, or falsified. 4. To hold or use any certificate of title, manufacturer's or importer's certificate, registration card, registration plate, manufacturer's vehicle identification plate, or permit issued by the department or county treasurer, for any vehicle to which such document or plate is not legally assigned. 5. To transfer in any manner or to offer to transfer in any manner a certificate of title, manufacturer's or importer's certificate to any vehicle on which a salvage certificate of title or junking certificate is required under section 321.52, with knowledge or reason to believe that the certificate will be used for a vehicle other than the vehicle for which the certificate is issued. "Transfer" for the purposes of this subsection means to sell, exchange, change possession or ownership or convey in any manner. [SS15, §1571-m12a; C24, 27, 31, 35, §5080; C39, §5007.04; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.100] 91 Acts, ch 97, §44 Referred to in §322C.6 Fraudulent practices, see §714.8 – 714.14

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.101 - Suspension or revocation of registration or cancellation of certificate of title by department.

321.101 Suspension or revocation of registration or cancellation of certificate of title by department. 1. The department is hereby authorized to suspend or revoke the registration of a vehicle, registration card, registration plate, or any nonresident or other permit

in any of the following events: a. When the department is satisfied that such registration card, plate, or permit was fraudulently or erroneously issued. b. When the department determines that a registered vehicle is mechanically unfit or unsafe to be operated or moved upon the highways. c. When a registered vehicle has been dismantled or wrecked. d. When the department determines that the required annual registration fee has not been paid and the fee is not paid upon reasonable notice and demand. e. When a registration card, registration plate, or permit is knowingly displayed upon a vehicle other than the one for which issued. f. When the department determines that the owner has committed any offense under this chapter involving the registration card, plate, or permit to be suspended or revoked. g. When the department is so authorized under any other provision of law. h. If a commercial motor vehicle has been assigned to be operated by a commercial motor carrier whose ability to operate has been terminated or denied by a federal agency. 2. The department shall cancel a certificate of title that appears to have been improperly issued or fraudulently obtained or, in the case of a mobile home or manufactured home, if taxes were owing under chapter 435 at the time the certificate was issued and have not been paid. However, before the certificate to a mobile home or manufactured home for which taxes were owing can be canceled, notice and opportunity to pay the taxes must be given to the person to whom the certificate was issued. Upon cancellation of a certificate of title, the department shall notify the county treasurer who issued it, who shall enter the cancellation upon the records. The department shall also notify the person to whom the certificate of title was issued, as well as each lienholder who has a perfected lien, of the cancellation and shall demand the surrender of the certificate of title, but the cancellation shall not affect the validity of any perfected lien. 3. Notice of suspension or revocation of the registration of a vehicle, registration card, registration plate, or any nonresident or other permit under the terms of this section shall be by personal delivery of the notice to the person to be so notified or by certified mail addressed to the person at the person's address as shown on the registration record. A return acknowledgment is not necessary to prove such latter service. 4. If a vehicle, for which the registration has been suspended or revoked pursuant to subsection 1, paragraph "d", or section 321.101A, is transferred to a bona fide purchaser for value without actual knowledge of such suspension or revocation, then the vehicle shall be deemed to be registered and the provisions of sections 321.28 and 321.30, subsection 1, paragraphs "d" and "e", shall not be applicable to such vehicle for the failure of the previous owner to pay the required fees. [C24, 27, 31, 35, §5090; C39, §5007.05; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.101; 82 Acts, ch 1251, §14] 95 Acts, ch 55, §5; 99 Acts, ch 188, §12; 2000 Acts, ch 1016, §12; 2001 Acts, ch 153, §17; 2004 Acts, ch 1013, §19, 35; 2007 Acts, ch 126, §55; 2008 Acts, ch 1113, §84 Referred to in §321.30

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.101A - Revocation of registration by county treasurer.

321.101A Revocation of registration by county treasurer. The county treasurer may revoke the registration and registration plates of a vehicle if the annual registration fee or the fee for new registration is paid by check, electronic payment, or credit card and the check, electronic payment, or credit card is not honored by the payer's financial institution or credit card company, upon reasonable notice and demand. The owner of the vehicle or person in possession of the registration and registration plates for the vehicle shall immediately return the revoked registration and registration plates to the appropriate county treasurer's office. 2000 Acts, ch 1016, §13; 2006 Acts, ch 1070, §8, 31; 2008 Acts, ch 1113, §85 Referred to in §321.30, 321.101

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.102 - Suspending or revoking special registration.

321.102 Suspending or revoking special registration. The department is also authorized to suspend or revoke a certificate or the special plates issued to a manufacturer, transporter, or dealer upon determining that any said person is not lawfully entitled thereto or has made or knowingly permitted any illegal use of such plates or has committed fraud in the registration of vehicles or failed to give notices of transfer when and as required by this chapter. [C39, §5007.06; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.102]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.103 - Owner to return evidences of registration and title.

321.103 Owner to return evidences of registration and title. Whenever the department as authorized hereunder cancels, suspends, or revokes the registration of a vehicle, or certificate of title, or registration card, or registration plate or plates, or any nonresident or other permit or the registration of any dealer, the owner or person in possession of the same shall immediately return the evidences of registration, certificate of title, or plates so canceled, suspended, or revoked to the department. [C39, §5007.07; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.103]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.104 - Penal offenses against title law.

321.104 Penal offenses against title law. It is a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 2, for any person to commit any of the following acts: 1. To operate any motor vehicle upon the highways upon which the certificate of title has been canceled, or while a certificate of registration of a motor vehicle is suspended or revoked. 2. For a dealer or a person acting on behalf of a dealer to acquire, purchase, hold or display for sale a motor vehicle without having obtained a manufacturer's or importer's certificate or a certificate of title, or assignments thereof, unless otherwise provided in this chapter. 3.

To fail to surrender a certificate of title, registration card, or registration plates upon cancellation, suspension, or revocation of the certificate or registration by the department and notice as prescribed in this chapter. 4. To sell, offer for sale, or transfer a motor vehicle, trailer, or semitrailer, except as provided in section 321.47 or 321.48, section 321.52, subsection 2, paragraph “b”, or section 321.52, subsection 4, paragraph “a”, without obtaining a certificate of title in the name of the seller or transferor or without delivering to the purchaser or transferee a certificate of title or a manufacturer’s or importer’s certificate duly assigned to the purchaser or transferee as provided in this chapter. 5. To violate any of the other provisions of this chapter or any lawful rules adopted pursuant to this chapter. 6. For a manufactured or mobile home retailer to sell or transfer a mobile home or manufactured home without delivering to the purchaser or transferee a certificate of title or a manufacturer’s or importer’s certificate properly assigned to the purchaser, or to transfer a mobile home or manufactured home without disclosing to the purchaser the owner of the mobile home or manufactured home in a manner prescribed by the department pursuant to rules, or to fail to apply for and obtain a certificate of title for a used mobile home or manufactured home, titled in Iowa, acquired by the manufactured or mobile home retailer within thirty days from the date of acquisition as required under section 321.45, subsection 4. [S13, §1571-m24; C24, 27, 31, 35, §5086; C39, §5007.08; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.104; 82 Acts, ch 1251, §15] 85 Acts, ch 195, §33; 86 Acts, ch 1237, §20; 87 Acts, ch 130, §5; 97 Acts, ch 108, §9; 99 Acts, ch 188, §13; 2000 Acts, ch 1154, §23; 2000 Acts, ch 1203, §5; 2001 Acts, ch 137, §5; 2001 Acts, ch 153, §17; 2002 Acts, ch 1119, §49; 2010 Acts, ch 1190, §36; 2015 Acts, ch 52, §6, 14; 2017 Acts, ch 31, §4 Referred to in §321.48, 805.8A(2)(t)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.105 - Annual registration fee required.

321.105 Annual registration fee required. 1. An annual registration fee shall be paid for each vehicle operated upon the public highways of this state unless the vehicle is specifically exempted under this chapter. If a vehicle, which has been registered for the current registration year, is transferred during the registration year, the transferee shall reregister the vehicle as provided in section 321.46. 2. The annual registration fee shall be paid to the county treasurer at the same time the application is made for the registration or reregistration of the motor vehicle or trailer. An owner may, when applying for registration or reregistration of a motor vehicle or trailer, request that the plates be mailed to the owner’s post office address. The owner’s request shall be accompanied by a mailing fee as determined annually by the director in consultation with the Iowa county treasurers association. 3. Upon application by a financial institution, as defined in section 422.61, and approval of the application by the county treasurer, the county treasurer in any county may authorize the financial institution to receive applications for renewal of vehicle registrations and payment of the annual registration fees. The annual registration fees shall be delivered to the county treasurer at the time the county treasurer has processed the vehicle registration application. Annual registration fees received with vehicle registration applications shall be designated as public funds only upon receipt of such funds by the county treasurer from the financial institution. 4. In addition to the payment of an annual registration fee for each trailer and semitrailer to be issued a registration plate under chapter 326, an additional registration fee may be paid for a period of four subsequent registration years. 5. Seriously disabled veterans who have been provided with an automobile or other vehicle by the United States government under the provisions of 38 U.S.C. §3901 – 3904, shall be exempt from payment of the registration fee provided in this chapter for that vehicle, and shall be provided, without fee, with one set of regular registration plates or one set of any type of special registration plates associated with service in the United States armed forces for which the disabled veteran qualifies under section 321.34. The disabled veteran, to be able to claim the benefit, must be a resident of the state of Iowa. In lieu of the set of regular or special military registration plates available without fee, the disabled veteran may obtain a set of nonmilitary special registration plates or personalized plates issued under section 321.34 by paying the additional fees associated with those plates. [SS15, §1571-m7; C24, 27, 31, 35, §4904; C39, §5008.01; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.105] 82 Acts, ch 1062, §12, 38; 83 Acts, ch 123, §125, 209; 86 Acts, ch 1182, §2; 95 Acts, ch 118, §16; 97 Acts, ch 108, §10; 97 Acts, ch 121, §3; 2000 Acts, ch 1216, §4; 2008 Acts, ch 1018, §20; 2008 Acts, ch 1113, §86; 2010 Acts, ch 1061, §180; 2012 Acts, ch 1093, §8; 2018 Acts, ch 1026, §109 Referred to in §25.1, 321.34, 321.105A, 321.145, 321.166, 321L.2, 326.2, 331.427, 331.557 Collection of mobile home tax, §435.24

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.105A - Fee for new registration.

321.105A Fee for new registration. 1. Definitions. The following terms, when used in this section, shall have the following meanings, except in those instances where the context clearly indicates otherwise: a. “Department” means the department of revenue. b. “Director” means the director of revenue. c. “Owner” means as defined in section 321.1. For purposes of the fee for new registration imposed on leased vehicles under subsection 3, “owner” means the “lessor”. d. “Purchase” means any transfer, exchange, or barter, conditional or otherwise, in any manner or by any means whatsoever, for consideration. 2. Fee imposed — exemptions. In addition to the annual registration fee required under section 321.105, a “fee for new registration” is imposed in the amount of five percent of the purchase price for each vehicle subject to registration. The fee for new registration shall be paid by the owner of the vehicle to the county treasurer at the time application is made for a new registration and certificate of title, if applicable. A new registration receipt shall not be issued until the fee has been paid. The county treasurer or the department of transportation shall require every applicant for a new registration receipt for a vehicle subject to registration to supply information as the county treasurer or the director deems necessary as to the time of purchase, the purchase price, and other information relative to the purchase of the vehicle. On or before the tenth day of each month, the county treasurer or the department of transportation shall

remit to the department of revenue the amount of the fees for new registration collected during the preceding month. a. For purposes of this subsection, “purchase price” applies to the measure subject to the fee for new registration. “Purchase price” shall be determined in the same manner as “sales price” is determined for purposes of computing the tax imposed upon the sales price of tangible personal property under chapter 423, pursuant to the definition of sales price in section 423.1. The following are exempt from the fee for new registration imposed by this subsection: (1) The amount of any cash rebate which is provided by a motor vehicle manufacturer to the purchaser of the vehicle subject to registration so long as the rebate is applied to the purchase price of the vehicle. (2) (a) In transactions, except those subject to subparagraph division (b), in which a vehicle subject to registration is traded toward the purchase price of another vehicle subject to registration, the portion of the purchase price which is not valued in money, whether received in money or not, if the following conditions are met: (i) The vehicle traded to the retailer is the type of vehicle normally sold in the regular course of the retailer’s business. (ii) The vehicle traded to the retailer is intended by the retailer to be ultimately sold at retail or is intended to be used by the retailer or another in the remanufacturing of a like vehicle. (b) In a transaction between persons, neither of which is a retailer of vehicles subject to registration, in which a vehicle subject to registration is traded toward the purchase price of another vehicle subject to registration, the amount of the trade-in value allowed on the vehicle subject to registration traded. (c) The person listed on the title and registration of the newly acquired vehicle must be the same person listed on the title and registration of the traded vehicle being traded in order to exclude the trade-in value from the purchase price. Additionally, the following trades qualify under this subparagraph division (c): (i) A trade between spouses, if the traded vehicle and the acquired vehicle are titled in the name of one or both of the spouses, with no outside party named on the title. (ii) A trade between lineal family members, including adopted and step relationships, if one of the family members from the title of the traded vehicle is also on the title of the newly acquired vehicle. (iii) A trade involving an entity, if one of the owners listed on the title of the traded vehicle is an entity. If multiple names appear on the title, the names must be separated by “or”. For purposes of trades under this subparagraph subdivision, a sole proprietorship shall not be distinguished from an individual owner. (iv) A trade in which the vehicle being purchased is titled in the name of an individual other than the owner of the traded vehicle due to the cosigning requirements of a financial institution. (3) The fair market value of a replacement motor vehicle owned by a motor vehicle dealer licensed under chapter 322 which is being registered by that dealer and is not otherwise exempt from the fee for new registration, if all of the following conditions are met: (a) The motor vehicle being registered is being placed in service as a replacement motor vehicle for a motor vehicle registered by the motor vehicle dealer. (b) The motor vehicle being registered is taken from the motor vehicle dealer’s inventory. (c) Use tax or the fee for new registration on the motor vehicle being replaced was paid by the motor vehicle dealer when that motor vehicle was registered. (d) The replaced motor vehicle is returned to the motor vehicle dealer’s inventory for sale. (e) The application for registration and title of the motor vehicle being registered is filed with the county treasurer within two weeks of the date the replaced motor vehicle is returned to the motor vehicle dealer’s inventory. (f) The motor vehicle being registered is placed in the same or substantially similar service as the replaced motor vehicle. b. For purposes of this subsection, the fee for new registration on a vehicle registered in this state by the manufacturer of that vehicle from a manufacturer’s statement of origin is calculated on the base value of fifty percent of the retail list price of the vehicle. c. The following are exempt from the fee for new registration imposed under this subsection, as long as a valid affidavit is filed with the county treasurer at the time of application for registration: (1) Entities listed in section 423.3, subsections 17, 18, 19, 20, 21, 22, 26, 27, 28, 31, and 79, to the extent that those entities are exempt from the tax imposed on the sale of tangible personal property sold at retail in the state to consumers or users. (2) Vehicles as defined in section 321.1, subsections 41, 64A, 71, 85, and 88, except such vehicles subject to registration which are designed primarily for carrying persons, when purchased for lease and actually leased to a lessee for use outside the state of Iowa and the subsequent sole use in Iowa is in interstate commerce or interstate transportation. (3) (a) Vehicles subject to registration which are transferred from an entity doing business within this state to another entity doing business within this state if all of the following apply: (i) The receiving entity was formed by the transferring entity for the purpose of continuing the business. (ii) (A) All ownership remains the same and in the same proportions as the previous ownership with no fewer or additional owners or replacement owners. (B) In the case of a sole proprietorship, the spouse of the sole proprietor may stand in place of the sole proprietor. (b) This exemption also applies where the vehicles subject to registration are transferred from a corporation as part of the liquidation of the corporation to its stockholders if within three months of such transfer the stockholders retransfer those vehicles subject to registration to a sole proprietorship, partnership, or limited liability company for the purpose of continuing the business of the corporation when all of the incidents of ownership are owned by the same person or persons who were stockholders of the corporation. (c) For an exemption under this subparagraph, a receiving entity shall have been in existence for not longer than twenty-four months. (4) Vehicles subject to registration which are transferred from a corporation that is primarily engaged in the business of leasing vehicles subject to registration to a corporation that is primarily engaged in the business of leasing vehicles subject to registration when the transferor and transferee corporations are part of the same controlled group for federal income tax purposes. (5) (a) Vehicles registered or operated under chapter 326 and used substantially in interstate commerce. For purposes of this subparagraph (5), “substantially in interstate commerce” means that a minimum of twenty-five percent of the miles operated by the vehicle accrues in states other than Iowa. This subparagraph (5) applies only to vehicles which are registered for a gross weight of thirteen tons or more. (b) For purposes of this subparagraph (5), trailers and semitrailers registered or operated under chapter 326 are deemed to be used substantially in interstate commerce and to be registered for a gross weight of thirteen tons or more. (c) For the purposes of this subparagraph (5), if a vehicle meets the requirement that twenty-five percent of the miles operated accrues in states other than Iowa in each year of the first four-year period of operation, the exemption from the fee for new registration shall continue until the vehicle is sold or transferred. If the vehicle is found to have not met the exemption requirements or the exemption

was revoked, the value of the vehicle upon which the fee for new registration shall be imposed is based on the original purchase price if revocation or nonqualification for this exemption occurs during the first year following registration. If revocation or nonqualification for this exemption occurs after the first year following registration, the value of the vehicle upon which the fee shall be imposed is the book or market value, whichever is less, at the time the exemption requirements were not met or the exemption was revoked. (6) Vehicles, excluding autocycles, motorcycles, and motorized bicycles, subject to registration in any state when purchased for rental or registered and titled by a motor vehicle dealer licensed pursuant to chapter 322 for rental use, and held for rental for a period of one hundred twenty days or more and actually rented for periods of sixty days or less by a person regularly engaged in the business of renting vehicles, including but not limited to motor vehicle dealers licensed pursuant to chapter 322 who rent automobiles to users, if the rental of the vehicles is subject to taxation under section 423.2 or chapter 423C. (7) Vehicles subject to registration in this state for which the applicant for registration has paid to another state a state sales, use, or occupational tax, or paid the equivalent sales or excise tax of another country to that country. However, if the tax paid to another state or country is less than the fee for new registration calculated for the vehicle, the difference shall be the amount to be collected as the fee for new registration. (8) A vehicle subject to registration in this state which is owned by a person who has moved from another state or country with the intention of changing residency to Iowa, provided that the vehicle was purchased for use in the state or country from which the applicant moved and was not, at or near the time of purchase, purchased for use in Iowa. (9) A vehicle that was previously registered in this state and was subsequently registered in another state is not subject to the fee for new registration when it is again registered in this state, provided that the applicant for registration has maintained ownership of the vehicle since its initial registration in this state and has previously paid the use tax or fee for new registration for the vehicle in this state. (10) Vehicles transferred by operation of law as provided in section 321.47. (11) Vehicles for which ownership is transferred to or from a revocable or irrevocable trust, if no consideration is present. (12) Vehicles transferred to the surviving corporation for no consideration as a result of a corporate merger according to the laws of this state in which the merging corporation is immediately extinguished and dissolved. (13) Vehicles purchased in this state by a nonresident for removal to the nonresident's state of residence if the purchaser applies to the county treasurer for a transit plate under section 321.109. (14) Vehicles purchased by a licensed motor vehicle dealer for resale or primarily for use by the dealer's customers while the customers' vehicles are being serviced or repaired by the dealer. (15) Vehicles purchased by a wholesaler of new motor vehicles licensed under section 322.27A for resale by the same wholesaler. (16) Homemade vehicles built from parts purchased at retail, upon which the consumer paid a tax to the seller, but only on such vehicles never before registered. This exemption does not apply for vehicles subject to registration which are made by a manufacturer engaged in the business for the purpose of sales or rental. (17) Vehicles titled under a salvage certificate of title. However, when such a vehicle has been repaired and a regular certificate of title is applied for, the fee for new registration is due as follows: (a) If the owner of the vehicle is a licensed recycler, unless the applicant is licensed as a vehicle dealer, the fee for new registration applies based on the fair market value of the vehicle, with deduction allowed for the cost of parts, supplies, and equipment for which sales tax was paid and which were used to rebuild the vehicle. (b) If the owner is a person who is not licensed as a recycler or vehicle dealer, the fee for new registration applies based on the fair market value of the vehicle, with deduction allowed for the cost of parts, frames, chassis, auto bodies, or supplies that were purchased to rebuild the vehicle and for which sales tax was paid. (18) A vehicle delivered to a resident Native American Indian on a reservation. (19) A vehicle transferred from one individual to another individual as a gift in a transaction in which no consideration is present. (20) A vehicle given by a corporation as a gift to a retiring employee. (21) A vehicle sold by an entity where the profits from the sale are used by or donated to a nonprofit entity which is exempt from federal income taxation pursuant to section 501(c)(3) of the Internal Revenue Code, a government entity, or a nonprofit private educational institution, and where the entire proceeds from the sale of the vehicle are expended for any of the following purposes: (a) Educational. (b) Religious. (c) Charitable. A charitable act is an act done out of goodwill, benevolence, and a desire to add to or to improve the good of humankind in general or any class or portion of humankind, with no pecuniary profit inuring to the person performing the service or giving the gift. (22) A vehicle given or sold to be subsequently awarded as a raffle prize under chapter 99B. (23) A vehicle won as a raffle prize under chapter 99B. (24) A vehicle that is directly and primarily used in the recycling or reprocessing of waste products. (25) Vehicles subject to registration under this chapter when purchased for lease and titled by the lessor licensed pursuant to chapter 321F and actually leased for a period of six months or more if the lease of the vehicle is subject to the fee for new registration under subsection 3 or exempt from the fee for new registration pursuant to subsection 3, paragraph "f". (a) A lessor may maintain the exemption under this subparagraph (25) for a qualifying lease that terminates at the conclusion or prior to the contracted expiration date if the lessor does not use the vehicle for any purpose other than for lease. (b) Once the vehicle is used by the lessor for a purpose other than for lease, the exemption under this subparagraph (25) no longer applies and, unless there is another exemption from the fee for new registration, the fee for new registration is due on the fair market value of the vehicle determined at the time the lessor uses the vehicle for a purpose other than for lease, payable to the department. (c) If the lessor holds the vehicle exclusively for sale, the fee for new registration is due and payable on the purchase price of the vehicle at the time of purchase pursuant to this subsection. (26) A vehicle repossessed by a licensed vehicle dealer pursuant to the uniform commercial code, chapter 554, provided there is a valid lien on the title and the dealer anticipates reselling the vehicle. (27) A vehicle repossessed by a financial institution or an individual by means of a foreclosure affidavit pursuant to the uniform commercial code, chapter 554, provided there is a valid lien on the vehicle and the foreclosure affidavit is used for the sole purpose of retaining possession of the vehicle until a new buyer is found. However, if the financial institution or individual uses the foreclosure affidavit to take title to the vehicle and register the vehicle, the fee for new registration shall be due based on the outstanding loan amount on the vehicle. (28) A damaged vehicle acquired by an insurance company from a client or financial

institution, provided the insurance company has a vehicle dealers license. (29) A vehicle returned to a manufacturer and titled in the manufacturer's name under section 322G.12. (30) A vehicle purchased directly by a federal, state, or local governmental agency and titled in an individual's name pursuant to a governmental program authorized by law. (31) (a) A new completed motor vehicle purchased at retail by an equipment dealer who is licensed as a motor vehicle dealer under chapter 322, provided that all of the following apply: (i) The equipment dealer modifies the vehicle as provided in subparagraph division (b), subparagraph subdivision (i) or (ii). (ii) The total value of the work performed and the equipment installed on the vehicle equals or exceeds eighty percent of the purchase price paid for the new vehicle. (iii) Notwithstanding section 322.3, the equipment dealer sells the modified vehicle as a used vehicle to a purchaser that is a business or government entity, and not an individual consumer. (b) For purposes of this subparagraph, "equipment dealer" means a person who does at least one of the following: (i) Rebuilds new completed motor vehicles by fabricating, altering, adding, or replacing essential parts, components, or equipment for the purpose of building an ambulance, rescue vehicle, fire vehicle, or towing or recovery vehicle. (ii) Installs cranes, hook loaders, buckets, aerial ladders, tanks, or special equipment on new completed motor trucks with a gross vehicle weight rating of fourteen thousand five hundred pounds or more. 3. Leased vehicles. a. A fee for new registration is imposed in an amount equal to five percent of the leased price for each vehicle subject to registration which is leased by a lessor licensed pursuant to chapter 321F for a period of six months or more. The fee for new registration shall be paid by the owner of the vehicle to the county treasurer from whom the registration receipt or certificate of title is obtained. A registration receipt for a vehicle subject to registration or issuance of a certificate of title shall not be issued until the fee for new registration is paid in the initial instance. b. The amount of the lease price subject to the fee for new registration shall be computed on each separate lease transaction by taking the total of the lease payments, plus the down payment, and excluding the following charges, if included as part of the lease payment: (1) Title fee. (2) Annual registration fees. (3) Fee for new registration. (4) Federal excise taxes attributable to the sale of the vehicle to the owner or to the lease of the vehicle by the owner. (5) Optional service or warranty contracts subject to tax pursuant to section 423.2, subsection 1. (6) Insurance. (7) Manufacturer's rebate. (8) Refundable deposit. (9) Finance charges, if any, on items listed in subparagraphs (1) through (8). c. If any or all of the items in paragraph "b", subparagraphs (1) through (8), are excluded from the lease price subject to the fee for new registration, the owner shall maintain adequate records of the amounts of those items. If the parties to a lease enter into an agreement providing that the fee for new registration is to be paid by the lessee or included in the monthly lease payments to be paid by the lessee, the total cost of the fee for new registration shall not be included in the computation of the lease price for the purpose of the fee for new registration under this section. The county treasurer or the department of transportation shall require every applicant for a registration receipt for a vehicle subject to a fee for new registration to supply information as the county treasurer or the director deems necessary as to the date of the lease transaction, the lease price, and other information relative to the lease of the vehicle. d. On or before the tenth day of each month, the county treasurer or the department of transportation shall remit to the department of revenue the amount of the fees for new registration collected during the preceding month. e. If the lease is terminated or voided prior to the termination date contained in the lease agreement, no refund shall be allowed for a fee for new registration previously paid under this section, except as provided in section 322G.4. f. The following are exempt from the fee for new registration imposed under this subsection as long as a valid affidavit is filed with the county treasurer at the time of application for registration: (1) Vehicles leased to entities listed in section 423.3, subsections 17, 18, 19, 20, 21, 22, 26, 27, 28, 31, and 79, to the extent that those entities are exempt from the tax imposed on the sale of tangible personal property sold at retail in the state to consumers or users. (2) A vehicle leased directly to a federal, state, or local governmental agency and titled in an individual's name pursuant to a governmental program authorized by law. 4. Administration and enforcement — director of revenue. a. The director of revenue in consultation with the department of transportation shall administer and enforce the fee for new registration as nearly as possible in conjunction with the administration and enforcement of the state use tax law, except that portion of the law which implements the streamlined sales and use tax agreement. b. Section 422.25, subsection 4, sections 422.30, 422.67, and 422.68, section 422.69, subsection 1, sections 422.70, 422.71, 422.72, 422.74, and 422.75, section 423.14, subsection 2, and sections 423.23, 423.24, 423.25, 423.33, 423.35, 423.37 through 423.42, 423.45, and 423.47, consistent with the provisions of this section, apply with respect to the fees for new registration authorized under this section in the same manner and with the same effect as if the fees for new registration were retail use taxes within the meaning of those statutes. 5. Collections by dealers. a. If an amount of the fee for new registration represented by a dealer to the purchaser of a vehicle is computed upon a purchase price that is not subject to the fee for new registration or the amount represented is in excess of the actual amount subject to the fee and the amount represented is actually paid by the purchaser to the dealer, the excess amount of fee for new registration paid shall be returned to the purchaser upon notification to the dealer by the department that an excess payment exists. b. If an amount of the fee for new registration represented by a dealer to a purchaser is computed upon a purchase price that is not subject to the fee for new registration or the amount represented is in excess of the actual amount subject to the fee and the amount represented is actually paid by the purchaser to the dealer, the excess amount of fee for new registration paid shall be returned to the purchaser upon proper notification to the dealer by the purchaser that an excess payment exists. "Proper" notification is written notification which allows a dealer at least sixty days to respond and which contains enough information to allow a dealer to determine the validity of a purchaser's claim that an excess amount of fee for new registration has been paid. No cause of action shall accrue against a dealer for excess fee for new registration paid until sixty days after proper notification has been given the dealer by the purchaser. c. In the circumstances described in paragraphs "a" and "b", a dealer has the option to either return any excess amount of fee for new registration paid to a purchaser, or to remit the amount which a purchaser has paid to the dealer to the department. 6. Refunds. a. A fee for new registration is not refundable, except in the following circumstances: (1) If a vehicle is sold and later returned to the seller and the entire purchase price

is refunded by the seller, the purchaser is entitled to a refund of the fee for new registration paid. To obtain a refund, the purchaser shall make application on forms provided by the department and show proof that the entire purchase price was returned and that the fee for new registration had been paid. (2) If a vehicle manufacturer reimburses a purchaser for the fee for new registration paid on a returned defective vehicle, the manufacturer may obtain a refund from the department by providing proof that the fee was paid and the purchaser reimbursed in accordance with the provisions of chapter 322G. (3) If the department determines that, as a result of a mistake, an amount of the fee for new registration has been paid which was not due, such amount shall be refunded to the vehicle owner by the department. b. A claim for refund under this subsection that has not been filed with the department within three years after the fee for new registration was paid shall not be allowed by the director. 7. Penalties. a. False statement. A person who willfully makes a false statement in regard to the purchase price of a vehicle subject to a fee for new registration or willfully attempts in any manner to evade payment of the fee required by this section is guilty of a fraudulent practice. A person who willfully makes a false statement in regard to the purchase price of such a vehicle with the intent to evade payment of the fee for new registration or willfully attempts in any manner to evade payment of the fee required by this section shall be assessed a penalty of seventy-five percent of the amount of the fee unpaid and required to be paid on the actual purchase price less trade-in allowance. b. Evasion fee. An Iowa resident found to be in control of a vehicle which is owned by a shell business and for which the fee for new registration has not been paid, as provided in section 321.55, subsection 2, is guilty of a fraudulent practice. An Iowa resident found to be in control of a vehicle which is owned by a shell business and for which the fee for new registration has not been paid, as provided in section 321.55, subsection 2, shall be assessed a penalty of seventy-five percent of the amount of the fee unpaid and required to be paid on the actual purchase price less trade-in allowance. c. Failure to file. If a person required by this chapter to file an application for certificate of title or registration with the county treasurer fails to file such application or registration on or before the due date for such application or registration, a penalty in the amount of ten percent of the fee for new registration due shall be added to the fee. d. Underpayment. If a person required by this chapter to file an application for certificate of title or registration with the county treasurer files such application or registration with any inaccurate information that results in the person paying less than the full amount of the fee for new registration, penalties, or interest that was due at the time of application, a penalty in the amount of five percent of the fee for new registration due shall be added to the fee. 2008 Acts, ch 1113, §40; 2008 Acts, ch 1191, §128; 2009 Acts, ch 41, §251, 263; 2009 Acts, ch 60, §2, 3; 2009 Acts, ch 179, §122 – 124; 2010 Acts, ch 1145, §1, 17; 2011 Acts, ch 110, §1, 2; 2013 Acts, ch 30, §68; 2013 Acts, ch 140, §161; 2014 Acts, ch 1065, §2; 2014 Acts, ch 1110, §3; 2014 Acts, ch 1123, §31; 2016 Acts, ch 1098, §14; 2021 Acts, ch 86, §13 – 19, 49; 2022 Acts, ch 1021, §68; 2022 Acts, ch 1138, §4 Referred to in §312.2, 321.2, 321.20, 321.24, 321.48, 321.129, 321.145, 321.152, 322G.12, 331.557, 421.60, 423.3 Fraudulent practices, see §714.8 – 714.14

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.106 - Registration for fractional part of year.

321.106 Registration for fractional part of year. 1. When a motor truck, truck tractor, or road tractor is registered by the county treasurer pursuant to section 321.120, 321.121, or 321.122 and there is no delinquency and the registration is made in February or succeeding months through November, the annual registration fee shall be prorated for the remaining unexpired months of the registration year. A fee shall not be required for the month of December for a vehicle registered on a calendar year basis on which there is no delinquency. However, when such a vehicle is registered in November, the vehicle may be registered for the remaining unexpired months of the registration year or for the remaining unexpired months of the registration year and for the next registration year, upon payment of the applicable registration fees. 2. When a vehicle is registered under chapter 326 and there is no delinquency and the registration is made in the second through eleventh month of the registration year, the annual registration fee shall be prorated for the remaining unexpired months of the registration year. However, when such a vehicle is registered in the eleventh month of the registration year, the vehicle may be registered for the remaining unexpired months of the registration year and for the next registration year, upon payment of the applicable registration fees. 3. When a vehicle is registered on a birth month basis and there is no delinquency and the registration is made in the month after the beginning of the registration year or succeeding months, the annual registration fee shall be prorated for the remaining unexpired months of the registration year. A fee shall not be required for the month of the owner's birthday for a vehicle on which there is no delinquency. However, when a vehicle registered on a birth month basis is registered during the eleventh month of the registration year, the vehicle may be registered for the remaining unexpired months of the registration year or for the remaining unexpired months of the registration year and for the next registration year, upon payment of the applicable registration fees. 4. If a fee computed under this section contains a fractional part of a dollar, the fee shall be computed to the nearest whole dollar. A fee computed under this section shall not be less than five dollars. The fee so computed shall be deemed to be the annual registration fee for the remainder of the registration year. This subsection does not apply to vehicles registered under chapter 326. 5. A reduction in the annual registration fee shall not be allowed by the department until the applicant files satisfactory evidence to prove that there is no delinquency in registration. [SS15, §1571-m7; C24, 27, 31, 35, §4905; C39, §5008.02; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.106] 82 Acts, ch 1062, §13, 38; 83 Acts, ch 24, §5, 12; 2000 Acts, ch 1028, §3, 4; 2008 Acts, ch 1113, §87; 2012 Acts, ch 1093, §9, 40; 2013 Acts, ch 103, §9 Referred to in §321.466, 331.557

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.109 - Annual registration fee computed — transit fee.

321.109 Annual registration fee computed — transit fee. 1. a. The annual fee for all motor vehicles including vehicles designated by manufacturers as station wagons, 1993 and subsequent model year multipurpose vehicles, and 2010 and subsequent model year motor trucks with an unladen weight of ten thousand pounds or less, except motor trucks registered under section 321.122, business-trade trucks, special trucks, motor homes, motorsports recreational vehicles, ambulances, hearses, autocycles, motorcycles, motorized bicycles, and 1992 and older model year multipurpose vehicles, shall be equal to one percent of the value as fixed by the department plus forty cents for each one hundred pounds or fraction thereof of weight of vehicle, as fixed by the department. The weight of a motor vehicle, fixed by the department for registration purposes, shall include the weight of a battery, heater, bumpers, spare tire, and wheel. Provided, however, that for any new vehicle purchased in this state by a nonresident for removal to the nonresident's state of residence the purchaser may make application to the county treasurer in the county of purchase for a transit plate for which a fee of ten dollars shall be paid. And provided, however, that for any used vehicle held by a registered dealer and not currently registered in this state, or for any vehicle held by an individual and currently registered in this state, when purchased in this state by a nonresident for removal to the nonresident's state of residence, the purchaser may make application to the county treasurer in the county of purchase for a transit plate for which a fee of three dollars shall be paid. The county treasurer shall issue a nontransferable certificate of registration for which no refund shall be allowed; and the transit plates shall be void thirty days after issuance. Such purchaser may apply for a certificate of title by surrendering the manufacturer's or importer's certificate or certificate of title, duly assigned as provided in this chapter. In this event, the treasurer in the county of purchase shall, when satisfied with the genuineness and regularity of the application, and upon payment of a fee of twenty dollars, issue a certificate of title in the name and address of the nonresident purchaser delivering the title to the owner. If there is a security interest noted on the title, the county treasurer shall mail to the secured party an acknowledgment of the notation of the security interest. The county treasurer shall not release a security interest that has been noted on a title issued to a nonresident purchaser as provided in this paragraph. The application requirements of section 321.20 apply to a title issued as provided in this subsection, except that a natural person who applies for a certificate of title shall provide either the person's social security number, passport number, or driver's license number, whether the license was issued by this state, another state, or another country. The provisions of this subsection relating to multipurpose vehicles are effective for all 1993 and subsequent model years. The annual registration fee for multipurpose vehicles that are 1992 model years and older shall be in accordance with section 321.124. b. The annual registration fee shall be sixty dollars for a vehicle with permanently installed equipment manufactured for and necessary to assist a person with a disability who is either the owner or lessee of the vehicle or a member of the owner's or lessee's household in entry and exit of the vehicle or if the owner or lessee of the vehicle or a member of the owner's or lessee's household uses a wheelchair as the only means of mobility. This paragraph applies only to vehicles that are otherwise subject to paragraph "a" and to motor trucks with an unladen weight of ten thousand pounds or less that are otherwise subject to section 321.122. For purposes of this paragraph, "uses a wheelchair" does not include use of a wheelchair due to a temporary injury or medical condition. 2. a. Dealers may, in addition to other provisions of this section, purchase from the department in-transit permits, for which a fee of two dollars per permit shall be paid at time of purchase. One such permit shall be displayed on each vehicle purchased from a dealer by a nonresident for removal to the state of the nonresident's residence, and one such permit shall also be displayed on each vehicle not currently registered in Iowa and purchased by an Iowa dealer for removal to the dealer's place of business in this state. The permits shall be void fifteen days after issuance by the selling dealer. Each permit shall contain the following information: (1) The words "in-transit" in bold type. (2) The dealer's license number. (3) The date issued. (4) The purchaser's name and address. (5) The word "Iowa" in bold type. (6) The words "good for fifteen days after the date of issuance". (7) Other information the director requires. b. The sales invoice verifying the sale shall be in the possession of the driver of the vehicle in transit and shall be signed by the owner or an authorized individual of the issuing dealership. c. Motor vehicles brought into the state on a transit sticker for the purpose of installation of special equipment may also be subject to the provisions of this subsection. 3. The owner of an unregistered motor vehicle or motor vehicle for which the registration is delinquent may make application to the county treasurer of the county of residence or, if the unregistered or delinquent motor vehicle is purchased by a nonresident of the state, to the county treasurer in the county of purchase, for a temporary thirty-day permit for a fee of twenty-five dollars. The permit shall authorize the motor vehicle to be driven or towed upon the highway, but shall not authorize a motor truck or truck tractor to haul or tow a load. The permit fee shall not be considered a registration fee or exempt the owner from payment of all other fees, registration fees, and penalties due. If the annual registration fee for the motor vehicle is delinquent, the annual registration fee and penalty shall continue to accrue until paid. The permit fee shall not be prorated, refunded, or used as credit as provided under section 321.46. The permit shall be displayed in the upper left-hand corner of the rear window of all motor vehicles, except motorcycles. Permits issued for a motorcycle shall be attached to the rear of the motorcycle. [C24, 27, 31, 35, §4908; C39, §5008.05; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.109] 84 Acts, ch 1305, §60; 88 Acts, ch 1007, §1; 92 Acts, ch 1019, §1, 8; 92 Acts, ch 1222, §1; 92 Acts, ch 1232, §401, 412; 93 Acts, ch 165, §1; 96 Acts, ch 1129, §113; 96 Acts, ch 1152, §4; 2004 Acts, ch 1013, §20, 35; 2005 Acts, ch 8, §12, 13; 2006 Acts, ch 1068, §16, 41; 2008 Acts, ch 1042, §1; 2008 Acts, ch 1113, §3, 11, 20, 21, 88; 2010 Acts, ch 1035, §2; 2010 Acts, ch 1061, §180; 2014 Acts, ch 1127, §6; 2016 Acts, ch 1098, §15 Referred to in §312.2, 321.17, 321.34, 321.105A, 321.110, 321.113, 321.115A, 321.116, 321.122, 321.124, 331.557

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.11 - Records of department.

321.11 Records of department. 1. All records of the department, other than those made confidential or not permitted to be open in

accordance with 18 U.S.C. §2721 et seq., adopted as of a specific date by rule of the department, shall be open to public inspection during office hours. 2. Notwithstanding subsection 1, personal information shall not be disclosed to a requester, except as provided in 18 U.S.C. §2721, unless the person whose personal information is requested has provided express written consent allowing disclosure of the person's personal information. As used in this section, "personal information" means information that identifies a person, including a person's photograph, social security number, driver's license number, name, address, telephone number, and medical or disability information, but does not include information on vehicular accidents, driving violations, and driver's status or a person's zip code. 3. Notwithstanding other provisions of this section to the contrary, the department shall not release personal information to a person, other than to an officer or employee of a law enforcement agency, an employee of a federal or state agency or political subdivision in the performance of the employee's official duties, a contract employee of the department of inspections, appeals, and licensing in the conduct of an investigation, or a licensed private investigation agency or a licensed security service or a licensed employee of either, if the information is requested by the presentation of a registration plate number. In addition, an officer or employee of a law enforcement agency may release the name, address, and telephone number of a motor vehicle registrant to a person requesting the information by the presentation of a registration plate number if the officer or employee of the law enforcement agency believes that the release of the information is necessary in the performance of the officer's or employee's duties. 4. The department shall not release personal information that is in the form of a person's photograph or digital image or a digital reproduction of a person's photograph to a person other than an officer or employee of a law enforcement agency, an employee of a federal or state agency or political subdivision in the performance of the employee's official duties, a contract employee of the department of inspections, appeals, and licensing in the conduct of an investigation, or a licensed private investigation agency or a licensed security service or a licensed employee of either, regardless of whether a person has provided express written consent to disclosure of the information. The department may collect reasonable fees for copies of records or other services provided pursuant to this section or section 22.3, 321.10, or 622.46. [C39, §5000.11; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.11] 96 Acts, ch 1102, §1, 3; 97 Acts, ch 108, §3; 98 Acts, ch 1035, §1; 99 Acts, ch 198, §4; 2000 Acts, ch 1133, §2, 18; 2001 Acts, ch 90, §1; 2023 Acts, ch 19, §1964 Referred to in §321.11A, 321.183, 321A.3, 692.3 Subsections 3 and 4 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.110 - Rejecting fractional dollars.

321.110 Rejecting fractional dollars. When the annual registration fee, computed according to section 321.109, subsection 1, totals a fraction over a certain number of dollars the fee shall be arrived at by computing to the nearest even dollar. [C27, 31, 35, §4908-a1; C39, §5008.06; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.110] 2008 Acts, ch 1113, §89 Referred to in §331.557

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.111 - Conversion of car — effect.

321.111 Conversion of car — effect. Any motor vehicle originally registered as a passenger car and thereafter converted into a truck with a loading capacity of less than one thousand pounds, shall be registered as a passenger car. [C35, §4908-g1; C39, §5008.07; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.111] Referred to in §331.557

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.112 - Minimum motor vehicle fee.

321.112 Minimum motor vehicle fee. No motor vehicle, except as provided in section 321.117, shall be registered for a registration year for less than ten dollars. [C24, 27, 31, 35, §4909; C39, §5008.08; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.112] 82 Acts, ch 1062, §14, 38; 2007 Acts, ch 143, §11, 35; 2008 Acts, ch 1124, §37 Referred to in §331.557

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.113 - Automatic reduction.

321.113 Automatic reduction. 1. The annual registration fee for a motor vehicle shall not be automatically reduced under this section unless the fee is based on the value and weight of the motor vehicle as provided in section 321.109, subsection 1. 2. If a motor vehicle is more than seven model years old, the part of the annual registration fee that is based on the value of the vehicle shall be seventy-five percent of the rate as fixed when the motor vehicle was new and the total fee shall not be less than fifty dollars; except that if the registration is a renewal for a vehicle registered to the same owner prior to January 1, 2009, the annual registration fee shall not be more than the fee paid for the previous registration year. 3. If a motor vehicle is more than nine model years old, the part of the annual registration fee that is based on the value of the vehicle shall be fifty percent of the rate as fixed when the motor vehicle was new and the total fee shall not be less than fifty dollars; except that if the registration is a renewal for a vehicle registered to the same owner prior to January 1, 2009, the annual registration fee shall not be more than the fee paid for the previous registration year. 4. a. Except as provided in paragraph "b", if a motor vehicle is twelve model years old or older, the annual registration fee is fifty dollars; except that if the registration is a renewal for a vehicle registered to the same owner prior to January 1, 2009, the annual registration fee shall not be more than the fee paid for the previous registration year. b. If the registration is a renewal for a motor vehicle registered as an antique vehicle by the same owner prior to January 1, 2009, the annual registration fee shall be twenty-three dollars for a motor vehicle that is model year 1970 through 1983 and sixteen dollars for a motor vehicle that is

model year 1969 or older. c. For purposes of determining the portion of an annual registration fee under paragraph “a” or “b” that is based upon the value of the motor vehicle, sixty percent of the annual registration fee is attributable to the value of the vehicle. 5. As used in this section, “owner” includes a surviving spouse who is required to transfer title pursuant to section 321.46 or 321.47. [SS15, §1571-m7; C24, 27, 31, 35, §4910; C39, §5008.09; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.113] 82 Acts, ch 1062, §15, 38; 2001 Acts, ch 132, §4, 24; 2001 Acts, ch 176, §65; 2008 Acts, ch 1113, §4, 11, 90; 2011 Acts, ch 38, §4 Referred to in §321.115, 321.115A, 331.557

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.115 - Antique vehicles — model year plates permitted.

321.115 Antique vehicles — model year plates permitted. 1. a. A motor vehicle twenty-five years old or older may be registered as an antique vehicle. The annual registration fee is the fee provided in section 321.113, 321.122, or 321.124. b. The owner of a motor truck, truck tractor, road tractor, or motor home that is twenty-five years old or older who desires to use the vehicle exclusively for exhibition or educational purposes at state or county fairs, or at other places where the vehicle may be exhibited for entertainment or educational purposes, may register the vehicle as a “limited use” vehicle in accordance with sections 321.58 through 321.62. The “limited use” registration under this paragraph permits driving of the vehicle upon the public roads to and from state and county fairs or other places of entertainment or education for exhibition or educational purposes and to and from service stations for the purpose of receiving necessary maintenance, or for the purposes of transporting, testing, demonstrating, or selling the vehicle. c. The owner of a motor vehicle registered under this subsection may display authentic Iowa registration plates from the model year of the motor vehicle, furnished by the person and approved by the department, in lieu of the current and valid Iowa registration plates issued for the vehicle, provided that the current and valid Iowa registration plates and the registration card issued for the vehicle are simultaneously carried within the vehicle and are available for inspection to any peace officer upon the officer’s request. 2. The sale of a motor vehicle twenty years old or older which is primarily of value as a collector’s item and not as transportation is not subject to chapter 322, and any person may sell such a vehicle at retail without a license as required under chapter 322. 3. Truck tractors and semitrailers used in combination for exhibition and educational purposes may be registered and driven according to the provisions of subsection 1. Truck tractors and semitrailers registered under this section shall not be used to haul loads. 4. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 2. [C35, §4911-f1; C39, §5008.11; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.115] 85 Acts, ch 101, §1; 88 Acts, ch 1204, §1; 92 Acts, ch 1175, §31; 97 Acts, ch 104, §13; 2000 Acts, ch 1203, §6; 2001 Acts, ch 137, §5; 2006 Acts, ch 1068, §17; 2007 Acts, ch 143, §12, 35; 2008 Acts, ch 1113, §120, 131; 2008 Acts, ch 1124, §35, 37; 2008 Acts, ch 1191, §136; 2010 Acts, ch 1190, §37 Referred to in §321.24, 321.52, 321.438, 331.557, 805.8A(2)(u)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.115A - Replica vehicles and street rods — model year plates permitted — penalty.

321.115A Replica vehicles and street rods — model year plates permitted — penalty. 1. A motor vehicle may be registered as a replica vehicle or street rod. The annual registration fee is the fee provided for in section 321.109, 321.113, 321.122, or 321.124. The owner of a vehicle registered under this section may display registration plates from or representing the model year of the motor vehicle or the model year of the motor vehicle the registered vehicle is designed to resemble, furnished by the person and approved by the department, in lieu of the current and valid Iowa registration plates issued for the vehicle, provided that the current and valid Iowa registration plates and the registration card issued for the vehicle are simultaneously carried within the vehicle and are available for inspection to any peace officer upon the officer’s request. 2. Truck tractors and semitrailers registered under this section shall not be used to haul loads. 3. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 2. 2008 Acts, ch 1044, §6, 8; 2010 Acts, ch 1069, §42; 2010 Acts, ch 1190, §38 Referred to in §331.557, 805.8A(2)(v)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.116 - Battery electric and plug-in hybrid electric motor vehicle fees.

321.116 Battery electric and plug-in hybrid electric motor vehicle fees. 1. For each battery electric motor vehicle subject to an annual registration fee under section 321.109, subsection 1, paragraph “a”, and operated on the public highways of this state, the owner shall pay an annual battery electric motor vehicle registration fee, which shall be in addition to the annual registration fee imposed for the vehicle under section 321.109, subsection 1, paragraph “a”. For purposes of this subsection, “battery electric motor vehicle” means a motor vehicle equipped with electrical drivetrain components and not equipped with an internal combustion engine, that is propelled exclusively by one or more electrical motors using electrical energy stored in a battery or other energy storage device that can be recharged by plugging into an electrical outlet or electric vehicle charging station. The amount of the fee shall be one hundred thirty dollars. 2. For each plug-in hybrid electric motor vehicle subject to an annual registration fee under section 321.109, subsection 1, paragraph “a”, and operated on the public highways of this state, the owner shall pay an annual plug-in hybrid electric motor vehicle registration fee, which shall be in addition to the annual registration fee imposed for the vehicle under section 321.109, subsection 1, paragraph “a”. For purposes of this subsection, “plug-in hybrid electric motor vehicle” means a motor vehicle equipped with electrical drivetrain components, an internal combustion engine, and a battery or other energy storage device that can be recharged by plugging into an electrical outlet or electric vehicle charging station. The amount of the fee shall be

sixty-five dollars. 2019 Acts, ch 151, §1, 3; 2023 Acts, ch 66, §72 Referred to in §321.117, 331.557 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.117 - Motorcycle, autocycle, ambulance, and hearse fees.

321.117 Motorcycle, autocycle, ambulance, and hearse fees. 1. For all motorcycles and autocycles the annual registration fee shall be twenty dollars. For all motorized bicycles the annual registration fee shall be seven dollars. When the motorcycle or autocycle is more than five model years old, the annual registration fee shall be ten dollars. The annual registration fee for ambulances and hearses shall be fifty dollars. Passenger car plates shall be issued for ambulances and hearses. 2. In addition to the fee required for a motorcycle under subsection 1, the owner of a motorcycle that is a battery electric motor vehicle or plug-in hybrid electric motor vehicle, as those terms are defined in section 321.116, shall pay an annual electric motorcycle registration fee. The amount of the fee shall be nine dollars. [C24, 27, 31, 35, §4912; C39, §5008.13; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.117] 82 Acts, ch 1062, §17, 38; 84 Acts, ch 1305, §61; 2008 Acts, ch 1113, §91; 2016 Acts, ch 1098, §16; 2019 Acts, ch 151, §2, 3; 2023 Acts, ch 66, §73 Referred to in §321.112, 331.557 Subsection 2 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.119 - Church buses.

321.119 Church buses. For motor vehicles designed to carry nine passengers or more which are owned and used exclusively by a church or religious organization to transport passengers to and from activities of or sponsored by the church or religious organization and not operated for rent or hire for purposes unrelated to the activities of the church or religious organization, the annual registration fee shall be twenty-five dollars. [C81, §321.119] 84 Acts, ch 1305, §62; 2008 Acts, ch 1113, §92 Referred to in §331.557

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.11A - Personal information disclosure — exception.

321.11A Personal information disclosure — exception. 1. Notwithstanding section 321.11, the department, upon request, shall provide personal information that identifies a person by the social security number of the person to the following: a. The department of revenue for the purposes of collecting debt and administering the setoff program pursuant to section 421.65. b. The judicial branch for the purpose of collecting court debt pursuant to section 602.8107. 2. The social security number obtained by the department of revenue or the judicial branch shall retain its confidentiality and shall only be used for the purposes provided in this section. 2008 Acts, ch 1172, §17; 2020 Acts, ch 1064, §13, 28; 2020 Acts, ch 1118, §73, 74 2020 amendment to subsection 1 is effective on the date of rules adopted by the department of revenue to implement 2020 Acts, ch 1064 2020 Acts, ch 1064, see 2020 Acts, ch 1064, §28 ; 2020 Acts, ch 1118, §73, 74 ; the Code editor received notice that the system designed to implement the setoff procedures established in 2020 Acts, ch 1064 2020 Acts, ch 1064, and the accompanying rules, will be operational on November 13, 2023; rules governing transition, see 2020 Acts, ch 1118, §72 Subsection 1 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.12 - Destruction of records.

321.12 Destruction of records. 49 C.F.R. pt. 383 . [C39, §5000.12; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.12] 90 Acts, ch 1230, §16; 94 Acts, ch 1164, §1, 2; 95 Acts, ch 48, §2; 95 Acts, ch 55, §3; 97 Acts, ch 177, §1; 98 Acts, ch 1138, §1, 37; 2005 Acts, ch 8, §5; 2010 Acts, ch 1061, §169; 2014 Acts, ch 1092, §176; 2015 Acts, ch 123, §46; 2016 Acts, ch 1073, §102 Referred to in §321J.2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.120 - Business-trade trucks.

321.120 Business-trade trucks. 1. The annual registration fee for a business-trade truck shall be determined pursuant to section 321.122, subsection 1, paragraph “a”. 2. Upon application for a new registration, an owner who registers a motor vehicle as a business-trade truck shall be required to provide proof or affirm that the vehicle meets the definition of a business-trade truck. The department may adopt rules as necessary to prescribe the documentation required of the applicant as proof or affirmation under this subsection but shall not require that such documentation be notarized. If requested by the department of transportation or a county treasurer, the department of revenue shall confirm or refute, according to the most recent records available, that an applicant for registration of a business-trade truck is either a corporation, limited liability company, or partnership or a person who files a schedule C or schedule F form for federal income tax purposes and that the corporation, limited liability company, partnership, or person is allowed a depreciation deduction with respect to the vehicle under section 167 of the Internal Revenue Code. 3. Upon approval of the application and payment of the proper fees, the county treasurer shall issue regular registration plates for the business-trade truck. The department may adopt rules requiring the use of a sticker or other means to identify motor vehicles registered under this section. 4. If the department determines by audit or other means that a person has registered a vehicle as a business-trade truck that is not qualified for such registration, the person shall be required to pay the difference between the regular annual registration fees owed for the vehicle for each year the vehicle was registered in violation of this section and the fees actually

paid. 5. If the department determines by audit or other means that the person had knowingly registered a vehicle as a business-trade truck that is not qualified for such registration, the person shall be required to pay a penalty for improper registration in the amount of seven hundred fifty dollars for each registration year in which the vehicle was registered in violation of this section, not to exceed two thousand two hundred fifty dollars. 2008 Acts, ch 1113, §5, 11; 2011 Acts, ch 68, §2, 5 Referred to in §321.1, 321.26, 321.106, 321.134, 321.152, 331.557, 422.20, 422.72

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.121 - Special trucks for farm use.

321.121 Special trucks for farm use. 1. a. Except as provided in paragraph “b”, the annual registration fee for a special truck with a gross weight of six tons shall be one hundred dollars, and the annual registration fee for a special truck with a gross weight exceeding six tons but not exceeding eighteen tons shall be as follows: For a gross And not The annual weight exceeding: registration exceeding: fee shall be: 6 Tons 7 Tons \$125 7 Tons 8 Tons \$155 8 Tons 9 Tons \$170 9 Tons 10 Tons \$190 10 Tons 11 Tons \$205 11 Tons 12 Tons \$225 12 Tons 13 Tons \$245 13 Tons 14 Tons \$265 14 Tons 15 Tons \$280 15 Tons 16 Tons \$295 16 Tons 17 Tons \$305 17 Tons 18 Tons \$315 b. If the registration is a renewal for a special truck registered to the same owner prior to January 1, 2009, the annual registration fee shall be eighty dollars for a gross weight of six tons, one hundred dollars for a gross weight of seven tons, one hundred twenty dollars for a gross weight of eight tons, and in addition, fifteen dollars for each ton over eight tons and not exceeding eighteen tons. As used in this paragraph, “owner” includes a surviving spouse who is required to transfer title pursuant to section 321.46 or 321.47. c. The annual registration fee for a special truck with a gross weight registration exceeding eighteen tons but not exceeding nineteen tons shall be three hundred twenty-five dollars and for a gross weight registration exceeding nineteen tons but not exceeding twenty tons the annual registration fee shall be three hundred seventy-five dollars. d. The additional annual registration fee for a special truck for a gross weight registration in excess of twenty tons is twenty-five dollars for each ton over twenty tons and not exceeding thirty-eight tons, and an additional ten dollars for a gross weight registration in excess of thirty-eight tons and not exceeding thirty-nine tons. 2. Upon approval of the application and payment of the proper fees, the county treasurer shall issue regular registration plates for the special truck. The department may adopt rules requiring the use of a sticker or other means to identify motor vehicles registered under this section. 3. A person convicted of or found by audit to be using a motor vehicle registered as a special truck for any purpose other than permitted by section 321.1, subsection 75, shall, in addition to any other penalty imposed by law, be required to pay regular annual motor vehicle registration fees for such motor vehicle. [C71, 73, 75, 77, 79, 81, §321.121; 81 Acts 2d Ex, ch 2, §6] 82 Acts, ch 1062, §18, 38; 86 Acts, ch 1210, §3; 2008 Acts, ch 1113, §6, 11, 93; 2011 Acts, ch 38, §5; 2011 Acts, ch 68, §3, 5; 2019 Acts, ch 138, §2 Referred to in §321.1, 321.26, 321.106, 321.134, 331.557

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.122 - Trucks, truck tractors, and road tractors — fees.

321.122 Trucks, truck tractors, and road tractors — fees. 1. The annual registration fee for truck tractors, road tractors, and motor trucks, except 2010 and subsequent model year motor trucks required to be registered under section 321.109 and motor trucks registered as special trucks, shall be based on the combined gross weight of the vehicle or combination of vehicles. All such trucks, truck tractors, or road tractors registered under this section shall be registered for a gross weight equal to or in excess of the unladen weight of the vehicle or combination of vehicles. The annual registration fee for such vehicles or combination of vehicles, except special trucks, shall be the applicable fee under paragraph “a” or “b”. a. (1) For a combined gross weight of three tons or less, the annual registration fee is one hundred fifty dollars; for such a vehicle more than seven model years old, one hundred twenty dollars; for such a vehicle more than nine model years old, one hundred dollars; and for such a vehicle twelve model years old or older, fifty dollars. (2) For a combined gross weight exceeding three tons, the annual registration fee shall be as set forth in the following schedule: For a combined And not The annual gross weight exceeding: registration exceeding: fee shall be: 3 Tons 4 Tons \$ 165 4 Tons 5 Tons \$ 180 5 Tons 6 Tons \$ 195 6 Tons 7 Tons \$ 215 7 Tons 8 Tons \$ 220 8 Tons 9 Tons \$ 225 9 Tons 10 Tons \$ 235 10 Tons 11 Tons \$ 270 11 Tons 12 Tons \$ 305 12 Tons 13 Tons \$ 340 13 Tons 14 Tons \$ 375 14 Tons 15 Tons \$ 445 15 Tons 16 Tons \$ 485 16 Tons 17 Tons \$ 525 17 Tons 18 Tons \$ 565 18 Tons 19 Tons \$ 610 19 Tons 20 Tons \$ 675 20 Tons 21 Tons \$ 715 21 Tons 22 Tons \$ 755 22 Tons 23 Tons \$ 795 23 Tons 24 Tons \$ 835 24 Tons 25 Tons \$ 965 25 Tons 26 Tons \$1,010 26 Tons 27 Tons \$1,060 27 Tons 28 Tons \$1,105 28 Tons 29 Tons \$1,150 29 Tons 30 Tons \$1,200 30 Tons 31 Tons \$1,245 31 Tons 32 Tons \$1,295 32 Tons 33 Tons \$1,340 33 Tons 34 Tons \$1,415 34 Tons 35 Tons \$1,465 35 Tons 36 Tons \$1,510 36 Tons 37 Tons \$1,555 37 Tons 38 Tons \$1,605 38 Tons 39 Tons \$1,650 39 Tons 40 Tons \$1,695 b. If the registration is a renewal for a motor vehicle with a combined gross weight of nine tons or less registered to the same owner prior to January 1, 2009, the following applies: (1) For a combined gross weight of three tons or less, the annual registration fee is sixty-five dollars; for such a vehicle which is more than ten model years old, fifty-five dollars; for such a vehicle which is more than thirteen model years old, forty-five dollars; and for such a vehicle which is more than fifteen model years old, thirty-five dollars. (2) For a combined gross weight exceeding three tons but not exceeding nine tons, the annual registration fee shall be as set forth in the following schedule: For a combined And not The annual gross weight exceeding: registration exceeding: fee shall be: 3 Tons 4 Tons \$ 80 4 Tons 5 Tons \$ 90 5 Tons 6 Tons \$105 6 Tons 7 Tons \$130 7 Tons 8 Tons \$165 8 Tons 9 Tons \$200 (3) As used in this paragraph “b”, “owner” includes a surviving spouse who is required to transfer title pursuant to section 321.46 or 321.47. c. For a combined gross weight exceeding forty tons, the annual registration fee shall be one thousand six hundred ninety-five dollars plus eighty dollars for each ton over forty tons. 2. For

truck tractors or road tractors equipped with two or more solid rubber tires, the annual registration fee shall be the fee for truck tractors or road tractors with pneumatic tires and of the same combined gross weight, plus twenty-five percent thereof. 3. This section shall not apply to a rubber-tired farm tractor not operated for hire upon the public highways. 4. A person who violates this section commits a simple misdemeanor. [C31, 35, §4919-d1; C39, §5008.18; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.122] 82 Acts, ch 1062, §19, 38; 86 Acts, ch 1182, §3; 86 Acts, ch 1210, §4; 88 Acts, ch 1019, §11, 12; 90 Acts, ch 1233, §17; 95 Acts, ch 118, §17; 2008 Acts, ch 1113, §7, 11, 23, 25; 2010 Acts, ch 1140, §4; 2011 Acts, ch 38, §6 Referred to in §321.1, 321.26, 321.106, 321.109, 321.115, 321.115A, 321.120, 321.134, 321E.12, 331.557

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.123 - Trailers.

321.123 Trailers. 1. a. All trailers except farm trailers, mobile homes, and manufactured homes, unless otherwise provided in this section, are subject to an annual registration fee as follows: (1) For trailers with an empty weight of two thousand pounds or less, the annual registration fee is twenty dollars. (2) For trailers with an empty weight in excess of two thousand pounds, the annual registration fee is thirty dollars. b. Trailers for which the empty weight is two thousand pounds or less are exempt from the certificate of title and lien provisions of this chapter. c. For trailers and semitrailers licensed under chapter 326, the annual registration fee for the permanent registration plate shall be the applicable fee under paragraph “a”. The registration fees for a permanent registration plate, at the option of the registrant, shall be remitted to the department at five-year intervals or on an annual basis. Fees collected under this section shall not be reduced or prorated under chapter 326. 2. a. Travel trailers and fifth-wheel travel trailers, except those in manufacturer’s or dealer’s stock, shall be subject to an annual registration fee of thirty cents per square foot of floor space computed on the exterior overall measurements, but excluding three feet occupied by any trailer hitch as provided by and certified to by the owner, to the nearest whole dollar. When a travel trailer or fifth-wheel travel trailer is registered in Iowa for the first time or when title is transferred, the annual registration fee shall be prorated on a monthly basis. The annual registration fee shall be reduced to seventy-five percent of the full fee after the vehicle is more than six model years old. b. A travel trailer may be stored under section 321.134, provided the travel trailer is not used for human habitation for any period during storage and is not moved upon the highways of the state. A travel trailer stored under section 321.134 is not subject to a manufactured or mobile home tax assessed under chapter 435. 3. Motor trucks or truck tractors pulling trailers or semitrailers shall be registered for the combined gross weight of the motor truck or truck tractor and trailer or semitrailer, except that: a. Motor trucks registered for six tons or less not used for hire, pulling trailers or semitrailers used by a person engaged in farming to transport commodities produced by the owner, or to transport commodities or livestock purchased by the owner for use in the owner’s own farming operation or used by any person to transport horses shall not be subject to registration for the gross weight of such trailer or semitrailer provided the combined gross weight does not exceed twelve tons, plus the tolerance provided for in section 321.466. b. Motor trucks registered for six tons or less not used for hire, pulling trailers or semitrailers used by a person in the person’s own operations shall not be subject to registration for the gross weight of such trailer or semitrailer provided the combined gross weight does not exceed eight tons, plus the tolerance provided for in section 321.466. [C24, 27, 31, 35, §4920; C39, §5008.19; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.123; 82 Acts, ch 1251, §16 – 18] 82 Acts, ch 1062, §20, 38; 84 Acts, ch 1305, §63; 89 Acts, ch 296, §29; 95 Acts, ch 118, §18; 96 Acts, ch 1152, §5, 6; 99 Acts, ch 188, §14; 2000 Acts, ch 1016, §14; 2001 Acts, ch 153, §15, 17; 2001 Acts, ch 176, §80; 2006 Acts, ch 1070, §9, 31; 2008 Acts, ch 1113, §24, 25, 94, 95 Referred to in §312.2, 321.310, 331.557

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.124 - Motor homes, multipurpose vehicles, and motorsports recreational vehicles — fees.

321.124 Motor homes, multipurpose vehicles, and motorsports recreational vehicles — fees. 1. Motor homes are classified as follows: a. Class A motor home means a truck chassis or special chassis upon which is built a driver’s compartment and an entire body which provides temporary living quarters. A class A motor home shall also mean a passenger carrying bus which has been registered at least five times as a motor truck and which has been converted, modified, or altered to provide temporary living quarters. b. Class B motor home means a completed van-type vehicle which has been converted, modified, constructed, or altered to provide temporary living quarters. c. Class C motor home means an incomplete vehicle upon which is permanently attached a body designed to provide temporary living quarters. 2. Class A motor homes and class C motor homes are exempt from the provisions of section 322.5, subsection 2, except that a motor vehicle dealer showing class A motor homes and class C motor homes shall apply for a temporary permit upon forms and for such time as provided in section 322.5, subsection 2, and the department may issue the temporary permit upon payment of the fee provided therein. 3. The annual registration fee for motor homes and 1992 and older model years for multipurpose vehicles is as follows: a. For class A motor homes with a list price of eighty thousand dollars or more as certified to the department by the manufacturer, four hundred dollars for registration each year through five model years and three hundred dollars for each succeeding registration. b. For class A motor homes with a list price of forty thousand dollars or more but less than eighty thousand dollars as certified to the department by the manufacturer, two hundred dollars for registration each year through five model years and one hundred fifty dollars for each succeeding registration. c. For class A motor homes with a list price of twenty thousand dollars or more but less than forty thousand dollars as certified to the department by the manufacturer, one hundred forty dollars for the first five registrations and one hundred five dollars for each succeeding registration. d. For class A motor homes with a list price of less than twenty thousand dollars as certified to the department by the manufacturer, one hundred twenty dollars for registration each year through five model years and eighty-five dollars for each succeeding registration. e. For a

class A motor home which is a passenger-carrying bus which has been registered at least five times as a motor truck and which has been converted, modified, or altered to provide temporary living quarters, ninety dollars for registration each year through ten model years and sixty-five dollars for each succeeding registration. In computing the number of registrations, the registrations shall be cumulative beginning with the registration of the class A motor home as a motor truck prior to its conversion, modification, or alteration to provide temporary living quarters. f. For class B motor homes, ninety dollars for registration each year through five model years and sixty-five dollars for each succeeding registration. g. For class C motor homes, one hundred ten dollars for registration each year through five model years and eighty dollars for each succeeding registration. h. (1) For multipurpose vehicles in accordance with the following: (a) Two hundred dollars for registration for the first and second model years. (b) One hundred seventy-five dollars for registration for the third and fourth model years. (c) One hundred fifty dollars for registration for the fifth model year. (d) Seventy-five dollars for registration for the sixth model year. (e) Fifty-five dollars for registration for each succeeding model year. (f) The annual registration fee for a multipurpose vehicle with permanently installed equipment manufactured for and necessary to assist a person with a disability who is either the owner or a member of the owner's household in entry and exit of the vehicle or for a multipurpose vehicle if the vehicle's owner or a member of the vehicle owner's household uses a wheelchair as the only means of mobility shall be sixty dollars. For purposes of this subparagraph, "uses a wheelchair" does not include use of a wheelchair due to a temporary injury or medical condition. (2) The registration fees required by this lettered paragraph are applicable to all 1992 and older model years for multipurpose vehicles beginning January 1, 1993. The registration fees for multipurpose vehicles that are 1993 and subsequent model years shall be in accordance with section 321.109. (3) For purposes of determining that portion of the annual registration fee which is based upon the value of the multipurpose vehicle, sixty percent of the annual fee is attributable to the value of the vehicle. 4. a. The annual registration fee for a motorsports recreational vehicle is four hundred dollars. For purposes of determining that portion of the annual registration fee which is based upon the value of the motorsports recreational vehicle, sixty percent of the annual fee is attributable to the value of the vehicle. The owner of a motor vehicle registered under this subsection shall certify at the time of registration or renewal of registration that the motor vehicle is used for the purpose of participating in motorsports competition. b. If the department determines by audit or other means that a person registered a vehicle as a motorsports recreational vehicle that is not qualified for such registration, the person shall be required to pay the difference between the regular annual registration fees owed for the vehicle for each year the vehicle was registered in violation of this section and the fees actually paid. c. If the department determines by audit or other means that the person knowingly registered a vehicle as a motorsports recreational vehicle that is not qualified for such registration, the person shall be required to pay a penalty for improper registration in the amount of seven hundred fifty dollars for each registration year in which the vehicle was registered in violation of this section, not to exceed two thousand two hundred fifty dollars. [C81, §321.124] 82 Acts, ch 1062, §21, 38; 83 Acts, ch 75, §1, 2; 92 Acts, ch 1019, §2, 8; 92 Acts, ch 1222, §2; 92 Acts, ch 1232, §402, 412; 93 Acts, ch 165, §2; 96 Acts, ch 1129, §113; 2010 Acts, ch 1061, §180; 2014 Acts, ch 1127, §7 Referred to in §321.1, 321.109, 321.115, 321.115A, 321.152, 322.2, 331.557

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.125 - Effect of exemption.

321.125 Effect of exemption. The exemption of a motor vehicle from an annual registration fee or a fee for new registration shall not exempt the operator of such vehicle from the performance of any other duty imposed on the operator by this chapter. [C24, 27, 31, 35, §4923; C39, §5008.21; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.125] 2008 Acts, ch 1113, §96 Referred to in §331.557

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.126 - Refunds of annual registration fees.

321.126 Refunds of annual registration fees. 1. Refunds of unexpired annual vehicle registration fees shall be allowed in accordance with this section, except that no refund shall be allowed and paid if the unused portion of the fee is less than ten dollars. Paragraphs "a" and "b" do not apply to vehicles registered by the county treasurer. The refunds shall be made as follows: a. If the vehicle is destroyed by fire or accident, or junked and its identity as a vehicle entirely eliminated, the owner in whose name the vehicle was registered at the time of destruction or dismantling shall return the plates to the department and within thirty days thereafter make a statement of such destruction or dismantling and make claim for refund. With reference to the destruction or dismantling of a vehicle, no refund shall be allowed unless a junking certificate has been issued, as provided in section 321.52. b. If the vehicle is stolen, the owner shall give notice of the theft to the department within five days. If the vehicle is not recovered by the owner thirty days prior to the end of the current registration year, the owner shall make a statement of the theft and make claim for refund. c. If the vehicle is placed in storage by the owner upon the owner's entry into the military service of the United States, the owner shall return the plates to the county treasurer or the department and make a statement regarding the storage and military service and make claim for refund. Whenever the owner of a vehicle so placed in storage desires to again register the vehicle, the county treasurer or department shall compute and collect the fees for registration for the registration year commencing in the month the vehicle is removed from storage. d. If the vehicle is registered by the county treasurer during the current registration year and the owner or lessee registers the vehicle for apportioned registration under chapter 326, the owner of the registered vehicle shall surrender the registration plates to the county treasurer and may file a claim for refund. In lieu of a refund, a credit for the annual registration fees paid to the county treasurer may be applied by the department to the owner or lessee's apportioned registration fees upon the

surrender of the county plates and registration. e. A refund for trailers and semitrailers issued a permanent registration plate pursuant to chapter 326 shall be paid by the department upon application. f. If a vehicle is sold or junked, the owner in whose name the vehicle was registered may make claim to the county treasurer or department for a refund of the sold or junked vehicle's annual registration fee. Also if the owner of a vehicle receives a vehicle registration fee credit under section 321.46, subsection 3, and the credit allowed exceeds the amount of the annual registration fee for the vehicle acquired, the owner may claim a refund for the balance of the credit. The refund is subject to the following limitations: (1) If a vehicle registration fee credit has not been received by the owner of the vehicle under section 321.46, subsection 3, the refund shall be computed on the basis of the number of unexpired months remaining in the registration year at the time the vehicle was sold or junked. The refund shall be rounded to the nearest whole dollar. Section 321.127, subsection 1, does not apply. (2) The refund shall only be allowed if the owner makes claim for the refund within six months after the date of the vehicle's sale, trade, or junking. (3) This paragraph "f" does not apply to vehicles registered under chapter 326. g. If the vehicle was leased and an affidavit was filed by the lessor or the lessee as provided in section 321.46, the lessor or the lessee, as applicable, may make a claim for a refund with the county treasurer of the county where the vehicle was registered within six months of the vehicle's surrender to the lessor. The refund shall be paid to either the lessor or the lessee, as specified on the application for title and registration pursuant to section 321.20. h. If the owner of the vehicle moves out of state, the owner may make a claim for a refund by returning the Iowa registration plates, along with evidence of the vehicle's registration in another jurisdiction, to the county treasurer of the county in which the vehicle was registered within six months of the out-of-state registration. For purposes of section 321.127, the unexpired months remaining in the registration year shall be calculated on the basis of the effective date of the out-of-state registration. However, for the purpose of timely issuance of the refund, the claim for a refund under this paragraph is considered to be filed on the date the registration documents are received by the county treasurer. 2. Notwithstanding any provision of this section to the contrary, there shall be no refund of apportioned registration fees unless the state which issued the base plate for the vehicle allows such refund. If an owner subject to apportioned registration leases the vehicle for which the refund is sought, the claim shall be filed in the names of both the lessee and the lessor and the refund payment made payable to both the lessor and the lessee. The term "owner" for purposes of this section shall include a person in whom is vested right of possession or control of a vehicle which is subject to a lease, contract, or other legal arrangement vesting right of possession or control in addition to the term as defined in section 321.1, subsection 49. [C24, 27, 31, 35, §4924; C39, §5008.22; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.126] 82 Acts, ch 1062, §22, 23, 38; 85 Acts, ch 87, §4, 5; 87 Acts, ch 108, §7; 90 Acts, ch 1154, §6 – 11; 92 Acts, ch 1073, §3; 95 Acts, ch 118, §19, 40; 2004 Acts, ch 1013, §21, 35; 2005 Acts, ch 133, §1; 2006 Acts, ch 1068, §18; 2006 Acts, ch 1070, §10, 11, 31; 2008 Acts, ch 1113, §97; 2010 Acts, ch 1069, §91; 2012 Acts, ch 1093, §10, 11 Referred to in §321.46, 321.128, 326.15, 331.557

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.127 - Payment of refund.

321.127 Payment of refund. 1. The refund of the annual registration fee for vehicles shall be computed on the basis of the number of unexpired months remaining in the registration year from date of filing of the claim for refund with the county treasurer, computed to the nearest dollar. 2. The department, unless reasonable grounds exist for delay, shall make refund on or before the last day of the month following the month in which the claim is filed with the department. 3. For trailers or semitrailers issued a permanent registration plate, a refund shall be paid equal to the annual fee for twelve months times the remaining number of complete registration years. 4. Refunds for vehicles registered for apportioned registration under chapter 326 shall be paid on the basis of unexpired complete calendar months remaining in the registration year from the date the claim for refund and the license plate are received by the department. [C24, 27, 31, 35, §4924; C39, §5008.23; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.127; 81 Acts, ch 104, §1] 82 Acts, ch 1062, §24, 38; 85 Acts, ch 87, §6; 87 Acts, ch 108, §8; 2002 Acts, ch 1063, §22; 2006 Acts, ch 1070, §12, 31; 2008 Acts, ch 1113, §98; 2012 Acts, ch 1093, §12 Referred to in §321.126, 321.128, 331.557

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.128 - Payment authorized.

321.128 Payment authorized. The department may make the payments under sections 321.126 and 321.127, when sufficient proof of such destruction by accident, or the junking and entire elimination of identity as a motor vehicle, theft, or storage by an owner entering the military service of the United States in time of war, is properly certified, approved by the county treasurer, and filed with the department. [C24, 27, 31, 35, §4925; C39, §5008.24; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.128] 83 Acts, ch 24, §10, 12 Referred to in §331.557

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.129 - When fees returnable.

321.129 When fees returnable. 1. Whenever any application to the department is accompanied by a vehicle registration fee as required by law and the application is refused or rejected, the fee shall be returned to the applicant. 2. Whenever the department through error collects any vehicle registration fee not required to be paid under this chapter, the fee shall be refunded from the refund account to the person paying the fee upon application made within one year after the date of such payment. 3. This section does not apply to the fee for new registration administered by the department of revenue pursuant to section 321.105A. [C39, §5012.11; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.173] 2008 Acts, ch 1018, §21, 30; 2008 Acts, ch 1113, §121 C2009,

§321.129 Referred to in §331.557

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.13 - Authority to grant or refuse applications.

321.13 Authority to grant or refuse applications. The department shall examine and determine the genuineness, regularity, and legality of every application made to the department, and may investigate or require additional information. The department may reject any application if not satisfied of the genuineness, regularity, or legality of the application or the truth of any statement made within the application, or for any other reason, when authorized by law. The department may retain possession of any record or document until the investigation of the application is completed if it appears that the record or document is fictitious or unlawfully or erroneously issued and shall not return the record or document if it is determined to be fictitious or unlawfully or erroneously issued. [C39, §5000.13; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.13] 95 Acts, ch 118, §3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.130 - Fees in lieu of taxes.

321.130 Fees in lieu of taxes. The registration fees imposed by this chapter upon private passenger motor vehicles or semitrailers are in lieu of all state and local taxes, except local vehicle taxes, to which motor vehicles or semitrailers are subject. [S13, §1571-m8; C24, 27, 31, 35, §4927; C39, §5008.26; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.130] 85 Acts, ch 32, §79; 89 Acts, ch 296, §30 Referred to in §331.557

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.131 - Lien of fee.

321.131 Lien of fee. All registration or other fees provided for in this chapter shall constitute a lien against the vehicle for which the fees are payable unless otherwise provided in this section until such time as they are paid as provided by law, with any accrued penalties. The county treasurer may perfect a security interest in a vehicle for the amount of such fees as provided in section 321.50. If the lien is not perfected as provided in this section, the lien shall not be valid against a bona fide purchaser of the vehicle without actual notice to the purchaser. [S13, §1571-m21; SS15, §1571-m7; C24, 27, 31, 35, §4928; C39, §5008.27; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.131] 2004 Acts, ch 1013, §22, 35 Referred to in §331.557

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.132 - When lien attaches.

321.132 When lien attaches. The lien of the original annual registration fee attaches, at the time the fee is first payable, as provided by law, and the lien of all renewals of registration attach on the first day of each succeeding registration year. [C24, 27, 31, 35, §4929; C39, §5008.28; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.132] 82 Acts, ch 1062, §25, 38; 2008 Acts, ch 1113, §99 Referred to in §331.557

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.133 - Methods of collection.

321.133 Methods of collection. The collection of all fees and penalties may be enforced against any vehicle or they may be collected by suit against the owner who shall remain personally liable therefor until such time as the transfer thereof shall be reported to the county treasurer and the department or until such time as said vehicle ceases to be in use and all fees and penalties to such date shall be paid. [S13, §1571-m21; C24, 27, 31, 35, §4930; C39, §5009.01; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.133] Referred to in §331.557, 331.653

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.134 - Monthly penalty.

321.134 Monthly penalty. 1. On the first day of the second month following the beginning of each registration year a penalty of five percent of the annual registration fee shall be added to the annual registration fees not paid by that date and an additional penalty of five percent shall be added the first day of each succeeding month, until the fee is paid. A penalty shall not be less than five dollars. If the owner of a vehicle surrenders the registration plates for a vehicle prior to the plates becoming delinquent, to the county treasurer of the county where the vehicle is registered, or to the department if the vehicle is registered under chapter 326, the owner may register the vehicle any time thereafter upon payment of the annual registration fee for the registration year without penalty. To avoid a penalty or an additional penalty in the case of a delinquent registration through a county treasurer, if the last calendar day of a month falls on Saturday, Sunday, or a holiday, the payment deadline is extended to include the first business day of the following month. For payments made through a county treasurer's authorized internet site only, if the last day of the month falls on a Saturday, Sunday, or a holiday, the electronic payment must be entered by midnight on the first business day of the next month. All other electronic payments must be entered by midnight on the last day of the month preceding the delinquent date. 2. The annual registration fee for trucks, truck tractors, and road tractors registered by the county treasurer, as provided in sections 321.120, 321.121, and 321.122, may be payable in two equal semiannual installments if the annual registration fee exceeds the annual

registration fee for a vehicle with a gross weight exceeding five tons. The penalties provided in subsection 1 shall be computed on the amount of the first installment only and on the first day of the seventh month of the registration period the same rate of penalty shall apply to the second installment, until the fee is paid. 3. If a penalty applies to an annual vehicle registration fee provided for in sections 321.120, 321.121, and 321.122, the same penalty shall be assessed on the fees collected to increase the registered gross weight of the vehicle, if the increased gross weight is requested within forty-five days from the date the delinquent vehicle is registered for the current registration period. 4. Notwithstanding subsections 1 through 3, if a vehicle registration is delinquent for twenty-four months or more, a flat penalty and fee shall be assessed for the delinquent period in addition to the current annual registration fee. The flat penalty and fee shall be one hundred fifty percent of the current annual registration fee. 5. The department shall waive the penalties imposed by this section for an owner who is in the military service of the United States and who has been relocated as a result of being placed on active duty on or after September 11, 2001. The department shall adopt rules to implement this subsection, including, if necessary, procedures for refunding penalties collected prior to March 29, 2004. [SS15, §1571-m7; C24, 27, 31, 35, §4931; C39, §5009.02; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.134] 82 Acts, ch 1062, §26, 38; 83 Acts, ch 24, §6, 12; 89 Acts, ch 185, §4; 90 Acts, ch 1230, §18; 2002 Acts, ch 1043, §2; 2004 Acts, ch 1013, §23, 35; 2004 Acts, ch 1092, §4; 2007 Acts, ch 143, §13; 2008 Acts, ch 1113, §100; 2012 Acts, ch 1093, §13, 40; 2013 Acts, ch 90, §257; 2013 Acts, ch 103, §10; 2017 Acts, ch 92, §1 Referred to in §321.39, 321.123, 331.557, 331.653

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.135 - When fees delinquent.

321.135 When fees delinquent. Except as otherwise provided, annual registration fees become delinquent and penalties accrue the first of the month following the purchase of a new vehicle, and thirty days following the date a vehicle is brought into the state. [C24, 27, 31, 35, §4932; C39, §5009.03; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.135] 84 Acts, ch 1219, §22; 85 Acts, ch 209, §4; 2008 Acts, ch 1113, §101 Referred to in §331.557, 331.653

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.14 - Seizure of documents and plates.

321.14 Seizure of documents and plates. The department is authorized to take possession of any registration card, certificate of title, permit, or registration plate, certificate of inspection or any inspection document or form, upon expiration, revocation, cancellation, or suspension thereof, or which is fictitious, or which has been unlawfully or erroneously issued. [C39, §5000.14; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.14] 2022 Acts, ch 1032, §52

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.145 - Disposition of moneys and fees.

321.145 Disposition of moneys and fees. 1. Except for fines, forfeitures, court costs, and the collection fees retained by the county treasurer pursuant to section 321.152, and except as provided in subsection 2, moneys and motor vehicle registration fees collected under this chapter shall be credited by the treasurer of state to the road use tax fund. 2. Revenues derived from trailer registration fees collected pursuant to sections 321.105 and 321.105A, fees charged for driver's licenses and nonoperator's identification cards, fees charged for commercial driver's license driving skills tests pursuant to section 321.187A, fees charged for the issuance of a certificate of title, the certificate of title surcharge collected pursuant to section 321.52A, and revenues credited pursuant to section 423.43, subsection 2, and section 423C.5 shall be deposited in a fund to be known as the statutory allocations fund under the control of the department and credited as follows: a. Moneys shall be credited in order of priority as follows: (1) An amount equal to four percent of the revenue from the operation of section 321.105A, subsection 2, shall be credited to the department, to be used for purposes of public transit assistance under chapter 324A. (2) An amount equal to two dollars per year of license validity for each issued or renewed driver's license which is valid for the operation of a motorcycle shall be credited to the motorcycle rider education fund established under section 321.179. (3) The amounts required to be transferred pursuant to section 321.34 from revenues available under this subsection shall be transferred and credited as provided in section 321.34 for the various purposes specified in that section. b. Any such revenues remaining shall be credited to the road use tax fund. [SS15, §1571-m32; C24, 27, 31, 35, §4999; C39, §5010.01; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.145] 90 Acts, ch 1230, §19; 2008 Acts, ch 1113, §30, 36; 2009 Acts, ch 97, §9; 2009 Acts, ch 130, §1; 2010 Acts, ch 1069, §144; 2011 Acts, ch 113, §47, 55, 56; 2011 Acts, ch 114, §3; 2016 Acts, ch 1105, §1, 2, 15, 16, 18; 2018 Acts, ch 1026, §110; 2021 Acts, ch 135, §1, 8 Referred to in §312.1, 321.34, 321.52A, 321.211, 331.557, 423.43, 423C.5 Road use tax fund, §312.1

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.148 - Monthly estimate.

321.148 Monthly estimate. The department shall, on the first day of each month, furnish an estimate in writing to the treasurer of state of the amount of expenditures to be made by the department during that month. [C31, 35, §5003-c1; C39, §5010.04; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.148] Referred to in §331.557

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.149 - Supplies.

321.149 Supplies. The department shall prepare and furnish to the treasurer of each county all supplies required for the administration of this chapter in such form as the department may prescribe. Contracts for the supplies shall be awarded by the director of the department of administrative services to persons, firms, partnerships, or corporations engaged in the business of printing in Iowa unless, or through them, the persons, firms, partnerships, or corporations cannot provide the required printing set forth in this section. In lieu of purchasing under competitive bids, the director of the department of administrative services shall have authority to arrange with the director of the department of corrections to furnish the supplies as can be made in the state institutions. [S13, §1571-m2; C24, 27, 31, 35, §5006; C39, §5010.05; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.149] 82 Acts, ch 1062, §27, 38; 83 Acts, ch 96, §157, 159; 98 Acts, ch 1119, §25; 98 Acts, ch 1164, §40; 2003 Acts, ch 145, §249; 2004 Acts, ch 1013, §24, 35 Referred to in §331.557

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.15 - Publication of law.

321.15 Publication of law. The department shall issue, in pamphlet or electronic form, such parts of this chapter together with such rules, instructions, and explanatory matter as may seem advisable. Such information shall be distributed as determined by the department and shall be furnished to each county treasurer. [C24, 27, 31, 35, §5018; C39, §5000.15; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.15] 2004 Acts, ch 1013, §2, 35 Referred to in §321J.1A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.150 - Time limit.

321.150 Time limit. Blanks or forms for listing used motor vehicles shall be placed in the hands of county treasurers not later than December 15 of any year. [C24, 27, 31, 35, §5007; C39, §5010.06; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.150] Referred to in §331.557

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.151 - Duty and liability of treasurer.

321.151 Duty and liability of treasurer. The county treasurer shall collect the registration fee, the fee for new registration, and penalties on each vehicle registered by the county treasurer and shall be responsible on the county treasurer's bond for such amount. The county treasurer shall remit such amount to the treasurer of state as provided in this chapter. Fees collected pursuant to participation in county issuance of driver's licenses under chapter 321M shall be governed by the provisions of that chapter. [C24, 27, 31, 35, §5011; C39, §5010.07; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.151] 98 Acts, ch 1073, §12; 98 Acts, ch 1143, §18, 26; 2008 Acts, ch 1113, §102 Referred to in §331.557

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.152 - Collection fees retained by county.

321.152 Collection fees retained by county. 1. A county treasurer may retain for deposit in the county general fund the following: a. Four percent of the total collection, excluding the amount of any fee for new registration, for each annual or semiannual vehicle registration and each duplicate registration card or plate issued. b. Two dollars and fifty cents from each fee collected for certificates of title. c. Forty percent of all fees collected for certified copies of certificates of title. d. Sixty percent of all fees collected for perfection of security interests. e. Twenty-five percent of each penalty collected for improper business-trade truck registration under section 321.120, subsection 5. f. One dollar from each fee for new registration collected pursuant to section 321.105A. g. Twenty-five percent of each penalty collected for improper motorsports recreational vehicle registration under section 321.124, subsection 4. 2. The moneys retained under subsection 1 shall be deducted, and reported to the department when the county treasurer transfers the money collected under this chapter. However, a deduction is not lawful unless the county treasurer has complied with sections 321.24 and 321.153. 3. The five dollar processing fee charged by a county treasurer for collection of tax debt owed to the department of revenue pursuant to section 321.40, subsection 6, shall be retained for deposit in the county general fund. 4. This section does not apply to fees collected or retained by a county treasurer pursuant to participation in county issuance of driver's licenses under chapter 321M. [C24, 27, 31, 35, §5012; C39, §5010.08; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.152] 83 Acts, ch 123, §126, 209; 84 Acts, ch 1305, §64; 91 Acts, ch 267, §608; 92 Acts, ch 1238, §32; 98 Acts, ch 1073, §12; 98 Acts, ch 1143, §19, 26; 2004 Acts, ch 1013, §25, 35; 2008 Acts, ch 1113, §8, 11, 103, 104; 2010 Acts, ch 1146, §4, 26; 2014 Acts, ch 1127, §8 Referred to in §321.145, 321.153, 331.427, 331.557

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.153 - Treasurer's report to department.

321.153 Treasurer's report to department. 1. The county treasurer on the tenth day of each month shall certify to the department a full and complete statement of all fees and penalties received by the county treasurer during the preceding calendar month and shall remit all moneys not retained for deposit under section 321.152 to the treasurer of state. 2. The distributed teleprocessing network shall be used in the collection, receipting, accounting, and reporting of any fee collected through the registration renewal or title process, with sufficient time and financial resources provided for implementation. 3. This section does not apply to fees collected or

retained by a county treasurer pursuant to participation in county issuance of driver's licenses under chapter 321M. 4. This section does not apply to processing fees charged by a county treasurer for the collection of tax debt owed to the department of revenue pursuant to section 321.40. [C24, 27, 31, 35, §5013; C39, §5010.09; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.153] 89 Acts, ch 185, §5; 92 Acts, ch 1073, §4; 92 Acts, ch 1238, §33; 98 Acts, ch 1073, §12; 98 Acts, ch 1143, §20, 26; 2004 Acts, ch 1013, §26, 35; 2010 Acts, ch 1146, §5, 26 Referred to in §321.152, 321.154, 331.555, 331.557, 331.558

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.154 - Reports by department.

321.154 Reports by department. The department, immediately upon receiving the county treasurer's report under section 321.153, shall also report to the treasurer of state the amount so collected by such county treasurer. [C24, 27, 31, 35, §5014; C39, §5010.10; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.154] 2015 Acts, ch 30, §101 Referred to in §331.557

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.155 - Duty of treasurer of state.

321.155 Duty of treasurer of state. The treasurer of state shall keep proper books of account for the purposes specified herein and shall report to the department each remittance from the county treasurer, when said remittance is received. [C24, 27, 31, 35, §5015; C39, §5010.11; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.155] Referred to in §331.557

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.156 - Audit by department.

321.156 Audit by department. The department shall check and audit all fees and penalties collected, and shall effect a settlement with the county treasurer annually. [C24, 27, 31, 35, §5016; C39, §5010.12; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.156] Referred to in §331.557

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.157 - Schedule of prices and weights.

321.157 Schedule of prices and weights. 1. A manufacturer or importer of a motor vehicle sold or offered for sale in this state, either by the manufacturer, importer, distributor, dealer, or any other person, shall file in the office of the department a sworn statement showing the various models manufactured by the manufacturer, importer, distributor, dealer, or other person, and the retail list price and weight of each model concurrently with a public announcement of such prices or concurrently with notification of such prices to dealers licensed to sell such motor vehicles under chapter 322, whichever comes first. The manufacturer, importer, distributor, dealer, or other person shall also make the same report on subsequent new models manufactured. 2. In lieu of filing the sworn statement required under subsection 1, a manufacturer or importer of a motor vehicle sold or offered for sale in this state may electronically provide the information required in subsection 1 to the department, or, if the manufacturer or importer provides the required information to a third-party vendor, the manufacturer or importer shall make the required information available to the department through the third-party vendor. [C24, 27, 31, 35, §4968; C39, §5011.01; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.157] 2000 Acts, ch 1016, §45, 47 Referred to in §321.158, 321.160, 321.161

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.158 - Registration dependent on schedule.

321.158 Registration dependent on schedule. Except as provided in section 321.159, a motor vehicle shall not be registered in this state unless the manufacturer of the vehicle has furnished, in compliance with section 321.157, the list price and weight of the model of the motor vehicle that is offered for registration. [C24, 27, 31, 35, §4970; C39, §5011.02; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.158] 2022 Acts, ch 1021, §69

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.159 - Exceptional cases — annual registration fee.

321.159 Exceptional cases — annual registration fee. 1. The department shall have the power to fix the annual registration fee on all makes and models of motor vehicles which are not now being furnished or upon which the statement from the factory cannot be obtained. 2. For a current year model of a motor vehicle for which the manufacturer or importer of the motor vehicle has not provided the weight and list price, the department shall set the annual registration fee at ten dollars greater than the annual registration fee for the previous year model. Once the manufacturer or importer provides the required information, the information shall be used to set the annual registration fee or the registration renewal fee for the succeeding registration or registration renewal time for the motor vehicle. [C24, 27, 31, 35, §4971; C39, §5011.03; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.159] 92 Acts, ch 1222, §3; 2000 Acts, ch 1016, §46, 47; 2008 Acts, ch 1113, §105 Referred to in §321.158

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.16 - Giving of notices.

321.16 Giving of notices. 1. When the department is authorized or required to give notice under this chapter or any other law regulating the operation of vehicles, unless a different method of giving notice is expressly prescribed, notice shall be given either by personal delivery to the person to be so notified or by personal service in the manner of original notice by rule of civil procedure 1.305(1), or by first class mail addressed to the person at the address shown in the records of the department, notwithstanding chapter 17A. The department shall adopt rules regarding the giving of notice by first class mail, the updating of addresses in department records, and the development of affidavits verifying the mailing of notices under this chapter and chapter 321J. A person's refusal to accept or a claim of failure to receive a notice of revocation, suspension, or bar mailed by first class mail to the person's last known address shall not be a defense to a charge of driving while suspended, revoked, denied, or barred. 2. Proof of the giving of notice by personal service may be made by the certificate of any officer or employee of the department or affidavit of any person over eighteen years of age, naming the person to whom such notice was given and specifying the time, place, and manner of the giving thereof. 3. If a peace officer serves notice of immediate suspension or revocation of a driver's license as provided in this chapter or any other chapter, the peace officer may destroy the license or send the license to the department. [C39, §5000.16; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.16] 85 Acts, ch 121, §1; 2001 Acts, ch 32, §41; 2007 Acts, ch 143, §7 Referred to in §321.211A, 321.556

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.160 - Department to maintain statement.

321.160 Department to maintain statement. 1. The department shall maintain a statement showing all the different makes and models of motor vehicles previously registered in the department, and all the different makes and models of motor vehicles, statements of which have been filed in the office by the manufacturers as provided in section 321.157, together with the retail list price and weight of the vehicles. 2. Copies of the statement shall be furnished to each county treasurer and additional copies may be sold by the department to other persons, at a price to be set by the department, covering the approximate cost of the copies and service involved. Copies of the statement required by this section may be provided electronically. All funds received shall be forwarded by the department to the treasurer of state. [C24, 27, 31, 35, §4972; C39, §5011.04; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.160] 2004 Acts, ch 1013, §27, 35

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.161 - Department to fix values and weight.

321.161 Department to fix values and weight. The department shall annually, and at such other times as new makes or models of motor vehicles are offered for sale or sold in this state, fix the value and weight of each of the different makes and models of motor vehicles which are sold or offered for sale within the state. The value and weight as fixed by the department shall, on 1975 and subsequent year model motor vehicles, be based on the original certification as provided in section 321.157. [C24, 27, 31, 35, §4973; C39, §5011.05; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.161]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.162 - Method of fixing value and weight.

321.162 Method of fixing value and weight. The value shall be fixed at the next even one hundred dollars above the retail list price F.O.B. the factory, and the weight shall be fixed at the next even one hundred pounds above the manufacturer's shipping weight or the actual weight of the vehicle fully equipped. [C24, 27, 31, 35, §4974; C39, §5011.06; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.162]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.165 - Manufacture by state.

321.165 Manufacture by state. The director shall have authority to arrange with the director of the department of corrections to furnish such supplies as may be made at the state institutions. [C24, 27, 31, 35, §4977; C39, §5012.03; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.165] 83 Acts, ch 96, §157, 159

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.166 - Vehicle plate specifications.

321.166 Vehicle plate specifications. Vehicle registration plates shall conform to the following specifications: 1. a. Registration plates shall be of metal and of a size not to exceed six inches by twelve inches, except that the size of plates issued for use on autocycles, motorized bicycles, motorcycles, motorcycle trailers, and trailers with an empty weight of two thousand pounds or less shall be established by the department. b. Trailers with empty weights of two thousand pounds or less may, upon request, be licensed with regular-sized license plates. 2. Every registration plate or pair of plates shall display a registration plate number which shall consist of alphabetical or numerical characters or a combination thereof and the name of this state, which may be abbreviated. Every registration plate issued by the county treasurer shall display the name of the county, including any plate issued pursuant to section 321.34, except Pearl Harbor and purple heart registration plates issued prior to January 1, 1997; and collegiate, fire fighter, and medal of honor registration plates. Special truck registration plates shall display the word "special". The department may adopt

rules to implement this subsection. 3. The registration plate number shall be displayed in characters which shall not exceed a height of four inches nor a stroke width exceeding five-eighths of an inch. Special plates issued to dealers shall display the alphabetical character “D”, which shall be of the same size as the characters in the registration plate. The registration plate number issued for autocycles, motorized bicycles, motorcycles, trailers with an empty weight of two thousand pounds or less, and motorcycle trailers shall be a size prescribed by the department. 4. The registration plate number, except on autocycles, motorized bicycles, motorcycles, motorcycle trailers, and trailers with an empty weight of two thousand pounds or less, shall be of sufficient size to be readable from a distance of one hundred feet during daylight. 5. There shall be a marked contrast between the color of the registration plates and the data which is required to be displayed on the registration plates. When a new series of registration plates is issued to replace a current series, the new registration plates shall be of a distinctively different color from the series which is replaced, except for collegiate registration plates issued under section 321.34, subsection 7 or 7A. 6. Registration plates issued to a disabled veteran under the provisions of section 321.105 shall display the alphabetical characters “DV” which shall precede the registration plate number. The plates may also display a persons with disabilities parking sticker if issued to the disabled veteran by the department under section 321L.2. 7. The year and month of expiration of registration, which may be abbreviated, shall be displayed on vehicle registration plates issued by the county treasurer. A distinctive emblem or validation sticker may be prescribed by the department to designate the year and month of expiration. The year and month of expiration shall not be required to be displayed on plates issued under section 321.19. 8. The owner of a trailer with an empty weight of two thousand pounds or less shall receive registration plates for the trailer smaller than plates regularly issued for automobiles pursuant to rules adopted by the department in accordance with this section unless the owner requests regular-sized plates. 9. Special registration plates issued pursuant to section 321.34, other than gold star, medal of honor, collegiate, fire fighter, natural resources, blackout, and flying our colors registration plates, shall be consistent with the design and color of regular registration plates but shall provide a space on a portion of the plate for the purpose of allowing the placement of a distinguishing processed emblem or an organization decal. Special registration plates shall also comply with the requirements for regular registration plates as provided in this section to the extent the requirements are consistent with the section authorizing a particular special vehicle registration plate. 10. If the department reissues a new registration plate design for a special registration plate under section 321.34, all persons who have purchased or obtained the special registration plates shall not be required to pay the issuance fee. [S13, §1571-m12, -m13; C24, 27, 31, 35, §4978; C39, §5001.19, 5001.20, 5012.04; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §321.35, 321.36, 321.166; C79, 81, §321.166] 82 Acts, ch 1032, §3, 4; 82 Acts, ch 1062, §28, 29, 36, 38; 83 Acts, ch 24, §7, 12; 86 Acts, ch 1225, §2; 88 Acts, ch 1215, §11; 89 Acts, ch 247, §5; 92 Acts, ch 1026, §1; 94 Acts, ch 1028, §1 – 4; 95 Acts, ch 118, §20, 40; 96 Acts, ch 1088, §5, 6; 96 Acts, ch 1152, §7, 8; 96 Acts, ch 1171, §3; 96 Acts, ch 1219, §25; 97 Acts, ch 70, §4; 97 Acts, ch 104, §14, 15; 99 Acts, ch 13, §10, 29; 2007 Acts, ch 184, §6, 7; 2008 Acts, ch 1124, §7; 2009 Acts, ch 130, §25, 26; 2010 Acts, ch 1061, §52, 180; 2016 Acts, ch 1068, §2, 4; 2016 Acts, ch 1098, §17; 2019 Acts, ch 89, §36; 2020 Acts, ch 1118, §156; 2023 Acts, ch 66, §74 Referred to in §321L.1, 364.3 Subsection 2 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.167 - Delivery of plates, stickers, and emblems.

321.167 Delivery of plates, stickers, and emblems. The department, upon requisition by the county treasurer, shall provide vehicle registration plates, validation stickers, and emblems as required for the administration of this chapter. Vehicle registration plates and validation stickers shall be provided to the county treasurer in numerical sequence. [C24, 27, 31, 35, §4979; C39, §5012.05; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.167] 82 Acts, ch 1062, §30, 38

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.168 - Additional deliveries.

321.168 Additional deliveries. Thereafter, during the year, the department, upon requisition of the county treasurer, shall deliver additional number plates. [C24, 27, 31, 35, §4980; C39, §5012.06; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.168]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.169 - Account of plates.

321.169 Account of plates. The department shall keep an accurate record of all number plates issued to each county, and shall also keep a record showing the assignment thereof by the county treasurer to motor vehicles. [C24, 27, 31, 35, §4981; C39, §5012.07; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.169]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.17 - Misdemeanor to violate registration provisions.

321.17 Misdemeanor to violate registration provisions. It is a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 2, for any person to drive or move or for an owner knowingly to permit to be driven or moved upon the highway a vehicle of a type required to be registered under this chapter which is not registered, or for which the appropriate fees have not been paid, except as provided in section 321.109, subsection 3. [C24, 27, 31, 35, §5085; C39, §5001.01; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.17] 96 Acts, ch 1152, §1; 2001 Acts, ch 176, §49, 59; 2008 Acts, ch 1113, §48; 2010 Acts, ch 1190, §32

Referred to in §331.557, 805.8A(2)(a)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.170 - Plates for exempt vehicles.

321.170 Plates for exempt vehicles. The department shall furnish, on application, free of charge, distinguishing plates for motor vehicles exempted from annual registration fees and shall keep a separate record thereof. [C24, 27, 31, 35, §4982; C39, §5012.08; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.170] 2008 Acts, ch 1113, §106 See also §8A.362, 321.19

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.171 - Title of plates.

321.171 Title of plates. All number plates issued shall be and remain the property of the state. [C24, 27, 31, 35, §4983; C39, §5012.09; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.171]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.174 - Operators licensed — operation of commercial motor vehicles.

321.174 Operators licensed — operation of commercial motor vehicles. 1. A person, except those expressly exempted, shall not operate any motor vehicle upon a highway in this state unless the person has a driver's license issued by the department valid for the vehicle's operation. 2. a. A person operating a commercial motor vehicle shall not have more than one driver's license. A nonresident may operate a commercial motor vehicle in Iowa if the nonresident has been issued a license by another state, a nonresident commercial driver's license or nonresident commercial learner's permit, or a driver's license issued by a foreign jurisdiction which the federal highway administration has determined to be issued in conformity with the federal commercial driver testing and licensing standards, if the license, commercial driver's license, commercial learner's permit, or driver's license is valid for the vehicle operated. b. A person who operates a commercial motor vehicle upon the highways of this state without having been issued a driver's license valid for the vehicle operated commits a simple misdemeanor. c. A person who operates a commercial motor vehicle upon the highways of this state after the person's commercial driver's license or commercial learner's permit has been downgraded to a noncommercial status pursuant to section 321.207 commits a simple misdemeanor. 3. A licensee shall have the licensee's driver's license in immediate possession at all times when operating a motor vehicle and shall display the same upon demand of a judicial magistrate, district associate judge, district judge, peace officer, or examiner of the department. If the licensee has been issued a commercial learner's permit, the licensee's driver's license includes both the licensee's commercial learner's permit and the licensee's underlying commercial or noncommercial driver's license. However, a person charged with violating this subsection shall not be convicted and the citation shall be dismissed by the court if the person produces to the clerk of the district court, prior to the licensee's court date indicated on the citation, a driver's license issued to that person and valid for the vehicle operated at the time of the person's arrest or at the time the person was charged with a violation of this section. Upon dismissal, the court or clerk of court shall assess the costs of the action against the defendant named on the citation. [C31, 35, §4960-d2, -d29; C39, §5013.01, 5013.15; C46, 50, 54, 58, 62, 66, 71, 73, 75, §321.174, 321.190; C77, 79, §321.174, 321.189; C81, §321.174] 90 Acts, ch 1230, §20; 98 Acts, ch 1073, §9; 2004 Acts, ch 1120, §2; 2006 Acts, ch 1144, §4; 2011 Acts, ch 38, §7; 2015 Acts, ch 123, §48 Referred to in §321.176, 321.515, 805.8A(4)(a) For applicable scheduled fines, see §805.8A, subsection 4

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.174A - Operation of motor vehicle with expired license.

321.174A Operation of motor vehicle with expired license. A person shall not operate a motor vehicle upon a highway in this state with an expired driver's license. 97 Acts, ch 108, §11; 98 Acts, ch 1073, §9 Referred to in §805.8A(4)(b) For applicable scheduled fine, see §805.8A, subsection 4

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.176 - Persons exempt from driver's licensing requirements.

321.176 Persons exempt from driver's licensing requirements. The following persons are exempt from driver's licensing requirements: 1. Any person while operating a military motor vehicle in the service of the armed forces of the United States. 2. Any person while operating a farm tractor or implement of husbandry to or from the home farm buildings to any adjacent or nearby farmland for the exclusive purpose of conducting farm operations. 3. A nonresident operating a motor vehicle within the legal scope of the nonresident's home state or country license except a nonresident may operate a commercial motor vehicle only in compliance with section 321.174. [C31, 35, §4960-d3, -d4; C39, §5013.03; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.176; 81 Acts, ch 105, §1, 2] 90 Acts, ch 1230, §21; 98 Acts, ch 1073, §11

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.176A - Persons exempt from commercial driver's license requirements.

321.176A Persons exempt from commercial driver's license requirements. The following operators are exempt from the commercial driver's license requirements: 1. A farmer or a person working for a farmer while operating a covered farm vehicle as defined in the

federal Moving Ahead for Progress in the 21st Century Act, Pub. L. No. 112-141, §32934. The exemption provided in this subsection shall apply to farmers who assist each other through an exchange of services and shall include operation of a commercial motor vehicle between the farms of the farmers who are exchanging services. 2. A fire fighter while operating a fire vehicle for a volunteer or paid fire organization or a peace officer, as defined in section 801.4, while operating a commercial motor vehicle for a law enforcement agency, under conditions necessary to preserve life or property or to execute related governmental functions. 3. The following persons when operating commercial motor vehicles for military purposes: a. Active duty military personnel. b. Members of the military reserves. c. Members of the national guard on active duty, including personnel on full-time national guard duty, personnel on part-time national guard training, and national guard military technicians. d. Active duty United States coast guard personnel. 4. A person while operating a motor home solely for personal or family use. 5. A person operating a motor vehicle with a gross vehicle weight rating of less than twenty-six thousand one pounds towing a travel trailer or fifth-wheel travel trailer solely for personal or family use. 6. A home care aide operating a motor vehicle in the course of the home care aide's duties. 90 Acts, ch 1230, §22; 92 Acts, ch 1175, §20; 93 Acts, ch 139, §8; 96 Acts, ch 1152, §9; 2005 Acts, ch 8, §14; 2006 Acts, ch 1068, §19; 2014 Acts, ch 1123, §12; 2023 Acts, ch 40, §1 Referred to in §321.188, 321.189, 321.463 Subsection 6 stricken and former subsection 7 renumbered as 6

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.176B - Restricted commercial driver's license.

321.176B Restricted commercial driver's license. 49 C.F.R. §383.3(f) . 2. A person issued a restricted commercial driver's license under this section may operate a commercial motor vehicle to the fullest extent authorized under 49 C.F.R. §383.3(f) . 3. The department shall adopt rules pursuant to chapter 17A to implement this section. 90 Acts, ch 1230, §23; 2023 Acts, ch 40, §2 Section stricken and rewritten

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.177 - Persons not to be licensed.

321.177 Persons not to be licensed. The department shall not issue a driver's license: 1. To any person who is under the age of eighteen years except as provided in section 321.180B. However, the department may issue a driver's license to certain minors as provided in section 321.178 or 321.194, or a driver's license restricted to motorized bicycles as provided in section 321.189. 2. To any person holding any other driver's license. 3. To any person whose driver's license or driving privilege is suspended or revoked. 4. To any person who is a chronic alcoholic, or is addicted to the use of an illegal narcotic drug. 5. To any person who has previously been adjudged to be incompetent by reason of mental illness and who has not at the time of application been restored to competency by the methods provided by law. 6. To any person who fails to pass an examination required by this chapter. 7. To any person when the director has good cause to believe the person by reason of physical or mental disability would not be able to operate a motor vehicle safely. 8. To any person to operate a commercial motor vehicle unless the person is eighteen years of age or older and the person qualifies under federal and state law to be issued a commercial driver's license or commercial learner's permit in this state. 9. To any person, as a chauffeur, who is under the age of eighteen. [C31, 35, §4960-d5 – 4960-d9; C39, §5013.04; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.177] 85 Acts, ch 195, §34; 90 Acts, ch 1230, §24; 95 Acts, ch 194, §5; 98 Acts, ch 1073, §9; 98 Acts, ch 1112, §1, 14, 16; 2003 Acts, ch 145, §286; 2006 Acts, ch 1030, §35; 2015 Acts, ch 123, §49 Referred to in §321.180A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.178 - Driver education — restricted license — reciprocity.

321.178 Driver education — restricted license — reciprocity. 1. Approved course. a. An approved driver education course as programmed by the department shall consist of at least thirty clock hours of classroom instruction, of which no more than one hundred eighty minutes shall be provided to a student in a single day, and six or more clock hours of laboratory instruction of which at least three clock hours shall consist of street or highway driving. Classroom instruction shall include all of the following: (1) A minimum of four hours of instruction concerning substance use disorder and distracted driving. (2) A minimum of twenty minutes of instruction concerning railroad crossing safety. (3) Instruction relating to becoming an organ donor under the revised uniform anatomical gift Act as provided in chapter 142C. (4) Instruction providing an awareness about sharing the road with pedestrians, bicycles, and motorcycles. The instruction course shall be first approved by the state department of transportation. Instructional materials creating an awareness about sharing the road with pedestrians, bicycles, and motorcycles shall also be distributed during the course of instruction. b. (1) To be qualified as a classroom driver education instructor, a person shall have satisfied the educational requirements for a teaching license at the elementary or secondary level and hold a valid license to teach driver education in the public schools of this state. (2) (a) To be qualified to provide street or highway driving instruction, a person shall be certified by the department and authorized by the board of educational examiners. However, if the person is a peace officer, as defined in section 801.4, subsection 11, paragraph "a", "b", "c", or "h", with five or more years of experience as a peace officer, or a retired peace officer who holds a driver's license that is valid for more than two years from the date of issuance, the person shall not be required to be authorized by the board of educational examiners. A person shall not be required to hold a current Iowa teacher or administrator license at the elementary or secondary level or to have satisfied the educational requirements for an Iowa teacher license at the elementary or secondary level in order to be certified by the department or authorized by the board of educational

examiners to provide street or highway driving instruction. For purposes of this subparagraph division, “retired peace officer” means a person retired under chapter 97A or 411, or section 97B.49B or 97B.49C, after service as a peace officer, as defined in section 801.4, subsection 11, paragraph “a”, “b”, “c”, or “h”. (b) The department shall adopt rules pursuant to chapter 17A to provide for certification of persons qualified to provide street or highway driving instruction. The board of educational examiners shall adopt rules pursuant to chapter 17A to provide for authorization of persons certified by the department to provide street or highway driving instruction. The department may disqualify a person from providing street or highway driving instruction without concurrent or further action by the board of educational examiners, and the board of educational examiners may withhold or withdraw authorization to provide street or highway driving instruction without concurrent or further action by the department. (3) The department shall not disqualify a person from providing street or highway driving instruction and the board of educational examiners shall not withhold or withdraw authorization to provide street or highway instruction for the sole reason that the person was involved in a motor vehicle accident, unless either of the following circumstances exist: (a) The person contributed to the motor vehicle accident and the accident caused the death or serious injury of another person. (b) The person contributed to the motor vehicle accident and it was the person’s second or subsequent contributive motor vehicle accident in a two-year period. (4) A person who provides street or highway driving instruction shall hold a driver’s license valid for the vehicle operated. c. Every public school district in Iowa shall offer or make available to all students residing in the school district, or Iowa students attending a nonpublic school or receiving competent private instruction or independent private instruction as defined in section 299A.1, in the district, an approved course in driver education. The receiving district shall be the school district responsible for making driver education available to a student participating in open enrollment under section 282.18. The courses may be offered at sites other than at the public school, including nonpublic school facilities within the public school districts. An approved course offered during the summer months, on Saturdays, after regular school hours during the regular terms or partly in one term or summer vacation period and partly in the succeeding term or summer vacation period, as the case may be, shall satisfy the requirements of this section to the same extent as an approved course offered during the regular school hours of the school term. A student who successfully completes and obtains certification in an approved course in driver education or an approved course in motorcycle education may, upon proof of such fact, be excused from any field test which the student would otherwise be required to take in demonstrating the student’s ability to operate a motor vehicle. A student shall not be excused from any field test if a parent, guardian, or instructor requests that a test be administered. A final field test prior to a student’s completion of an approved course shall be administered by a person qualified to provide street or highway driving instruction under paragraph “b”, subparagraph (2). d. “Student”, for purposes of this section, means a person between the ages of fourteen years and twenty-one years who satisfies the preliminary licensing requirements of the department. e. Any person who successfully completes an approved driver education course at a private or commercial driver education school licensed by the department shall likewise be eligible for a driver’s license as provided in section 321.180B or 321.194. 2. Restricted license. a. (1) A person between sixteen and eighteen years of age who has completed an approved driver education course and is not in attendance at school and has not met the requirements described in section 299.2, subsection 1, may be issued a restricted license only for travel to and from work or to transport dependents to and from temporary care facilities, if necessary for the person to maintain the person’s present employment. The restricted license shall be issued by the department only upon confirmation of the person’s employment and need for a restricted license to travel to and from work or to transport dependents to and from temporary care facilities if necessary to maintain the person’s employment. The employer shall notify the department if the employment of the person is terminated before the person attains the age of eighteen. (2) (a) A person issued a restricted license under this section shall not use an electronic communication device or an electronic entertainment device while driving a motor vehicle unless the motor vehicle is at a complete stop off the traveled portion of the roadway. This subparagraph division does not apply to the use of electronic equipment which is permanently installed in the motor vehicle or to a portable device which is operated through permanently installed equipment. (b) The department, in cooperation with the department of public safety, shall establish educational programs to foster compliance with the requirements of subparagraph division (a). b. The department may suspend a restricted driver’s license issued under this section upon receiving satisfactory evidence that the licensee has violated the restrictions imposed under paragraph “a”, subparagraph (2), subparagraph division (a). The department may also suspend a restricted license issued under this section upon receiving a record of the person’s conviction for one violation and shall revoke the license upon receiving a record of conviction for two or more violations of a law of this state or a city ordinance regulating the operation of motor vehicles on highways, other than parking violations as defined in section 321.210. After revoking a license under this section the department shall not grant an application for a new license or permit until the expiration of one year or until the person attains the age of eighteen, whichever is the longer period. c. A person who violates the restrictions imposed under paragraph “a”, subparagraph (2), subparagraph division (a), may be issued a citation under this section and shall not be issued a citation under section 321.193. A violation of the restrictions imposed under paragraph “a”, subparagraph (2), subparagraph division (a), shall not be considered a moving violation. 3. Driver’s license reciprocity. a. The department may issue a class C or M driver’s license to a person who is sixteen or seventeen years of age and who is a current resident of the state, but who has been driving as a resident of another state for at least one year prior to residency within the state. b. The following criteria must be met prior to issuance of a driver’s license pursuant to this subsection: (1) The minor must reside with a parent or guardian. (2) The minor must have driven under a valid driver’s license for at least one year in the prior state of residence. Six months of the one year computation may include driving with an instruction permit. (3) The minor must have had no moving traffic violations on the minor’s driving record. (4) The minor must pass the written and driving skills tests as required by the department, but is not required to have taken a driver education class. [C66, §321.177; C71, 73, 75, 77, 79, 81, §321.178; 82 Acts, ch 1215, §1, 2, ch 1248, §1] 84

Acts, ch 1022, §3; 86 Acts, ch 1220, §28; 89 Acts, ch 266, §1; 90 Acts, ch 1230, §25; 91 Acts, ch 128, §1, 2; 92 Acts, ch 1163, §75; 92 Acts, ch 1231, §44; 94 Acts, ch 1102, §1; 98 Acts, ch 1112, §2, 14, 16; 99 Acts, ch 13, §11; 2000 Acts, ch 1133, §3; 2001 Acts, ch 33, §1; 2002 Acts, ch 1140, §32, 33; 2003 Acts, ch 108, §55; 2005 Acts, ch 8, §15; 2006 Acts, ch 1021, §1; 2007 Acts, ch 44, §28; 2007 Acts, ch 214, §40; 2010 Acts, ch 1075, §1, 2; 2010 Acts, ch 1105, §1; 2011 Acts, ch 25, §28, 29; 2011 Acts, ch 38, §8; 2013 Acts, ch 121, §99; 2014 Acts, ch 1092, §74; 2019 Acts, ch 77, §1; 2021 Acts, ch 88, §9; 2021 Acts, ch 121, §1; 2023 Acts, ch 7, §1; 2023 Acts, ch 19, §1059 Referred to in §321.177, 321.178A, 321.180B, 321.191, 321.213B, 321.482A, 321A.17, 805.8A(4)(c) Additional penalties for violations of subsection 2, paragraph a, subparagraph (2), causing serious injury or death, see §321.482A For applicable scheduled fine, see §805.8A, subsection 4 Driver education courses to include instruction relating to energy efficiency and safety; 90 Acts, ch 1252, §54 Department of health and human services to cooperate to provide materials and information relating to becoming an organ donor; 94 Acts, ch 1102, §3 ; 2023 Acts, ch 19, §1358 Subsection 1, paragraph a, subparagraph (1) amended Subsection 1, paragraph c amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.178A - Driver education — teaching parent.

321.178A Driver education — teaching parent. 1. Teaching parent. As an alternative to the driver education requirements under section 321.178, a teaching parent may instruct a student in a driver education course that meets the requirements of this section and provide evidence that the requirements under this section have been met. 2. Definitions. For purposes of this section: a. “Approved course” means driver education curriculum approved by the department pursuant to rules adopted under chapter 17A. An approved course shall, at a minimum, meet the requirements of subsection 3 and be appropriate for teaching-parent-directed driver education and related street or highway instruction. Driver education materials that meet or exceed standards established by the department for an approved course in driver education for a public or private school shall be approved unless otherwise determined by the department. The list of approved courses shall be posted on the department’s internet site. b. “Student” means a person between the ages of fourteen and twenty-one years who is within the custody and control of the teaching parent and who satisfies preliminary licensing requirements of the department. c. “Teaching parent” means a parent, guardian, or legal custodian of a student who is meeting the attendance requirement of section 299.1, subsection 1; who has a valid driver’s license, other than a motorized bicycle license or a temporary restricted license, that permits unaccompanied driving; and who has maintained a clear driving record for the previous two years. For purposes of this paragraph, “clear driving record” means the individual has not been identified as a candidate for suspension or revocation of a driver’s license under the habitual violator or habitual offender provisions of the department’s regulations; is not subject to a driver’s license suspension, revocation, denial, cancellation, disqualification, or bar; and has no record of a conviction for a moving traffic violation determined to be the cause of a motor vehicle accident. 3. Course of instruction. a. An approved course administered by a teaching parent shall consist of but not be limited to the following: (1) Thirty hours of street or highway driving including three hours of driving after sunset and before sunrise while accompanied by a teaching parent or a person who is qualified to provide street or highway driving instruction pursuant to section 321.178. (2) Instruction concerning substance use disorder and distracted driving. (3) Instruction concerning railroad crossing safety. (4) Instruction relating to becoming an organ donor under the revised uniform anatomical gift Act as provided in chapter 142C. (5) Instruction providing an awareness about sharing the road with pedestrians, bicycles, and motorcycles. b. The content of the course of instruction required under this subsection shall be equivalent to that required under section 321.178. However, reference and study materials, physical classroom requirements, actual classroom hours and minutes, and extra vehicle safety equipment required for instruction under section 321.178 shall not be required for the course of instruction provided under this section. 4. Course completion and certification. Upon application by a student for an intermediate license, the teaching parent shall provide evidence showing the student’s completion of an approved course and substantial compliance with the requirements of subsection 3 by affidavit signed by the teaching parent on a form to be provided by the department. The evidence shall include all of the following: a. Documentation that the instructor is a teaching parent as defined in subsection 2. b. Documentation that the teaching parent is meeting the attendance requirement of section 299.1, subsection 1. c. The name of the approved course completed by the student. d. An affidavit attesting to satisfactory completion of course work and street or highway driving instruction. e. Copies of written tests completed by the student or lesser documentation as may be required by the department. f. A statement of the number of classroom hours of instruction. g. A log of completed street or highway driving instruction including the dates when the lessons were conducted, notes on driving activities including a list of driving deficiencies and improvements, and the duration of the driving time for each session. 5. Intermediate license. Any student who successfully completes an approved course as provided in this section, passes a driving test to be administered by the department, and is otherwise qualified under section 321.180B, subsection 2, shall be eligible for an intermediate license pursuant to section 321.180B. Twenty of the thirty hours of street or highway driving instruction required under subsection 3, paragraph “a”, subparagraph (1), may be used to satisfy the requirement of section 321.180B, subsection 2. 6. Full license. A student must comply with section 321.180B, subsection 4, to be eligible for a full driver’s license pursuant to section 321.180B. 7. Applicability. This section shall not be construed to require a teaching parent to apply for or seek approval of the department separate from the course completion and certification requirements of subsection 4. 2013 Acts, ch 121, §100; 2021 Acts, ch 88, §10 – 15; 2021 Acts, ch 121, §2; 2023 Acts, ch 19, §1060 Referred to in §321.180B Subsection 3, paragraph a, subparagraph (2) amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section

321.179 - Motorcycle rider education fund.

321.179 Motorcycle rider education fund. The motorcycle rider education fund is established in the office of the treasurer of state. The moneys credited to the fund are appropriated to the state department of transportation to be used to establish new motorcycle rider education courses and reimburse sponsors of motorcycle rider education courses for the costs of providing motorcycle rider education courses approved and established by the department. The department shall adopt rules under chapter 17A providing for the distribution of moneys to sponsors of motorcycle rider education courses based upon the cost of providing the education courses. 2010 Acts, ch 1069, §43 Referred to in §321.34, 321.145, 321.180B

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.18 - Vehicles subject to registration — exception.

321.18 Vehicles subject to registration — exception. Every motor vehicle, trailer, and semitrailer when driven or moved upon a highway shall be subject to the registration provisions of this chapter except: 1. Any such vehicle driven or moved upon a highway in conformance with the provisions of this chapter relating to manufacturers, transporters, dealers, or nonresidents as contemplated by section 321.53 and chapter 326, or under a temporary registration permit issued by the department as hereinafter authorized. 2. Any such vehicle which is driven or moved upon a highway only for the purpose of crossing such highway from one property to another. 3. Any implement of husbandry. 4. Any special mobile equipment as defined in this chapter. 5. Any vehicle which is used exclusively for interplant purposes, in the operation of an industrial or manufacturing plant, consisting of a single unit comprising a group of buildings separated by streets, alleys, or railroad tracks, and which vehicle is used solely to transport materials from one part of the plant to another or from an adjacent railroad track to the plant and in so doing incidentally using said streets or alleys for not more than one thousand feet. 6. Any vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails. 7. Any school bus in this state used exclusively for the transportation of pupils to and from school or a school function or for the purposes provided in section 285.1, subsection 1, and section 285.10, subsection 9, or used exclusively for the transportation of children enrolled in a federal head start program. Upon application the department shall, without charge, issue a registration certificate and registration plates. The plates shall be attached to the front and rear of each bus exempt from registration under this subsection. 8. Any mobile home or manufactured home and any temporary undercarriage used solely for transporting manufactured homes, modular homes, or other portable buildings used or intended to be used for human occupancy. 9. Any trailer that is used exclusively for the transportation, display, and distribution of flags honoring deceased veterans in parades or ceremonies held on Memorial Day, Veterans Day, or other patriotic occasions as authorized by resolution of the local government of the community where the parade or ceremony takes place. A trailer exempt from registration under this subsection shall only be used on city streets or secondary roads on the day of a parade or ceremony specified in the local government's resolution, and a copy of the resolution shall be carried at all times in the vehicle pulling the trailer. [C24, 27, 31, 35, §4864; C39, §5001.02; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.18; 82 Acts, ch 1251, §4] 95 Acts, ch 118, §4; 99 Acts, ch 188, §2; 2001 Acts, ch 153, §17; 2006 Acts, ch 1068, §8; 2007 Acts, ch 131, §1, 6; 2009 Acts, ch 130, §21; 2010 Acts, ch 1193, §122; 2012 Acts, ch 1021, §65, 142; 2023 Acts, ch 66, §68 Referred to in §321.20B, 331.557, 423.1, 423B.2, 452A.17 Subsection 4 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.180 - Instruction permits, commercial learner's permits, and chauffeur's instruction permits.

321.180 Instruction permits, commercial learner's permits, and chauffeur's instruction permits. 49 C.F.R. §383.73 . An applicant for a commercial learner's permit must hold a valid class A, B, C, or D driver's license issued in this state, must be at least eighteen years of age, and must meet the qualifications to obtain a valid commercial driver's license, including the requirements set forth in section 321.188, except for the required driving skills test. b. A commercial learner's permit shall be a separate document from a commercial or noncommercial driver's license. A person operating a vehicle pursuant to a commercial learner's permit shall have both the commercial learner's permit and the commercial or noncommercial driver's license issued to the person within the person's possession. c. A commercial learner's permit shall be valid for a period not to exceed the period provided in 49 C.F.R. §383.25(c) and 49 C.F.R. §383.73(a)(3) . d. A commercial learner's permit shall be valid for the operation of a commercial motor vehicle only when the permit holder is accompanied by a holder of a valid commercial driver's license with the proper commercial driver's license group designation and endorsements necessary to operate the commercial motor vehicle, and who is at all times physically present in the front passenger seat of the vehicle, or in the case of a passenger vehicle, directly behind or in the first row behind the permit holder in a position to directly observe and supervise the permit holder. (1) When a commercial learner's permit is issued to the holder of a commercial driver's license, this paragraph "d" only applies to the operation of a commercial motor vehicle for which the permit holder's commercial driver's license is not valid. (2) When a commercial learner's permit is issued to the holder of a noncommercial driver's license, this paragraph "d" only applies to the operation of a commercial motor vehicle. e. The issuance of a commercial learner's permit is a precondition to the initial issuance of a commercial driver's license. The issuance of a commercial learner's permit is also a precondition to the upgrade of a commercial driver's license if the upgrade requires a driving skills test. The holder of a commercial learner's permit is not eligible to take a driving skills test required by section 321.188 for the first fourteen days after the permit holder is issued the permit. f. A commercial learner's permit is not valid for the operation of a vehicle transporting hazardous materials as defined in 49 C.F.R. §383.5 . 3. A person, upon meeting each of the following requirements, shall be eligible to apply for a chauffeur's instruction permit valid for the operation of a motor vehicle, other than a

commercial motor vehicle, as a chauffeur when the permittee is accompanied by a person, possessing a valid class D driver's license or commercial driver's license valid for the operation of the motor vehicle and the accompanying person is actually occupying a seat beside the permittee. An applicant must be at least eighteen years of age, otherwise qualified to obtain a class D driver's license, and must meet the requirements of section 321.186 other than a driving demonstration. The chauffeur's instruction permit shall be valid for a period not to exceed two years from the licensee's birthday anniversary in the year of issuance and shall be returned to the department upon issuance of a class D driver's license or commercial driver's license. If the applicant for a chauffeur's instruction permit holds a driver's license issued under this chapter, the chauffeur's instruction permit shall be valid in the same manner as the driver's license would be for the operation of motor vehicles without the need of an accompanying person. 4. The instruction permit, chauffeur's instruction permit, and commercial learner's permit are subject to suspension or revocation for the same reasons and in the same manner as suspension or revocation of a driver's license. 5. A motorcycle instruction permit issued under this section is not renewable. [C31, 35, §4960-d23; C39, §5013.06; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.180] 88 Acts, ch 1134, §67; 89 Acts, ch 265, §39; 90 Acts, ch 1230, §26; 98 Acts, ch 1073, §9; 98 Acts, ch 1112, §3, 4, 14, 16; 2006 Acts, ch 1068, §20, 21; 2010 Acts, ch 1061, §180; 2015 Acts, ch 123, §50, 51; 2017 Acts, ch 149, §1; 2023 Acts, ch 126, §1 Referred to in §321.196, 805.8A(4)(d) Fee, §321.191 For applicable scheduled fine, see §805.8A, subsection 4 Subsection 2, paragraph c amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.180A - Special instruction permit.

321.180A Special instruction permit. 1. Notwithstanding other provisions of this chapter, a person with a physical disability, who is not suffering from a convulsive disorder and who can provide a favorable medical report, whose license renewal has been denied under section 321.177, subsection 6 or 7, or whose driver's license has been suspended under section 321.210, subsection 1, paragraph "a", subparagraph (3), upon meeting the requirements of section 321.186, other than a driving demonstration or elimination of the person's limitations which caused the denial under section 321.177, subsection 6 or 7, or suspension under section 321.210, subsection 1, paragraph "a", subparagraph (3), and upon paying the fee required in section 321.191, shall be issued a special instruction permit by the department. Upon issuance of the permit the denial or suspension shall be stayed and the stay shall remain in effect as long as the permit is valid. 2. a. A special instruction permit entitles the permittee, while having the permit in the permittee's immediate possession, to operate a noncommercial motor vehicle upon the highways for a period of six months from the date of issuance. However, the permittee must be accompanied by a person who is at least twenty-one years of age, who has been issued a driver's license valid for the vehicle being operated, and who is actually occupying a seat beside the permittee. b. A permittee shall not be penalized for failing to have the permit in immediate possession if the permittee produces in court, within a reasonable time, the special instruction permit issued to the permittee which was valid at the time of the permittee's arrest. 3. The permittee may apply for a driver's license if thirty days have elapsed since issuance of the special instruction permit. The department shall issue a driver's license if the permittee is qualified, passes all required tests, including a driving test, and pays the required fees. If the person has not obtained a driver's license before expiration of the person's special instruction permit, the person's former denial or suspension under section 321.177, subsection 6 or 7, or section 321.210, subsection 1, paragraph "a", subparagraph (3), upon service of notice by the department, shall be reinstated. A permit shall be reissued for one additional six-month period if a permittee continues to meet the qualifications of subsection 1 and has incurred no motor vehicle violations. 90 Acts, ch 1230, §27; 96 Acts, ch 1129, §78; 98 Acts, ch 1073, §9; 2010 Acts, ch 1061, §170; 2014 Acts, ch 1092, §75

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.180B - Graduated driver's licenses for persons aged fourteen through seventeen.

321.180B Graduated driver's licenses for persons aged fourteen through seventeen. Persons under age eighteen shall not be issued a license or permit to operate a motor vehicle except under the provisions of this section. However, the department may issue restricted and special driver's licenses to certain minors as provided in sections 321.178 and 321.194, and driver's licenses restricted to motorized bicycles as provided in section 321.189. A license or permit shall not be issued under this section or section 321.178 or 321.194 without the consent of a parent or guardian or a person having custody of the applicant under chapter 232 or 600A. An additional consent is required each time a license or permit is issued under this section or section 321.178 or 321.194. The consent must be signed by at least one parent, guardian, or custodian on an affidavit form provided by the department. 1. Instruction permit. a. The department may issue an instruction permit to an applicant between the ages of fourteen and eighteen years if the applicant meets the requirements of sections 321.184 and 321.186, other than a driving demonstration, and pays the required fee. An instruction permit issued under this section shall be valid for a period not to exceed four years from the licensee's birthday anniversary in the year of issuance. A motorcycle instruction permit issued under this section is not renewable. b. Subject to the limitations in this subsection, an instruction permit entitles the permittee, while having the permit in the permittee's immediate possession, to operate a motor vehicle other than a commercial motor vehicle or as a chauffeur or a motor vehicle with a gross vehicle weight rating of sixteen thousand one or more pounds upon the highways. c. (1) Except as otherwise provided, a permittee who is less than eighteen years of age and who is operating a motor vehicle must be accompanied by a person issued a driver's license valid for the vehicle operated who is the parent, guardian, or custodian of the permittee, a member of the permittee's immediate family if the family member is at least twenty-one years of age, an approved driver education instructor, a prospective driver education instructor who is enrolled in a practitioner preparation program with a safety education program approved by the state board of education, or a person at least twenty-five years of age if written permission is granted by the parent, guardian, or

custodian, and who is actually occupying a seat beside the driver. A permittee shall not operate a motor vehicle if the number of passengers in the motor vehicle exceeds the number of passenger safety belts in the motor vehicle. If the applicant for an instruction permit holds a driver's license issued in this state valid for the operation of a motorized bicycle or a motorcycle, the instruction permit shall be valid for such operation without the requirement of an accompanying person. (2) If the permittee is operating a motorcycle in accordance with this section, the accompanying person must be within audible and visual communications distance from the permittee and be accompanying the permittee on or in a different motor vehicle. Only one permittee shall be under the immediate supervision of an accompanying qualified person. d. A permittee shall not be penalized for failing to have the instruction permit in the permittee's immediate possession if the permittee produces in court, within a reasonable time, an instruction permit issued to the permittee and valid at the time of the permittee's arrest or at the time the permittee was charged with failure to have the permit in the permittee's immediate possession. 2. Intermediate license. a. The department may issue an intermediate driver's license to a person sixteen or seventeen years of age who possesses an instruction permit issued under subsection 1 or a comparable instruction permit issued by another state for a minimum of twelve months immediately preceding application, and who presents an affidavit signed by a parent, guardian, or custodian on a form to be provided by the department that the permittee has accumulated a total of twenty hours of street or highway driving of which two hours were conducted after sunset and before sunrise and the street or highway driving was with the permittee's parent, guardian, custodian, instructor, a person certified by the department, or a person at least twenty-five years of age who had written permission from a parent, guardian, or custodian to accompany the permittee, and whose driving privileges have not been suspended, revoked, or barred under this chapter or chapter 321J during, and who has been accident and violation free continuously for, the six-month period immediately preceding the application for an intermediate license. An applicant for an intermediate license must meet the requirements of section 321.186, including satisfactory completion of driver education as required in section 321.178 or 321.178A, and payment of the required license fee before an intermediate license will be issued. A person issued an intermediate license must limit the number of passengers in the motor vehicle when the intermediate licensee is operating the motor vehicle to the number of passenger safety belts. In addition, unless waived by the person's parent or guardian at the time the intermediate license is issued, for the first six months following issuance of the license, a person issued an intermediate license must limit the number of unrelated minor passengers in the motor vehicle when the intermediate licensee is operating the motor vehicle to one, except when the intermediate licensee is accompanied in accordance with subsection 1. For purposes of this subsection, "unrelated minor passenger" means a passenger who is under eighteen years of age and who is not a sibling of the driver, a stepsibling of the driver, or a child who resides in the same household as the driver. The department shall prescribe the form for waiver of the six-month restriction on unrelated minor passengers, which may be in an electronic format, and shall designate characteristics for the intermediate license that shall distinguish between an intermediate license that includes the six-month restriction on unrelated minor passengers and an intermediate license that does not include the six-month restriction on unrelated minor passengers. b. Except as otherwise provided, a person issued an intermediate license under this subsection who is operating a motor vehicle between the hours of 12:30 a.m. and 5:00 a.m. must be accompanied by a person issued a driver's license valid for the vehicle operated who is the parent, guardian, or custodian of the intermediate licensee, a member of the intermediate licensee's immediate family if the family member is at least twenty-one years of age, an approved driver education instructor, a prospective driver education instructor who is enrolled in a practitioner preparation program with a safety education program approved by the state board of education, or a person at least twenty-five years of age if written permission is granted by the parent, guardian, or custodian, and who is actually occupying a seat beside the driver. However, a licensee may operate a vehicle to and from school-related extracurricular activities and work without an accompanying driver between the hours of 12:30 a.m. and 5:00 a.m. if the licensee possesses a waiver on a form to be provided by the department. An accompanying driver is not required between the hours of 5:00 a.m. and 12:30 a.m. 3. Remedial driver improvement action — suspension of permit, intermediate license, or full license. a. A person who has been issued an instruction permit, an intermediate license, or a full driver's license under this section, upon conviction of a moving traffic violation or involvement in a motor vehicle accident which occurred during the term of the instruction permit or intermediate license, shall be subject to remedial driver improvement action or suspension of the permit or current license. A person possessing an instruction permit who has been convicted of a moving traffic violation or has been involved in an accident shall not be issued an intermediate license until the person has completed the remedial driver improvement action and has been accident and violation free continuously for the six-month period immediately preceding the application for the intermediate license. A person possessing an intermediate license who has been convicted of a moving traffic violation or has been involved in an accident shall not be issued a full driver's license until the person has completed the remedial driver improvement action and has been accident and violation free continuously for the twelve-month period immediately preceding the application for a full driver's license. b. The department may suspend an instruction permit, intermediate license, or full license issued under this section upon receiving satisfactory evidence that the person issued the instruction permit, intermediate license, or full license violated the restrictions imposed under subsection 1, 2, or 6 during the term of the instruction permit or intermediate license. 4. Full driver's license. A full driver's license may be issued to a person seventeen years of age who possesses an intermediate license issued under subsection 2 or a comparable intermediate license issued by another state for a minimum of twelve months immediately preceding application, and who presents an affidavit signed by a parent, guardian, or custodian on a form to be provided by the department that the intermediate licensee has accumulated a total of ten hours of street or highway driving of which two hours were conducted after sunset and before sunrise and the street or highway driving was with the licensee's parent, guardian, custodian, instructor, a person certified by the department, or a person at least twenty-five years of age who had written permission from a parent, guardian, or custodian to accompany the licensee, whose driving privileges have not been suspended, revoked, or

barred under this chapter or chapter 321J during, and who has been accident and violation free continuously for, the twelve-month period immediately preceding the application for a full driver's license, and who has paid the required fee. 5. Class M license education requirements. A person under the age of eighteen applying for an intermediate or full driver's license valid for the operation of a motorcycle shall be required to successfully complete a motorcycle education course either approved and established by the department of transportation or from a private or commercial driver education school licensed by the department of transportation before the class M license will be issued. A public school district shall charge a student a fee which shall not exceed the actual cost of instruction minus moneys received by the school district under section 321.179. 6. Use of electronic devices or equipment. a. A person issued an instruction permit or intermediate driver's license under this section shall not use an electronic communication device or an electronic entertainment device while driving a motor vehicle unless the motor vehicle is at a complete stop off the traveled portion of the roadway. This paragraph does not apply to the use of electronic equipment which is permanently installed in the motor vehicle or to a portable device which is operated through permanently installed equipment. b. The department, in cooperation with the department of public safety, shall establish educational programs to foster compliance with the requirements of paragraph "a". 7. Citations for violation of restrictions. A person who violates the restrictions imposed under subsection 1, 2, or 6 may be issued a citation under this section and shall not be issued a citation under section 321.193. A violation of the restrictions imposed under subsection 1, 2, or 6 shall not be considered a moving violation. 8. Rules. The department may adopt rules pursuant to chapter 17A to administer this section. 98 Acts, ch 1112, §5, 14, 16; 99 Acts, ch 13, §12, 13; 99 Acts, ch 128, §1 – 3; 2006 Acts, ch 1068, §22 – 24; 2009 Acts, ch 130, §2 – 5; 2010 Acts, ch 1061, §180; 2010 Acts, ch 1069, §44; 2010 Acts, ch 1105, §2; 2011 Acts, ch 38, §9 – 11; 2012 Acts, ch 1021, §66; 2013 Acts, ch 80, §1, 3; 2013 Acts, ch 90, §78; 2013 Acts, ch 121, §101; 2014 Acts, ch 1092, §76 Referred to in §321.177, 321.178, 321.178A, 321.180, 321.189, 321.194, 321.196, 321.482A, 321A.17, 805.8A(4)(e) For applicable scheduled fine, see §805.8A, subsection 4 Additional penalties for violations causing injury or death, see §321.482A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.181 - Temporary permit.

321.181 Temporary permit. The department may issue a temporary permit to an applicant for a driver's license permitting the applicant to operate a motor vehicle while the department is completing its investigation and determination of all facts relative to the applicant's privilege to receive the driver's license. The permit must be in the applicant's immediate possession while operating a motor vehicle. The temporary permit shall be invalid and returned to the department when the applicant's license is issued or when the license is denied. [C39, §5013.07; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.181] 90 Acts, ch 1230, §28; 96 Acts, ch 1152, §10; 98 Acts, ch 1073, §9 Referred to in §321.190

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.182 - Application.

321.182 Application. Every applicant for a driver's license shall do all of the following: 1. a. Make application on a form provided by the department which shall include the applicant's full name, signature, current mailing address, current residential address, date of birth, social security number, and physical description including sex, height, and eye color. The application may contain other information the department may require by rule. Pursuant to procedures established by the department and for an applicant who is a foreign national temporarily present in this state, the department may waive the requirement that the application include the applicant's social security number. b. A licensee shall notify the department when the licensee's mailing address changes and provide the new address within thirty days of obtaining the new address. The application provided by the department shall include a statement for the applicant to sign that acknowledges the applicant's knowledge of the requirement to notify the department of a mailing address change. The penalty under section 321.482 shall not apply to a licensee's failure to notify the department of such an address change. 2. Surrender all other driver's licenses and nonoperator's identification cards. 3. Certify that the applicant has no other driver's license and certify that the applicant is a resident of this state as provided in section 321.1A. However, certification of residency is not required for an applicant for a nonresident commercial driver's license or nonresident commercial learner's permit. 4. Certify that the applicant is not currently subject to suspension, revocation, or cancellation of any driver's license and has committed no offense and has not acted in a manner which either alone or with previous actions or offenses could result in suspension, revocation, or cancellation of any driver's license. [C31, 35, §4960-d12; C39, §5013.08; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.182] 90 Acts, ch 1230, §29; 95 Acts, ch 118, §21; 98 Acts, ch 1073, §9, 10; 2001 Acts, ch 32, §42; 2002 Acts, ch 1063, §23, 55; 2015 Acts, ch 123, §52 Referred to in §321.188, 321.190, 321.196 Voter registration, see §48A.18

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.183 - Application for driver's license or nonoperator's identification card — selective service registration.

321.183 Application for driver's license or nonoperator's identification card — selective service registration. 1. A person who applies for a driver's license or nonoperator's identification card or for renewal of a driver's license or nonoperator's identification card, and who is required by 50 U.S.C. app. §451 et seq. to register with the United States selective service system, shall be registered by the department with the selective service system. The department shall forward to the selective service system in an electronic format the necessary personal information of such applicant, notwithstanding provisions to the contrary in section 321.11, subsection 3. 2. An applicant's submission of an application for a driver's license or nonoperator's identification card or for renewal of a driver's license or nonoperator's identification card shall indicate that the applicant has already registered with the selective

service system or that the applicant authorizes the department to forward the applicant's personal information to the selective service system for registration. The department shall notify the applicant on the application that submission of the application shall serve as consent to registration with the selective service system, if the applicant is required by 50 U.S.C. app. §451 et seq. to register. 3. Notwithstanding subsections 1 and 2, an applicant for a driver's license or nonoperator's identification card or for renewal of a driver's license or nonoperator's identification card who is required to register with the United States selective service system shall not be registered by the department if, after being given information on the penalties for failure to register, the applicant declines to be registered. The department shall forward to the selective service system in an electronic format the applicable personal information of such applicant indicating the applicant refused to be registered. 2003 Acts, ch 41, §1 Referred to in §321.190

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.184 - Applications of unmarried minors.

321.184 Applications of unmarried minors. 1. Consent required. The application of an unmarried person under the age of eighteen years for a driver's license shall contain the verified consent and confirmation of the applicant's birthday by either parent of the applicant, the guardian of the applicant, or a person having custody of the applicant under chapter 232 or 600A. Officers and employees of the department may administer the oaths without charge. 2. Withdrawal of consent. The person who provided the signed consent under subsection 1 may withdraw that consent at any time. The withdrawal of consent shall be in writing, signed and verified. The department, upon receipt of the withdrawal of consent, shall cancel the applicant's driver's license and shall not issue a new license until such time as a new application, duly signed and verified, is made as required in this chapter. This subsection does not apply if the licensee or permittee has attained the age of eighteen years or is married. [C31, 35, §4960-d13; C39, §5013.10; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.184; 82 Acts, ch 1248, §2] 84 Acts, ch 1219, §23; 86 Acts, ch 1048, §1; 90 Acts, ch 1230, §30; 98 Acts, ch 1073, §9; 2009 Acts, ch 130, §6 Referred to in §321.180B

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.185 - Death of person signing application — effect.

321.185 Death of person signing application — effect. The department upon receipt of satisfactory evidence of the death of the persons who signed the application of a minor for a license shall cancel such license and shall not issue a new license until such time as a new application, duly signed and verified, is made as required by this chapter. This provision shall not apply in the event the minor has attained the age of eighteen years. [C39, §5013.11; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.185]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.186 - Examination of new or incompetent operators.

321.186 Examination of new or incompetent operators. 1. The department may examine every new applicant for a driver's license or any person holding a valid driver's license when the department has reason to believe that the person may be physically or mentally incompetent to operate a motor vehicle, or whose driving record appears to the department to justify the examination. The department shall make every effort to accommodate a functionally illiterate applicant when the applicant is taking a knowledge test. 2. The examination shall include a screening of the applicant's eyesight, a test of the applicant's ability to read and understand highway signs regulating, warning, and directing traffic, a test of the applicant's knowledge of the traffic laws of this state, an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle, and other physical and mental examinations as the department finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways. However, an applicant for a new driver's license need not pass a vision test administered by the department if the applicant files with the department a vision report in accordance with section 321.186A which shows that the applicant's visual acuity level meets or exceeds those required by the department. 3. A physician licensed under chapter 148, an advanced registered nurse practitioner licensed under chapter 152, a physician assistant licensed under chapter 148C, or an optometrist licensed under chapter 154 may report to the department the identity of a person who has been diagnosed as having a physical or mental condition which would render the person physically or mentally incompetent to operate a motor vehicle in a safe manner. The physician, advanced registered nurse practitioner, physician assistant, or optometrist shall make reasonable efforts to notify the person who is the subject of the report, in writing. The written notification shall state the nature of the disclosure and the reason for the disclosure. A physician, advanced registered nurse practitioner, physician assistant, or optometrist making a report under this section shall be immune from any liability, civil or criminal, which might otherwise be incurred or imposed as a result of the report. A physician, advanced registered nurse practitioner, physician assistant, or optometrist has no duty to make a report or to warn third parties with regard to any knowledge concerning a person's mental or physical competency to operate a motor vehicle in a safe manner. Any report received by the department from a physician, advanced registered nurse practitioner, physician assistant, or optometrist under this section shall be kept confidential. Information regulated by chapter 141A shall be subject to the confidentiality provisions and remedies of that chapter. [C31, 35, §4960-d14; C39, §5013.12; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.186] 90 Acts, ch 1230, §31; 92 Acts, ch 1175, §32; 98 Acts, ch 1029, §1; 98 Acts, ch 1073, §9; 99 Acts, ch 181, §16; 2002 Acts, ch 1032, §1; 2008 Acts, ch 1088, §119; 2011 Acts, ch 5, §1; 2012 Acts, ch 1021, §67; 2015 Acts, ch 56, §23; 2021 Acts, ch 135, §2, 3, 8 Referred to in §321.180, 321.180A, 321.180B

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section

321.186A - Vision report in lieu of vision test.

321.186A Vision report in lieu of vision test. 1. An applicant for a new or renewed driver's license need not take a vision test administered by the department if the applicant files with the department a vision report signed by a licensed vision specialist in accordance with this section. 2. An applicant for such a new or renewed driver's license who fails a vision test administered by the department may subsequently be issued the driver's license without need of passing a department administered vision test, if the applicant files with the department a vision report from a licensed vision specialist in accordance with this section. 3. The vision report shall state the visual acuity level of the applicant as measured by the vision specialist and shall be in the form and include other information as required by rule of the department. A vision report is valid only if the visual acuity level of the applicant has been measured by the licensed vision specialist within thirty days before the application for the new or renewed driver's license. 4. As used in this section, a "licensed vision specialist" means a physician licensed under chapter 148 or an optometrist licensed under chapter 154. 90 Acts, ch 1230, §32; 98 Acts, ch 1073, §9; 2008 Acts, ch 1088, §120; 2011 Acts, ch 38, §12 Referred to in §321.186, 321.189, 321.196

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.187 - Examiners.

321.187 Examiners. 1. The department shall examine applicants for driver's licenses. Examiners of the department shall wear an identifying badge and uniform provided by the department. 2. The department may by rule designate community colleges established under chapter 260C and other third-party testers to administer the knowledge and driving skills tests required for a commercial learner's permit or commercial driver's license, provided all of the following occur: a. The test is the same as that which would otherwise be administered by the state. The fees for administering a commercial driver's license driving skills test as provided in sections 321.187A and 321M.6A shall not apply to a driving skills test administered by a third-party tester under this section. b. The third-party tester contractually agrees to comply with the requirements of 49 C.F.R. pts. 383 and 384 applicable to third-party knowledge and driving skills testing, as adopted by rule by the department. c. Any third-party test examiner used by the third-party tester shall comply with the requirements of 49 C.F.R. pts. 383 and 384 applicable to third-party knowledge and driving skills testing, as adopted by rule by the department. The department shall adopt rules regarding who may qualify as a third-party tester. The department may adopt rules doing any of the following: (1) Requiring a third-party tester to conduct a number of skills test examinations above the number required under 49 C.F.R. §383.75 in order to remain qualified as a third-party tester under this section. (2) Restricting the testing scope of a third-party tester. 3. As used in this section: a. "Third-party test examiner" means a person employed by a third-party tester who is authorized by the department to administer the knowledge and driving skills tests under this section. b. "Third-party tester" means a person designated by the department to employ knowledge and driving skills test examiners to administer knowledge and driving skills tests under this section. [C31, 35, §4960-d17; C39, §5013.13; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.187] 90 Acts, ch 1230, §33; 98 Acts, ch 1073, §10; 99 Acts, ch 96, §29; 2014 Acts, ch 1123, §13, 25; 2019 Acts, ch 41, §1; 2020 Acts, ch 1063, §146; 2021 Acts, ch 135, §4, 8; 2022 Acts, ch 1124, §1; 2023 Acts, ch 14, §1 Referred to in §321.1A Subsection 2, paragraph c amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.187A - Commercial driver's license driving skills tests — fees.

321.187A Commercial driver's license driving skills tests — fees. 49 C.F.R. pt. 383, subpts. E, G, and H . 4. The department may charge a scheduling fee not to exceed twenty-five dollars to a commercial driver's license applicant for the pre-trip vehicle inspection test. The department shall not charge a fee to schedule or administer the basic vehicle control or on-road driving skills tests. The department shall not charge a fee under this section to an applicant who is an employee or volunteer of a government agency, as defined in section 553.3, and who provides reasonable proof that a commercial driver's license is necessary for the applicant's employment or volunteer duties for the government agency. 5. Fees authorized under this section are nonrefundable. If the applicant fails to appear for the pre-trip vehicle inspection test, the appointment shall be canceled. This section shall not be construed to prohibit an applicant from scheduling a new test appointment upon payment of a new fee. 6. All fees authorized in this section are in addition to any other fees imposed by law. 7. The department shall remit all fees collected pursuant to this section monthly to the treasurer of state for deposit in the statutory allocations fund. 8. The department may adopt rules pursuant to chapter 17A to administer this section. 2021 Acts, ch 135, §5, 8 Referred to in §321.145, 321.187

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.188 - Commercial driver's license requirements.

321.188 Commercial driver's license requirements. 49 C.F.R. §383.73 . Before the department issues, renews, or upgrades a commercial driver's license and in addition to the requirements of section 321.182, the license applicant shall do all of the following: a. Certify whether the applicant is subject to and meets applicable driver qualifications of 49 C.F.R. pt. 391 as adopted by rule by the department. b. Certify the applicant is not subject to any commercial driver's license disqualification and has committed no offense and has not acted in a manner which either alone or with previous actions or offenses could result in commercial driver's license disqualification. c. Successfully complete any entry-level driver training if required under 49 C.F.R. pt. 380, subpt. F , or 49 C.F.R. pt. 383, subpt. E , prior to taking a knowledge test or driving skills test, the passage of which is required under paragraph "d".

d. Successfully pass knowledge tests and driving skills tests, provide self-certification of type of driving, provide a medical examiner's certificate prepared by a medical examiner, as defined in 49 C.F.R. §390.5 , and provide all other required information, proofs, and certificates, as required by rule by the department. The rules adopted shall substantially comply with the federal minimum testing and licensing requirements in 49 C.F.R. pt. 383, subpts. E, G, and H, as adopted by rule by the department. Except as required under subsection 3 or 49 C.F.R. pt. 383, subpt. E, G, or H , a commercial driver's license is renewable without a knowledge test or driving skills test within one year after its expiration date. e. Certify the vehicle to be operated in the driving skills tests is representative of the class of motor vehicle the applicant will operate on the highway. f. Certify that the applicant is a resident of Iowa or a resident of a foreign jurisdiction. g. Identify all states where the applicant has been licensed to drive any type of motor vehicle during the previous ten years. 2. An applicant for a commercial driver's license may substitute for a driving skills test the applicant's operating record and previous passage of a driving skills test or the applicant's operating record and previous driving experience if all of the following conditions exist: a. The applicant is currently licensed to operate a commercial motor vehicle. b. The applicant certifies that during the two years immediately preceding application all of the following apply: (1) The applicant has not held driver's licenses valid for the operation of commercial motor vehicles from more than one state simultaneously. (2) The applicant has not had any convictions which are federal commercial driver's license disqualifying offenses under 49 C.F.R. §383.51 as adopted by rule by the department while operating any type of vehicle. (3) The applicant has not committed a traffic violation, other than a parking violation, arising in connection with a traffic accident. (4) No record of an accident exists for which the applicant was convicted of a moving traffic violation. (5) The applicant has not had any driver's license suspended, revoked, or canceled. c. The applicant provides evidence of and certifies that the applicant is employed in a job requiring operation of a commercial motor vehicle and the applicant has done one of the following: (1) Has previously passed a driving skills test given by this state or its designee in a motor vehicle representative of the class of motor vehicle the applicant will operate. (2) Has operated during the two-year period immediately preceding the application a motor vehicle representative of the class of motor vehicle the applicant will operate. 3. An applicant for a hazardous material endorsement must pass a knowledge test as required under 49 C.F.R. §383.121 as adopted by rule by the department to obtain or retain the endorsement. However, an applicant for license issuance who was previously issued a commercial driver's license from another state may retain the hazardous material endorsement from the previously issued license if the applicant successfully passed the endorsement test within the preceding twenty-four months. Pursuant to procedures established by the department, an applicant for a hazardous material endorsement must also comply with the application and security threat assessment requirements established under 49 C.F.R. pt. 383 , 384 , and 1572 . A hazardous material endorsement shall be revoked or denied if the department determines that the applicant has not complied with or met the security threat assessment standards. 4. a. The department shall check the applicant's driving record as maintained by the applicant's current licensing state, the national commercial driver's license information system, and the national driver register to determine whether the applicant qualifies for the issuance, renewal, or upgrade of a commercial driver's license, as applicable. The department shall notify the national commercial driver's license information system of the issuance, renewal, or upgrade of a commercial driver's license and shall post the driver's self-certification of type of driving as required by rule. The department shall also post information from the medical examiner's certificate required under subsection 1, paragraph "d", to the national commercial driver's license information system, if required by rule. b. The department shall request information from the national drug and alcohol clearinghouse if required under 49 C.F.R. §383.73 and shall not issue, renew, or upgrade the commercial driver's license if the response indicates the applicant is prohibited from operating a commercial motor vehicle pursuant to 49 C.F.R. §382.501(a) . 5. A resident of this state holding a commercial driver's license issued by a former state of residence in conformity with the federal commercial driver testing and licensing standards shall not be required to take a knowledge or driving skills test prior to issuance of a commercial driver's license in this state, except a basic Iowa rules of the road knowledge test and, when applicable, motorcycle operator knowledge and driving skills tests. The commercial driver's license issued by this state shall be valid for operation of the same class of vehicles with the same endorsements and restrictions as in the former state of licensure. However, a person with a hazardous materials endorsement must comply with subsection 3. 6. a. The department may waive the requirement that an applicant pass a driving skills test specified in this section for an applicant who is on active duty in the military service, or who has separated from such service in the past year, who certifies that during the two-year period immediately preceding application for a commercial driver's license, all of the following apply: (1) The applicant has not had more than one driver's license, other than a military license. (2) The applicant has not had any driver's license suspended, revoked, or canceled. (3) The applicant has not been convicted of an offense committed while operating any type of motor vehicle that is listed as a disqualifying offense in 49 C.F.R. §383.51(b) . (4) The applicant has not had more than one conviction for an offense committed while operating any type of motor vehicle that is listed as a serious traffic violation in 49 C.F.R. §383.51(c) . (5) The applicant has not had a conviction for a violation of a military, state, or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with any traffic accident and has no record of a traffic accident in which the applicant was at fault. b. An applicant for a waiver of the driving skills test under this subsection shall certify and provide evidence as required by the department that the following apply: (1) The applicant is regularly employed or was regularly employed within the past year in a military position requiring operation of a commercial motor vehicle. (2) The applicant was exempt from commercial driver licensing requirements pursuant to section 321.176A, subsection 3, or a comparable law of another state implementing 49 C.F.R. §383.3(c) . (3) The applicant was operating a motor vehicle representative of the class of motor vehicle the applicant operates or expects to operate for at least two years immediately preceding honorable separation from military service as evidenced by the person's certificate of release or discharge from active duty, commonly referred to as a DD214. c. An applicant who obtains a driving skills test waiver under this subsection

shall take and successfully pass the knowledge test required pursuant to subsection 1. 90 Acts, ch 1230, §34; 92 Acts, ch 1175, §21; 98 Acts, ch 1073, §9, 10; 99 Acts, ch 96, §30 – 32; 2000 Acts, ch 1133, §4; 2004 Acts, ch 1013, §28, 35; 2006 Acts, ch 1068, §25; 2011 Acts, ch 25, §30; 2011 Acts, ch 38, §13, 14; 2012 Acts, ch 1058, §1; 2012 Acts, ch 1138, §62; 2013 Acts, ch 90, §79; 2015 Acts, ch 123, §53; 2019 Acts, ch 41, §2, 3, 6, 7; 2021 Acts, ch 31, §1, 3; 2023 Acts, ch 126, §2 Referred to in §321.180, 321.196, 321.207 Subsection 4 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.189 - Driver's license — content.

321.189 Driver's license — content. 1. Classification and issuance. a. Upon payment of the required fee, the department shall issue to every qualified applicant a driver's license. Driver's licenses shall be classified as follows: (1) Class A — Valid for the operation of vehicles with a gross combination weight rating of twenty-six thousand one or more pounds if the towed vehicle or vehicles have a gross vehicle weight rating or gross combination weight rating of ten thousand one or more pounds, and also valid for the operation of vehicles with lower gross combination weight ratings and other vehicles except motorcycles. (2) Class B — Valid for the operation of a vehicle with a gross vehicle weight rating of twenty-six thousand one or more pounds or a combination of vehicles with a gross combination weight rating of twenty-six thousand one or more pounds if the towing vehicle has a gross vehicle weight rating of twenty-six thousand one or more pounds and the towed vehicle or vehicles have a gross vehicle weight rating or gross combination weight rating of less than ten thousand one pounds, and also valid for the operation of vehicles with lower gross vehicle weight ratings or gross combination weight ratings except motorcycles. (3) Class C — Valid for the operation of a vehicle, other than a motorcycle, or a combination of vehicles with a gross combination weight rating of twenty-six thousand one or more pounds provided the towing vehicle has a gross vehicle weight rating of less than twenty-six thousand one pounds and each towed vehicle has a gross vehicle weight rating of less than ten thousand one pounds, or a combination of vehicles with a gross vehicle weight rating or gross combination weight rating of less than twenty-six thousand one pounds and also valid for the operation of any vehicle, other than a motorcycle, for which the operator is exempt from commercial driver's license requirements under section 321.176A. (4) Class D — Valid for the operation of a motor vehicle as a chauffeur. (5) Class M — Valid for the operation of a motorcycle. b. A driver's license may be issued for more than one class. Class A and B driver's licenses shall only be issued as commercial driver's licenses. Class C and M driver's licenses may be issued as commercial driver's licenses. A driver's license is not valid for the operation of a vehicle requiring an endorsement unless the driver's license is endorsed for the vehicle. A class D driver's license is also valid as a noncommercial class C driver's license. The holder of a commercial driver's license is not required to obtain a class D driver's license to operate a motor vehicle as a chauffeur. When necessary, the department shall by rule create additional classes or modify existing classes of driver's licenses, however, the rule shall be temporary and if within sixty days after the next regular session of the general assembly convenes the general assembly has not made corresponding changes in this chapter, the temporary classification or modification shall be nullified. 2. Content of license. a. Appearing on the driver's license shall be a distinguishing number assigned to the licensee; the licensee's full name, date of birth, sex, and residence address; a color photograph; a physical description of the licensee; the name of the state; the dates of issuance and expiration; and the usual signature of the licensee. The license shall identify the class of vehicle the licensee may operate and the applicable endorsements and restrictions which the department shall require by rule. b. A commercial driver's license shall include the licensee's address as required under federal regulations, and the words "commercial driver's license" or "CDL" shall appear prominently on the face of the license. A commercial learner's permit shall include the permit holder's address as required under federal regulations, and the words "commercial learner's permit" or "CLP" with a statement that the permit is invalid unless accompanied by the permit holder's underlying driver's license shall appear prominently on the face of the permit. If the applicant is a nonresident, the license must conspicuously display the word "nondomiciled". c. The department shall assign an applicant for a driver's license a distinguishing driver's license number other than the applicant's social security number. d. The license may contain other information as required under the department's rules. 3. Replacement. If prior to the renewal date, a person desires to obtain a driver's license in the form authorized by this section, a license may be issued as a voluntary replacement upon payment of the required fee as set by the department by rule. A person shall return a driver's license and be issued a new license when the first license contains inaccurate information upon payment of the required fee as set by the department by rule. 4. Symbols. Upon the request of a licensee, the department shall indicate on the license the presence of a medical condition, that the licensee is a donor under the revised uniform anatomical gift Act as provided in chapter 142C, or that the licensee has in effect a medical advance directive. For purposes of this subsection, a medical advance directive includes but is not limited to a valid durable power of attorney for health care as defined in section 144B.1. The license may contain such other information as the department may require by rule. 5. Tamperproofing. The department shall issue a driver's license by a method or process which prevents as nearly as possible the alteration, reproduction, or superimposition of a photograph on the license without ready detection. 6. Licenses or nonoperator's identification cards issued to persons under age twenty-one. A driver's license issued to a person under eighteen years of age shall contain the same information as any other driver's license except that the words "under eighteen" shall appear prominently on the face of the license. A driver's license issued to a person eighteen years of age or older but less than twenty-one years of age shall contain the same information as any other driver's license except that the words "under twenty-one" shall appear prominently on the face of the license. Upon attaining the age of eighteen or upon attaining the age of twenty-one, and upon payment of a ten dollar fee, the person shall be entitled to a new driver's license or nonoperator's identification card for the unexpired months of the driver's license or card. Upon attaining the age of twenty-one, a person who is otherwise eligible to be issued a driver's license or nonoperator's identification card

shall be eligible to apply electronically for issuance of a replacement license or card for the unexpired months of the license or card, regardless of whether the most recent previous issuance of the license or card occurred electronically. The department shall, within a reasonable time period prior to a person's twenty-first birthday anniversary, notify the person of the person's eligibility to apply for a replacement driver's license or nonoperator's identification card electronically upon attaining the age of twenty-one. The department shall develop educational media to raise awareness of a person's eligibility to apply for a replacement driver's license or nonoperator's identification card electronically upon attaining the age of twenty-one. An instruction permit or intermediate license issued under section 321.180B, subsection 1 or 2, shall include a distinctive color bar. An intermediate license issued under section 321.180B, subsection 2, shall include the words "intermediate license" printed prominently on the face of the license.

7. Motorized bicycle. a. The department may issue a driver's license valid only for operation of a motorized bicycle to a person fourteen years of age or older who has passed a vision test or who files a vision report as provided in section 321.186A which shows that the applicant's visual acuity level meets or exceeds those required by the department and who passes a written examination on the rules of the road. A person under the age of sixteen applying for a driver's license valid only for operation of a motorized bicycle shall also be required to successfully complete a motorized bicycle education course approved and established by the department or successfully complete an approved motorized bicycle education course at a private or commercial driver education school licensed by the department. A public school district shall charge a student a fee which shall not exceed the actual cost of instruction. A driver's license valid only for operation of a motorized bicycle entitles the licensee to operate a motorized bicycle upon the highway while having the license in the licensee's immediate possession. The license is valid for a period not to exceed two years from the licensee's birthday anniversary in the year of issuance, subject to termination or cancellation as provided in this section. b. A driver's license valid only for operation of a motorized bicycle shall be canceled upon a conviction for a moving traffic violation and reapplication may be made thirty days after the date of cancellation. The cancellation of the license upon conviction for a moving traffic violation shall not result in requiring the applicant to maintain proof of financial responsibility under section 321A.17, unless the conviction would otherwise result in a suspension or revocation of a person's driver's license. c. As used in this section, "moving traffic violation" does not include a parking violation as defined in section 321.210 or a violation of a section of the Code or municipal ordinance pertaining to standards to be maintained for motor vehicle equipment except sections 321.430 and 321.431, or except a municipal ordinance pertaining to motor vehicle brake requirements as applicable to motorized bicycles. d. The holder of any class of driver's license may operate a motorized bicycle. e. A person who violates this subsection commits a simple misdemeanor.

8. Veterans status. A licensee who is an honorably discharged veteran of the armed forces of the United States may request that the license be marked to reflect the licensee's veteran status. Upon such a request, the word "VETERAN" shall be marked prominently on the face of the license. Such a license shall be issued upon receipt of satisfactory proof of veteran status pursuant to procedures established by the department in consultation with the department of veterans affairs, or upon presentation of the licensee's certification of release or discharge from active duty, DD form 214, to the department at the time of the licensee's request, if the form indicates the licensee was honorably discharged. If the license is issued upon presentation of the licensee's certification of release or discharge from active duty, DD form 214, the department shall notify the commission of veteran affairs of the county of the licensee's residence that the licensee was issued a license marked to reflect the licensee's veteran status. After receiving notification from the department, the commission of veteran affairs shall initiate contact with the licensee.

9. Deaf or hard-of-hearing status. A licensee who is a deaf person or a hard-of-hearing person, as those terms are defined in section 622B.1, may request that the license be marked to reflect the licensee's deaf or hard-of-hearing status on the face of the license when the licensee applies for the issuance or renewal of a license. The department may adopt rules pursuant to chapter 17A establishing criteria under which a license may be marked, including requiring the licensee to submit medical proof of the licensee's deaf or hard-of-hearing status. When a driver's license is so marked, the licensee's deaf or hard-of-hearing status shall be noted in the electronic database used by the department and law enforcement to access registration, titling, and driver's license information. The department, in consultation with the commission of deaf services, shall develop educational media to raise awareness of a licensee's ability to request the license be marked to reflect the licensee's deaf or hard-of-hearing status.

10. Autism spectrum disorder status. A licensee who has autism spectrum disorder, as defined in section 514C.28, may request that the license be marked to reflect the licensee's autism spectrum disorder status on the face of the license when the licensee applies for the issuance or renewal of a license. The department may adopt rules pursuant to chapter 17A establishing criteria under which a license may be marked, including requiring the licensee to submit medical proof of the licensee's autism spectrum disorder status. When a driver's license is so marked, the licensee's autism spectrum disorder status shall be noted in the electronic database used by the department and law enforcement to access registration, titling, and driver's license information. The department, in consultation with the mental health and disability services commission, shall develop educational media to raise awareness of a licensee's ability to request the license be marked to reflect the licensee's autism spectrum disorder status.

[C31, 35, §4960-d19, -d20, -d22, -d28; C39, §5013.14; C46, 50, 54, 58, 62, 66, 71, 73, 75, §321.189; C77, 79, 81, §321.189; 81 Acts, ch 107, §1, 2] 84 Acts, ch 1022, §4; 84 Acts, ch 1292, §3; 87 Acts, ch 167, §1; 87 Acts, ch 206, §2, 3; 90 Acts, ch 1230, §35; 92 Acts, ch 1175, §22, 23; 93 Acts, ch 164, §1; 94 Acts, ch 1102, §2; 95 Acts, ch 67, §25; 95 Acts, ch 95, §1; 95 Acts, ch 118, §22; 96 Acts, ch 1017, §1 – 3; 97 Acts, ch 74, §1; 98 Acts, ch 1073, §9; 98 Acts, ch 1112, §6, 7, 14, 16; 99 Acts, ch 13, §14; 2001 Acts, ch 90, §2; 2001 Acts, ch 132, §5; 2001 Acts, ch 180, §7; 2003 Acts, ch 108, §56; 2006 Acts, ch 1068, §26; 2007 Acts, ch 44, §29; 2010 Acts, ch 1061, §180; 2010 Acts, ch 1140, §5; 2012 Acts, ch 1091, §2; 2013 Acts, ch 82, §1; 2015 Acts, ch 123, §33, 54; 2016 Acts, ch 1011, §48; 2016 Acts, ch 1111, §1; 2017 Acts, ch 29, §94; 2019 Acts, ch 76, §1; 2019 Acts, ch 84, §1; 2020 Acts, ch 1089, §1; 2022 Acts, ch 1026, §2 Referred to in §49.78, 321.177, 321.180B, 321.189A, 321.190, 321.191, 321.213 Driver's license fees, see §321.191 Intermediate driver's license to indicate

applicability of six-month restriction on unrelated minor passengers; see §321.180B, subsection 2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.189A - Driver's license for undercover law enforcement officers — fee — penalties.

321.189A Driver's license for undercover law enforcement officers — fee — penalties. 1. The department may issue undercover driver's licenses to certified peace officers employed by a local authority or by the state or federal law enforcement officers for use in the line of duty when a fictitious identity is necessary. The department, in cooperation with the commissioner of public safety, shall adopt rules pursuant to chapter 17A regarding the issuance, use, and cancellation of licenses issued pursuant to this section. 2. A license issued pursuant to this section shall only be issued to a certified peace officer or federal law enforcement officer, who is qualified to obtain the class of license sought, at the request of the law enforcement agency employing the officer for official use when the officer is involved in duty in which a fictitious identity is necessary. An officer issued a license pursuant to this section shall surrender the license when the license is no longer needed. 3. a. A license issued pursuant to this section shall only be used in the line of duty when it is necessary for the officer holding the license to assume a fictitious identity. An officer issued a license pursuant to this section shall report as soon as practical to the law enforcement agency employing the officer any traffic citation issued to the officer while using the officer's fictitious identity. b. An officer using a license issued under this section shall not be prosecuted for a public offense under this chapter if the offense was committed in the line of duty and was necessary to protect the identity of the officer. However, this paragraph shall not apply to a violation of subsection 4, paragraph "a". 4. a. An officer who provides the department false information for the purposes of obtaining a license under this section commits a class "D" felony. b. An officer who displays or uses a license issued pursuant to this section during the commission or attempted commission of a public offense other than a public offense referred to in subsection 3 or who knowingly permits another person to use the license issued under this section commits a class "D" felony. c. An officer who displays or uses a license issued pursuant to this section in any manner which is not a public offense but which is not authorized under this section or who knowingly fails or refuses to surrender the license upon demand by the department commits an aggravated misdemeanor. 5. The fee for issuing a license under this section shall be the same as for licenses issued pursuant to section 321.189. 6. The department shall keep as confidential public records under section 22.7, all records regarding licenses issued under this section. 97 Acts, ch 92, §2; 98 Acts, ch 1073, §10 Referred to in §22.7(36)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.18A - Records of implements of husbandry.

321.18A Records of implements of husbandry. A person selling at retail new implements of husbandry with a retail list price in excess of five thousand dollars upon which the manufacturer has affixed a vehicle identification number, shall maintain for ten years a record of the number, the name and address of the purchaser, and the date of sale. 91 Acts, ch 97, §43 Referred to in §331.557

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.19 - Exemptions — distinguishing plates — definitions of urban transit company and regional transit system.

321.19 Exemptions — distinguishing plates — definitions of urban transit company and regional transit system. 1. a. The following vehicles are exempted from the payment of the registration fees imposed by this chapter, except as provided for urban transit companies in subsection 2, but are not exempt from the penalties provided in this chapter: (1) All vehicles owned or leased for a period of sixty days or more by the government and used in the transaction of official business by the representatives of foreign governments or by officers, boards, or departments of the government of the United States, and by the state, counties, municipalities and other political subdivisions of the state including vehicles used by an urban transit company operated by a municipality or a regional transit system, and self-propelling vehicles used neither for the conveyance of persons for hire, pleasure, or business nor for the transportation of freight other than those used by an urban transit company operated by a municipality or a regional transit system. (2) All fire trucks, providing they are not owned and operated for a pecuniary profit. (3) Authorized emergency vehicles used only in disaster relief owned and operated by an organization not operated for pecuniary profit. b. (1) The department shall furnish, on application, free of charge, distinguishing plates for vehicles thus exempted, which plates except plates on state patrol vehicles shall bear the word "official" and the department shall keep a separate record. (2) Registration plates issued for state patrol vehicles, except unmarked patrol vehicles, shall bear two red stars on a yellow background, one before and one following the registration number on the plate, which registration number shall be the officer's badge number. (3) Registration plates issued for county sheriff's patrol vehicles shall display one seven-pointed gold star followed by the letter "S" and the call number of the vehicle. c. However, the director of the department of administrative services or the director of transportation may order the issuance of regular registration plates for any exempted vehicle used by any of the following: (1) Peace officers or federal law enforcement officers in the enforcement of the law. (2) Persons enforcing chapter 124 and other laws relating to controlled substances. (3) Persons in the department of justice, disease investigators of the department of health and human services, the department of inspections, appeals, and licensing, and the department of revenue, who are regularly assigned to conduct investigations which cannot reasonably be conducted with a vehicle displaying "official" state registration plates. (4) Persons who are federal agents or officers regularly assigned to conduct investigations which cannot reasonably be conducted with a vehicle displaying "official" registration plates. (5) Persons in the Iowa lottery authority whose regularly assigned duties relating to security or the carrying of lottery tickets cannot reasonably be conducted with a vehicle displaying "official" registration plates. (6) Persons in the economic

development authority who are regularly assigned duties relating to existing industry expansion or business attraction, and mental health professionals or health care professionals who provide off-site or in-home medical or mental health services to clients of publicly funded programs. d. For purposes of sale of exempted vehicles, the exempted governmental body, upon the sale of the exempted vehicle, may issue for in-transit purposes a pasteboard card bearing the words “Vehicle in Transit”, the name of the official body from which the vehicle was purchased, together with the date of the purchase plainly marked in at least one-inch letters, and other information required by the department. The in-transit card is valid for use only within forty-eight hours after the purchase date as indicated on the bill of sale which shall be carried by the driver. 2. a. “Urban transit company” means any person, firm, corporation, company, or municipality which operates buses or trolley cars or both, primarily upon the streets of cities over well-defined routes between certain termini, for the transportation of passengers for a uniform fare, and which accepts for passengers all who present themselves for transportation without discrimination up to the limit of the capacity of each vehicle. Included are street railways, plants, equipment, property, and rights, used and useful in the transportation of passengers. Motor carriers and interurbans subject to the jurisdiction of the state department of transportation, and taxicabs, are not included. b. The department, in accordance with subsection 1, shall furnish distinguishing plates for vehicles used by urban transit companies operated by a municipality. No other provision of law providing for the payment of taxes, registration, or license fees for vehicles shall be applicable to any bus, car, or vehicle for the transportation of passengers owned and operated by any urban transit company. c. Chapter 326 is not applicable to urban transit companies or systems. 3. a. “Regional transit system” means a public transit system serving one county or all or part of a multicounty area whose boundaries correspond to the same boundaries as those of the regional planning areas designated by the governor, except as agreed upon by the department. Privately chartered bus services and uses other than providing services that are open and public on a shared ride basis shall not be construed to be a regional transit system. b. Each county board of supervisors within the region is responsible for determining the service and funding within its county. However, the administration and overhead support services for the overall regional transit system shall be consolidated into one existing or new agency to be mutually agreed upon by the participating members. [C24, 27, 31, 35, §4867, 4922; C39, §5001.03; C46, 50, 54, 58, 62, §321.19; C66, 71, 73, §321.19, 386C.1 – 386C.3; C75, 77, 79, 81, §321.19] 83 Acts, ch 40, §1; 84 Acts, ch 1253, §1 – 3; 85 Acts, ch 67, §34; 85 Acts, ch 115, §2; 86 Acts, ch 1042, §10; 92 Acts, ch 1244, §41; 95 Acts, ch 118, §5; 96 Acts, ch 1034, §19; 96 Acts, ch 1066, §1; 96 Acts, ch 1211, §33; 97 Acts, ch 104, §6; 97 Acts, ch 158, §1; 98 Acts, ch 1028, §1; 98 Acts, ch 1074, §21; 99 Acts, ch 141, §37; 2003 Acts, ch 145, §244; 2003 Acts, ch 178, §109, 121; 2003 Acts, ch 179, §142; 2005 Acts, ch 35, §31; 2006 Acts, ch 1022, §1; 2008 Acts, ch 1113, §49; 2011 Acts, ch 118, §85, 89; 2015 Acts, ch 30, §97; 2015 Acts, ch 123, §32; 2023 Acts, ch 19, §1056, 1965, 2460 Referred to in §8A.362, 321.39, 321.166, 331.557, 721.8 See also §8A.362, 321.22, 321.170 See Code editor’s note on simple harmonization at the beginning of this Code volume Subsection 1, paragraph c, subparagraph (3) amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.190 - Issuance of nonoperator’s identification cards — fee.

321.190 Issuance of nonoperator’s identification cards — fee. 1. Application for and contents of card. a. The department shall, upon application and payment of the required fee, issue to an applicant a nonoperator’s identification card. To be valid the card shall bear a distinguishing number other than a social security number assigned to the cardholder, the full name, date of birth, sex, residence address, a physical description and a color photograph of the cardholder, the usual signature of the cardholder, and such other information as the department may require by rule. An applicant for a nonoperator’s identification card shall apply for the card in the manner provided in section 321.182, subsections 1 through 3. The card shall be issued to the applicant at the time of application pursuant to procedures established by rule. An applicant for a nonoperator’s identification card who is required by 50 U.S.C. app. §451 et seq. to register with the United States selective service system shall be registered by the department with the selective service system as provided in section 321.183. b. (1) The department shall not issue a card to a person holding a driver’s license. However, a card may be issued to a person holding a temporary permit under section 321.181. The card shall be identical in form to a driver’s license issued under section 321.189 except the word “nonoperator” shall appear prominently on the face of the card. (2) A nonoperator’s identification card issued to a person under eighteen years of age shall contain the same information as any other nonoperator’s identification card except that the words “under eighteen” shall appear prominently on the face of the card. (3) A nonoperator’s identification card issued to a person eighteen years of age or older but under twenty-one years of age shall contain the same information as any other nonoperator’s identification card except that the words “under twenty-one” shall appear prominently on the face of the card. (4) A nonoperator’s identification card issued to an honorably discharged veteran of the armed forces of the United States who satisfies the requirements of section 321.189, subsection 8, shall contain the same information as any other nonoperator’s identification card except the word “VETERAN” shall appear prominently on the face of the card. (5) An applicant for a nonoperator’s identification card who is a deaf person or a hard-of-hearing person, as those terms are defined in section 622B.1, may request that the card be marked to reflect the applicant’s deaf or hard-of-hearing status on the face of the card when the applicant applies for the issuance or renewal of a card. The department may adopt rules pursuant to chapter 17A establishing criteria under which a card may be marked, including requiring the applicant to submit medical proof of the applicant’s deaf or hard-of-hearing status. The department, in consultation with the commission of deaf services, shall develop educational media to raise awareness of an applicant’s ability to request the card be marked to reflect the applicant’s deaf or hard-of-hearing status. (6) An applicant for a nonoperator’s identification card who has autism spectrum disorder, as defined in section 514C.28, may request that the card be marked to reflect the applicant’s autism spectrum disorder status on the face of the card when the applicant applies for the issuance or renewal of a card. The department may adopt rules pursuant to chapter 17A establishing criteria

under which a card may be marked, including requiring the applicant to submit medical proof of the applicant's autism spectrum disorder status. The department, in consultation with the mental health and disability services commission, shall develop educational media to raise awareness of an applicant's ability to request the card be marked to reflect the applicant's autism spectrum disorder status. c. The department shall use a process or processes for issuance of a nonoperator's identification card that prevent, as nearly as possible, the opportunity for alteration or reproduction of, and the superimposition of a photograph on the nonoperator's identification card without ready detection. d. The fee for a nonoperator's identification card shall be eight dollars and the card shall be valid for a period of eight years from the date of issuance. If an applicant for a nonoperator's identification card is a foreign national who is temporarily present in this state, the nonoperator's identification card shall be issued only for the length of time the foreign national is authorized to be present as determined by the department, not to exceed two years. An issuance fee shall not be charged for a person whose driver's license or driving privilege has been suspended under section 321.210, subsection 1, paragraph "a", subparagraph (3), or voluntarily surrendered by the person in lieu of suspension under section 321.210, subsection 1, paragraph "a". 2. Cancellation. The department shall cancel a person's nonoperator's identification card upon determining the person was not entitled to be issued the card, did not provide correct information, committed fraud in applying for the card, or unlawfully used a nonoperator's identification card. [C77, 79, 81, §321.190] 84 Acts, ch 1305, §65; 89 Acts, ch 317, §32; 90 Acts, ch 1230, §36, 37; 96 Acts, ch 1090, §2; 96 Acts, ch 1152, §11; 97 Acts, ch 74, §2; 98 Acts, ch 1073, §9; 2001 Acts, ch 132, §6; 2002 Acts, ch 1063, §24; 2003 Acts, ch 41, §2; 2006 Acts, ch 1068, §27; 2010 Acts, ch 1061, §112; 2011 Acts, ch 34, §80; 2012 Acts, ch 1091, §3; 2013 Acts, ch 82, §2, 5; 2016 Acts, ch 1011, §49; 2019 Acts, ch 84, §2; 2020 Acts, ch 1089, §2; 2022 Acts, ch 1026, §3 Referred to in §49.78, 123.48, 142C.2, 321M.1, 453A.4 Voter registration, see §48A.18 Replacement of identification cards upon person attaining age twenty-one, see §321.189, subsection 6

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.191 - Fees for driver's licenses.

321.191 Fees for driver's licenses. 1. Instruction permits. The fee for an instruction permit, other than a special instruction permit, chauffeur's instruction permit, or commercial learner's permit, is six dollars. The fee for a special instruction permit is ten dollars. The fee for a chauffeur's instruction permit or commercial learner's permit is twelve dollars. 2. Noncommercial driver's licenses. The fee for a noncommercial driver's license, other than a class D driver's license or any type of instruction permit, is four dollars per year of license validity. 3. Licenses for chauffeurs. The fee for a noncommercial class D driver's license is eight dollars per year of license validity. 4. Commercial driver's licenses. The fee for a commercial driver's license, other than a commercial learner's permit, for the operation of a commercial motor vehicle is eight dollars per year of license validity. 5. Licenses valid for motorcycles. An additional fee of two dollars per year of license validity is required to issue a license valid to operate a motorcycle. 6. Special minors' licenses. Notwithstanding subsection 2, the fee for a driver's license issued to a minor under section 321.194 or a restricted license issued to a minor under section 321.178, subsection 2, is eight dollars. 7. Endorsements and removal of restrictions. The fee for a double or triple trailer endorsement, tank vehicle endorsement, or hazardous materials endorsement is five dollars for each endorsement. The fee for a passenger endorsement or a school bus endorsement is ten dollars. The fee for removal of an air brake, full air brake, manual transmission, tractor-trailer, or passenger vehicle restriction on a commercial driver's license or commercial learner's permit is ten dollars. Fees imposed under this subsection for endorsements or removal of restrictions are valid for the period of the license. Upon renewal of a commercial driver's license, no fee is payable for retaining endorsements or the removal of a restriction for those endorsements or restrictions which do not require the taking of either a knowledge or a driving skills test for renewal. 8. Driver's license reinstatements. The fee for reinstatement of a driver's license shall be twenty dollars for a license which is, after notice and opportunity for hearing, canceled, suspended, revoked, or barred. However, reinstatement of the privilege suspended under section 321.210, subsection 1, paragraph "a", subparagraph (3), shall be without fee. The fee for reinstatement of the privilege to operate a commercial motor vehicle after a period of disqualification shall be twenty dollars. 9. Upgrading a license class privilege — fee adjustment. a. If an applicant wishes to upgrade a license class privilege, the fee charged shall be prorated on full-year fee increments of the new license in accordance with rules adopted by the department. The expiration date of the new license shall be the expiration date of the currently held driver's license. The fee for a commercial driver's license endorsement, the removal of a restriction, or a commercial learner's permit shall not be prorated. b. As used in this subsection, "to upgrade a license class privilege" means to add any privilege to a valid driver's license. The addition of a privilege includes converting from a noncommercial to a commercial license, converting from a noncommercial class C to a class D license, converting an instruction or learner's permit to a class license, adding any privilege to a section 321.189, subsection 7, license, adding an instruction or learner's permit privilege, adding a section 321.189, subsection 7, license to an instruction or learner's permit, and adding any privilege relating to a driver's license issued to a minor under section 321.194 or 321.178. 10. Fees waived — veterans. Notwithstanding the provisions of this section to the contrary, the department shall not charge the following fees for a driver's license to the following applicants: a. The fees set forth under subsections 2 and 5 to an applicant who is a veteran with a permanent service-connected disability rating of one hundred percent, as certified by the United States department of veterans affairs. b. The fees set forth under subsections 3 and 4 to an applicant who is on federal active duty or state active duty, as those terms are defined in section 29A.1, or who was issued an honorable discharge or general discharge under honorable conditions from such service. [C31, 35, §4960-d26; C39, §5013.16; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.191; 82 Acts, ch 1160, §1, ch 1167, §1] 84 Acts, ch 1305, §66; 86 Acts, ch 1220, §29; 87 Acts, ch 167, §2; 87 Acts, ch 206, §4; 90 Acts, ch 1230, §38; 96 Acts, ch 1152, §12; 98 Acts, ch 1073, §9, 10; 2002 Acts, ch 1063, §25 – 27; 2003 Acts, ch 8, §14, 26; 2005 Acts, ch 8, §16, 17; 2008

Acts, ch 1113, §29; 2010 Acts, ch 1061, §171; 2015 Acts, ch 30, §102; 2015 Acts, ch 123, §55; 2022 Acts, ch 1134, §25 Referred to in §321.12, 321.180A, 321.210B, 321.211, 321.212

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.193 - Restrictions on licenses — penalty.

321.193 Restrictions on licenses — penalty. 1. a. As provided by rule, the department may impose restrictions suitable to the licensee's driving ability with respect to the type of motor vehicle or special mechanical control devices required on a motor vehicle which the licensee may operate or other restrictions applicable to the licensee as the department may determine to be appropriate. b. The department may set forth restrictions upon the driver's license. 2. The department may suspend or revoke the driver's license upon receiving satisfactory evidence of any violation of the license's restrictions. 3. It is a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 4, for a person to operate a motor vehicle in any manner in violation of the restrictions imposed on a restricted license issued to that person under this section. [C39, §5013.18; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.193] 90 Acts, ch 1230, §39; 92 Acts, ch 1175, §33; 98 Acts, ch 1073, §9, 12; 2001 Acts, ch 176, §51, 59; 2010 Acts, ch 1061, §180; 2010 Acts, ch 1190, §39 Referred to in §321.178, 321.180B, 321.194, 321.213, 805.8A(4)(f)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.194 - Special minor's licenses.

321.194 Special minor's licenses. 1. Persons eligible. The department may issue a class C or M driver's license to a person between the ages of fourteen and eighteen years if all of the following apply: a. The person's driving privileges have not been suspended, revoked, or barred under this chapter or chapter 321J during, and the person has not been convicted of a moving traffic violation or involved in a motor vehicle accident for, the six-month period immediately preceding the application for the special minor's license. b. The person has successfully completed an approved driver education course. However, the completion of a course is not required if the applicant demonstrates to the satisfaction of the department that completion of the course would impose a hardship upon the applicant. The department shall adopt rules defining the term "hardship" and establish procedures for the demonstration and determination of when completion of the course would impose a hardship upon an applicant. c. The person's school has certified to the department that the person has a special need for the license pursuant to subsection 3. 2. Driving privileges. a. Permitted operations. The driver's license entitles the licensee, while having the license in immediate possession, to operate a motor vehicle, other than a commercial motor vehicle, a motor vehicle with more than two axles, a motor vehicle towing another vehicle, or as a chauffeur, during the times and for the purposes set forth in this paragraph. (1) If the licensee attends a public school, the licensee may operate a motor vehicle during the hours of 5:00 a.m. to 10:00 p.m. as follows: (a) Over the most direct and accessible route between the licensee's residence and schools of enrollment or the closest school bus stop or public transportation service, and between schools of enrollment, for the purpose of attending duly scheduled courses of instruction and extracurricular activities within the school district of enrollment. (b) Over the most direct and accessible route between the licensee's residence or school of enrollment and a site, facility, or school that is not the licensee's school of enrollment, for the purpose of participating in extracurricular activities conducted under a sharing agreement with the licensee's school of enrollment or conducted at a site, facility, or school designated by the licensee's school district for the accommodation of the school's extracurricular activities, provided the site, facility, or school is within the licensee's school district of enrollment or is within a school district contiguous to the licensee's school district of enrollment. (2) If the licensee attends an accredited nonpublic school, the licensee may operate a motor vehicle during the hours of 5:00 a.m. to 10:00 p.m. as follows: (a) Over the most direct and accessible route between the licensee's residence and schools of enrollment or the closest school bus stop or public transportation service, and between schools of enrollment, for the purpose of attending duly scheduled courses of instruction and extracurricular activities, provided the driving distance between the point of origin and the destination is no more than fifty miles. (b) Over the most direct and accessible route between the licensee's residence or school of enrollment and a site, facility, or school that is not the licensee's school of enrollment, for the purpose of participating in extracurricular activities conducted at a site, facility, or school designated by the licensee's school of enrollment for the accommodation of the school's extracurricular activities, provided the driving distance between the point of origin and the destination is no more than fifty miles. (3) If the licensee resides on a farm or is employed for compensation on a farm in this state, the licensee may operate a motor vehicle during the hours of 5:00 a.m. to 10:00 p.m. for the purpose of assisting the person's parents, guardians, or employers with farm work or in connection with any farm job, employment, or other farm-related work, including traveling to or from the location of the farm work, provided the licensee operates the vehicle over the most direct and accessible route between the point of origin and the destination and the driving distance between the point of origin and the destination is no more than fifty miles. (4) To a service station for the purpose of refueling, so long as the service station is the station closest to the route on which the licensee is traveling under subparagraph (1), (2), or (3). (5) At any time when the licensee is accompanied in accordance with section 321.180B, subsection 1. b. Restrictions. (1) Passengers. Unless accompanied in accordance with section 321.180B, subsection 1, a person issued a driver's license pursuant to this section must limit the number of unrelated minor passengers in the motor vehicle when the licensee is operating the motor vehicle to one. For purposes of this section, "unrelated minor passenger" means a passenger who is under eighteen years of age and who is not a sibling of the driver, a stepsibling of the driver, or a child who resides in the same household as the driver. (2) Electronic communication devices. A person issued a driver's license under this section shall not use an electronic communication device or an electronic entertainment device while driving a motor vehicle unless the motor vehicle is at a complete stop off the traveled portion of the roadway. This

subparagraph does not apply to the use of electronic equipment which is permanently installed in the motor vehicle or to a portable device which is operated through permanently installed equipment. The department, in cooperation with the department of public safety, shall establish educational programs to foster compliance with the requirements of this subparagraph. 3. Certification of need and issuance of license. a. Each application shall be accompanied by a statement from the applicant's school of enrollment. The statement shall be upon a form provided by the department and shall certify that a need exists for the license and that the person signing the statement is not responsible for actions of the applicant which pertain to the use of the driver's license. (1) If the applicant attends a public school, the certification shall be made by the school board, superintendent of the applicant's school, or principal, if authorized by the superintendent. (2) If the applicant attends an accredited nonpublic school, the certification shall be made by the authorities in charge of the accredited nonpublic school or a duly authorized representative of the authorities. b. Upon receipt of a statement of necessity, the department shall issue the driver's license provided the applicant is otherwise eligible for issuance of the license. The fact that the applicant resides at a distance less than one mile from the applicant's school of enrollment is prima facie evidence of the nonexistence of necessity for the issuance of a license. However, the distance between the applicant's residence and school of enrollment shall not be considered if the applicant resides on a farm or is employed for compensation on a farm. c. The school shall develop and adopt a policy establishing the criteria that the school shall use to approve or deny certification that a need exists for a license. If the school is a public school, the policy shall be developed and adopted by the school board. If the school is an accredited nonpublic school, the policy shall be developed and adopted according to procedures determined by the authorities in charge of the accredited nonpublic school. d. A student enrolled in a public school may appeal to the school board the decision of a school district administrator to deny certification. A student enrolled in an accredited nonpublic school may appeal the school's decision to deny certification as permitted by the authorities in charge of the accredited nonpublic school. The decision of the school board or authorities in charge of the accredited nonpublic school is final. e. The driver's license shall not be issued for purposes of attending a public school in a school district other than either of the following: (1) The district of residence of the parent or guardian of the student. (2) A district which is contiguous to the district of residence of the parent or guardian of the student, if the student is enrolled in the public school which is not the school district of residence because of open enrollment under section 282.18 or as a result of an election by the student's district of residence to enter into one or more sharing agreements pursuant to the procedures in chapter 282. f. The driver's license shall not be issued for purposes of attending an accredited nonpublic school if the driving distance between the school and the residence of the parent or guardian of the student is more than fifty miles. 4. Suspension and revocation. A driver's license issued under this section is subject to suspension or revocation for the same reasons and in the same manner as suspension or revocation of any other driver's license. The department may also suspend a driver's license issued under this section upon receiving satisfactory evidence that the licensee has violated the restrictions of the license or has been involved in one or more accidents chargeable to the licensee. The department may suspend a driver's license issued under this section upon receiving a record of the licensee's conviction for one violation. The department shall revoke the license upon receiving a record of conviction for two or more violations of a law of this state or a city ordinance regulating the operation of motor vehicles on highways other than parking violations as defined in section 321.210. After a person licensed under this section receives two or more convictions which require revocation of the person's license under this section, the department shall not grant an application for a new driver's license until the expiration of thirty days. 5. Citations for violation of restrictions. A person who violates the restrictions imposed under subsection 2 may be issued a citation under this section and shall not be issued a citation under section 321.193. A violation of the restrictions imposed under subsection 2 shall not be considered a moving violation. [C31, 35, §4960-d5; C39, §5013.19; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.194; 82 Acts, ch 1248, §3] 83 Acts, ch 49, §1, 4; 83 Acts, ch 101, §68; 84 Acts, ch 1022, §5; 84 Acts, ch 1219, §24; 89 Acts, ch 266, §2; 90 Acts, ch 1230, §40; 98 Acts, ch 1073, §9; 98 Acts, ch 1112, §8, 14, 16; 2001 Acts, ch 159, §17; 2005 Acts, ch 8, §18; 2009 Acts, ch 130, §7, 8; 2010 Acts, ch 1105, §3; 2011 Acts, ch 38, §15, 16; 2013 Acts, ch 80, §2, 3; 2014 Acts, ch 1025, §1, 2; 2014 Acts, ch 1092, §77; 2014 Acts, ch 1123, §14; 2016 Acts, ch 1098, §33; 2018 Acts, ch 1170, §5 – 7; 2019 Acts, ch 22, §1, 2; 2021 Acts, ch 6, §1 – 4 Referred to in §321.177, 321.178, 321.180B, 321.191, 321.213, 321.482A, 321A.17, 805.8A(4)(g) For applicable scheduled fine, see §805.8A, subsection 4 Additional penalties for violations causing injury or death, see §321.482A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.195 - Replacement of driver's licenses and nonoperator's identification cards.

321.195 Replacement of driver's licenses and nonoperator's identification cards. A fee of ten dollars shall be charged for the replacement of a driver's license or nonoperator's identification card. If a driver's license or nonoperator's identification card issued under this chapter is lost or destroyed, the person to whom the license or card was issued must furnish proof satisfactory to the department that the driver's license or nonoperator's identification card has been lost or destroyed in order to obtain a replacement. [C31, 35, §4960-d27; C39, §5013.20; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.195] 89 Acts, ch 317, §33; 91 Acts, ch 27, §2; 98 Acts, ch 1073, §9, 10; 2013 Acts, ch 82, §3 Referred to in §321.208

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.196 - Expiration of license — renewal.

321.196 Expiration of license — renewal. 1. Except as otherwise provided, if the licensee is between the ages of seventeen years eleven months and seventy-eight years on the date of issuance of the license, a driver's license, other than an instruction permit, chauffeur's instruction permit, or commercial learner's permit issued under section 321.180, expires eight years from the licensee's

birthday anniversary occurring in the year of issuance, but not to exceed the licensee's eightieth birthday. If the licensee is under the age of seventeen years eleven months or age seventy-eight or over, the license is effective for a period of two years from the licensee's birthday anniversary occurring in the year of issuance. A licensee whose license is restricted due to vision or other physical deficiencies may be required to renew the license every two years. If a licensee is a foreign national who is temporarily present in this state, the license shall be issued only for the length of time the foreign national is authorized to be present as verified by the department, not to exceed two years. 2. Except as required in section 321.188, and except for a motorcycle instruction permit issued in accordance with section 321.180 or 321.180B, a driver's license is renewable without a driving test or written examination within a period of one year after its expiration date. A person shall not be considered to be driving with an invalid license during a period of sixty days following the license expiration date. However, for a license renewed within the sixty-day period, the date of issuance shall be considered to be the previous birthday anniversary on which it expired. 3. For the purposes of this section, the birthday anniversary of a person born on February 29 shall be deemed to occur on March 1. 4. Except as required in section 321.180 or 321.188, the department in its discretion may authorize the renewal of a valid driver's license upon application without an examination provided that the applicant meets one of the following conditions: a. The applicant satisfactorily passes a vision test as prescribed by the department. b. The applicant files a vision report in accordance with section 321.186A which shows that the applicant's visual acuity level meets or exceeds those required by the department. c. The applicant is eligible for license renewal electronically, pursuant to rules adopted by the department. An applicant shall not be eligible for electronic renewal of a driver's license if the most recent previous renewal of the applicant's driver's license occurred electronically. 5. An application for renewal of a driver's license shall include a statement for the applicant to sign that acknowledges the applicant's knowledge of the requirement to notify the department of a mailing address change under section 321.182, subsection 1. 6. A resident of Iowa holding a valid driver's license who is temporarily absent from the state or incapacitated, may, at the time for renewal of such license, apply to the department for a temporary extension of the license. The department upon receipt of the application shall, upon a showing of good cause, issue a temporary extension of the driver's license for a period not to exceed six months. [C31, 35, §4960-d15, -d30; C39, §5013.21; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.196] 84 Acts, ch 1219, §25; 85 Acts, ch 195, §35; 86 Acts, ch 1220, §30; 87 Acts, ch 167, §3; 89 Acts, ch 296, §31; 90 Acts, ch 1230, §41; 93 Acts, ch 51, §1; 98 Acts, ch 1073, §9; 98 Acts, ch 1112, §9, 14, 16; 2000 Acts, ch 1133, §5; 2001 Acts, ch 32, §43; 2001 Acts, ch 180, §8; 2002 Acts, ch 1063, §28; 2008 Acts, ch 1018, §22; 2009 Acts, ch 124, §1; 2013 Acts, ch 82, §4, 5; 2013 Acts, ch 104, §1, 4; 2015 Acts, ch 123, §56; 2020 Acts, ch 1072, §1, 2; 2021 Acts, ch 31, §2, 3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.197 - Emergency contact information.

321.197 Emergency contact information. 1. The department shall include in the electronic database used by the department and law enforcement to access registration, titling, and driver's license information a collection of emergency contact information for persons who are issued a driver's license or nonoperator's identification card. Emergency contact information in the database shall be confidential and accessible only by employees of the department or a law enforcement agency in the performance of the employee's official duties, and shall not be considered a public record under chapter 22. 2. a. At the time a person applies for issuance, replacement, or renewal of a driver's license or nonoperator's identification card, the department shall request that the applicant voluntarily submit emergency contact information for inclusion in the database. A person may provide the emergency contact information along with or separate from an application for issuance, replacement, or renewal of a driver's license or nonoperator's identification card. The department shall not require a person to submit emergency contact information as part of the driver's license or nonoperator's identification card issuance, replacement, or renewal process. The department shall accept submitted information without payment of a fee. b. The department shall allow a person to provide the name, address, telephone number, and relationship to the person of no more than two emergency contacts whom the person wishes to be contacted if the person is involved in a motor vehicle accident or emergency situation and the person dies or is seriously injured or rendered unconscious and is unable to communicate with the emergency contact. The department shall accept the emergency contact information provided by a person, but has no duty to verify any of the information provided. c. The emergency contact need not be the next of kin of the person, except that if the person is under eighteen years of age and is not emancipated, the person shall include a parent, guardian, or custodian of the person as an emergency contact. 3. In the event of a motor vehicle accident or emergency situation in which a person dies or is seriously injured or rendered unconscious and is unable to communicate with the emergency contact specified in the database, an employee of a law enforcement agency shall make a good-faith effort to notify the emergency contact of the situation based on information in the database, but the department, the law enforcement agency, and the employee shall not be liable if the employee is not able to notify the emergency contact. 4. The department shall adopt rules pursuant to chapter 17A necessary to administer this section, including but not limited to rules relating to all of the following: a. The methods whereby a person who has submitted the information of an emergency contact for inclusion in the database may make changes to that entry. b. The methods whereby a person may opt out of being listed as an emergency contact in the database. 2021 Acts, ch 122, §1, 2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.198 - Military service exception.

321.198 Military service exception. 1. a. The effective date of a valid driver's license issued under the laws of this state, held by any

person at the time of entering the military service of the United States or of the state of Iowa, notwithstanding the expiration of the license according to its terms, is extended without fee until six months following the initial separation from active duty of the person from the military service, provided the person is not suffering from physical disabilities which impair the person's competency as an operator, and provided further that the licensee shall furnish, upon demand of any peace officer, satisfactory evidence of the person's military service. However, a person entitled to the benefits of this section who is charged with operating a motor vehicle without a valid driver's license shall not be convicted if the person produces in court, within a reasonable time, a valid driver's license previously issued to that person along with satisfactory evidence of the person's military service as provided in this paragraph. b. The department is authorized to renew any driver's license falling within the provisions and limitations of paragraph "a", without examination, upon application and payment of fee made within six months following separation from the military service. c. For purposes of this subsection, a United States department of defense common access card issued to a person is satisfactory evidence of the person's current military service, and a certificate of release or discharge from active duty, commonly referred to as a DD214, is satisfactory evidence of a person's previous military service and separation from active duty. A person who produces a valid driver's license previously issued to the person along with the person's common access card or DD214 shall not be required to produce any additional documentation to satisfy the requirements of paragraph "a". 2. The provisions of this section shall also apply to the spouse and children, or ward of military personnel when such spouse, children, or ward are living with the military personnel described in subsection 1 outside of the state of Iowa and provided that such extension of license does not exceed five years. 3. A person whose period of validity of the person's driver's license is extended under this section may file an application in accordance with rules adopted by the department to have the person's record of issuance of a driver's license retained in the department's record system during the period for which the driver's license remains valid. If a person has had the record of issuance of the person's driver's license removed from the department's records, the person shall have the person's record of driver's license issuance reentered by the department upon request if the request is accompanied by a letter from the applicable person's commanding officer verifying the military service. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.198] 87 Acts, ch 167, §5; 87 Acts, ch 170, §5 ; 90 Acts, ch 1230, §43, 44 ; 98 Acts, ch 1073, §9; 2005 Acts, ch 8, §19; 2010 Acts, ch 1069, §92; 2012 Acts, ch 1070, §1; 2015 Acts, ch 30, §103

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.199 - Driver's license records.

321.199 Driver's license records. The department shall file every application for a license received by it and shall maintain suitable indexes containing, in alphabetical order, all of the following: 1. All applications denied and the reasons for the denial. 2. All applications granted. 3. The name of every licensee who has been disqualified from operating a commercial motor vehicle or whose license has been suspended, revoked, or canceled by the department and after each name a note on the reasons for the action. [C31, 35, §4960-d18; C39, §5013.23; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.199] 90 Acts, ch 1230, §45; 98 Acts, ch 1073, §9

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.1A - Presumption of residency.

321.1A Presumption of residency. 49 C.F.R. pt. 384 . 3. "Resident" does not include either of the following: a. A person who is attending a college or university in this state, if the person has a domicile in another state and has a valid driver's license issued by the state of domicile. b. Members of the armed forces who are stationed in Iowa, provided that their vehicles are properly registered in their state of residency. 4. A corporation, association, partnership, company, firm, or other aggregation of individuals whose principal place of business is located within this state is a resident of this state. 83 Acts, ch 125, §1; 90 Acts, ch 1230, §15; 98 Acts, ch 1073, §9; 2010 Acts, ch 1069, §88; 2015 Acts, ch 123, §45 Referred to in §321.182

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.2 - Administration and enforcement.

321.2 Administration and enforcement. 1. Except as otherwise provided by law, the state department of transportation shall administer and enforce the provisions of this chapter. 2. The division of state patrol of the department of public safety shall enforce the provisions of this chapter relating to traffic on the public highways of the state, including those relating to the safe and legal operation of passenger cars, motorcycles, motor trucks, buses, and other commercial motor vehicles, and to see that proper safety rules are observed. 3. The state department of transportation and the department of public safety shall cooperate to insure the proper and adequate enforcement of the provisions of this chapter. 4. The director of revenue shall administer and enforce the collection of the fee for new registration as provided in section 321.105A. [C24, 27, 31, 35, §4863; C39, §5000.02; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.2] 98 Acts, ch 1074, §20; 2005 Acts, ch 35, §31; 2008 Acts, ch 1113, §39; 2023 Acts, ch 85, §10 Subsection 2 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.20 - Application for registration and certificate of title.

321.20 Application for registration and certificate of title. 49 C.F.R. §571.500 . c. Such further information as may reasonably be

required by the department. d. A statement of the applicant's title and of all liens or encumbrances upon the vehicle and the names and mailing addresses of all persons having any interest in the vehicle and the nature of every such interest. When the application refers to a new vehicle, it shall be accompanied by a manufacturer's or importer's certificate duly assigned as provided in section 321.45. e. The amount of the fee for new registration to be paid under section 321.105A, the amount of tax to be paid under section 423.26, subsection 1, or the amount of tax to be paid under section 423.26A. f. If the vehicle is owned by a nonresident but is subject to issuance of an Iowa certificate of title or registration, the application shall also contain the full legal name, Iowa driver's license number or Iowa nonoperator's identification card number, date of birth, bona fide residence, and mailing address of the primary user of the vehicle. If the primary user is a firm, association, or corporation, the application shall contain the bona fide business address and federal employer identification number of the primary user. The primary user's name and address shall not be printed on the registration receipt or the certificate of title. 2. Notwithstanding contrary provisions of this chapter or chapter 326 regarding titling and registration by means other than electronic means, the department shall, by July 1, 2019, develop and implement a program to allow for electronic applications, titling, registering, and funds transfers for vehicles subject to registration in order to improve the efficiency and timeliness of the processes and to reduce costs for all parties involved. The program shall also provide for the electronic submission of any statement required by this section, except where prohibited by federal law. 3. The department shall adopt rules on the method for providing signatures for applications and statements required by this section that are made by electronic means. 4. Notwithstanding this section or any other provision of law to the contrary, if the program required by subsection 2 is not implemented by July 1, 2019, an owner of a vehicle subject to registration may apply to the county treasurer of a county contiguous to the county designated for the owner under subsection 1 for registration and issuance of a certificate of title. [S13, SS15, §1571-m2; C24, 27, 31, 35, §4869, 5008, 5009; C39, §5001.04; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.20; 82 Acts, ch 1251, §5] 84 Acts, ch 1305, §47; 87 Acts, ch 46, §1; 87 Acts, ch 108, §1; 95 Acts, ch 194, §1, 12; 97 Acts, ch 104, §7; 98 Acts, ch 1073, §9; 99 Acts, ch 8, §1; 99 Acts, ch 188, §3; 2000 Acts, ch 1005, §2; 2000 Acts, ch 1016, §39 – 41, 47; 2000 Acts, ch 1134, §1; 2001 Acts, ch 153, §17 ; 2003 Acts, 1st Ex, ch 2, §163, 205 ; 2004 Acts, ch 1013, §3, 35; 2005 Acts, ch 34, §3, 26; 2006 Acts, ch 1068, §9; 2006 Acts, ch 1070, §2; 2008 Acts, ch 1018, §5; 2008 Acts, ch 1113, §13, 21, 50, 51; 2010 Acts, ch 1108, §3, 15; 2012 Acts, ch 1093, §2; 2016 Acts, ch 1083, §1, 2; 2018 Acts, ch 1095, §2; 2019 Acts, ch 50, §12 Referred to in §312.2, 321.29, 321.47, 321.50, 321.52A, 321.109, 321.126, 331.557, 435.27 Surcharge imposed; §321.52A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.200 - Conviction and accident file.

321.200 Conviction and accident file. The department shall also file all accident reports and abstracts of court records of convictions received by it under the laws of this state or any other state or foreign jurisdiction and in connection therewith maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions of such licensee and the traffic accidents in which the licensee has been involved shall be readily ascertainable and available for the consideration of the department upon any application for renewal of license and at other suitable times. [C39, §5013.24; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.200] 2005 Acts, ch 8, §20 Referred to in §321.213, 321.267A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.200A - Convictions based upon fraud.

321.200A Convictions based upon fraud. 1. If a person discovers a record of conviction for a scheduled violation under this chapter was entered by fraudulent use of the person's name or by use of other fraudulent identification, the person may, within one year of the date of the discovery of the conviction, submit a written application to the department to investigate the allegation. The department may summarily reject the application as submitted or proceed to investigate the application. If the department investigates the application, the department may either deny the application or, if the department determines the allegation is warranted, approve the application. If the department investigates the application, the department shall also issue a report and findings with the decision of the department. The rejection, approval, or denial of an application is not subject to contested case proceedings or further review as provided in chapter 17A. If the application is investigated, the department shall provide the applicant with a certified copy of the decision of the department. If the department approves the application, the department shall also provide the applicant with a certified copy of the investigative report and findings. The department shall also provide certified copies of the department's decision approving or denying the application together with the investigative report and findings to the appropriate prosecuting attorney in the city or county that prosecuted the scheduled violation and to the district court in the county that prosecuted the scheduled violation. The department may electronically provide copies of any decision approving or denying the application and the investigative report and findings to the district court. 2. A person who discovers that a record of conviction for a scheduled violation under this chapter was entered by fraudulent use of the person's name or by use of other fraudulent identification may bypass the application process in subsection 1 and move in district court to set aside the judgment of conviction within one year of discovery of the conviction. An applicant with an approved application under subsection 1 shall also move in district court to set aside the judgment of conviction in order to have the department expunge or alter the records of the department or rescind or modify an administrative sanction. If the district court grants the motion to set aside the judgment, the district court shall order the charging agency or official to modify the records of the agency or official to reflect the order setting aside the judgment. The clerk of the district court shall provide the court order setting aside the judgment, either by regular mail or electronic means, to the charging agency or official, and the department of transportation. The clerk of the district court shall also provide the

applicant with a certified copy of the court order at no cost to the applicant. 3. Notwithstanding the department's approval of an application pursuant to subsection 1, the department shall not expunge or alter the records of the department or rescind or modify an administrative sanction unless the department receives an order from the district court setting aside the previous judgment of the court as provided in subsection 2. Upon receiving a copy of an order from the district court setting aside the previous judgment of the court, the department shall expunge the record and shall rescind any administrative sanction imposed upon the applicant as a result of the judgment, unless the applicant is subject to sanctions for other reasons. The department may impose a new sanction if expunging the judgment would result in a lesser or different sanction. 4. The department shall adopt rules pursuant to chapter 17A to implement this section. 2009 Acts, ch 124, §2 Referred to in §811.9

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.201 - Cancellation and return of license — prohibition from issuance of commercial driver's license for false information.

321.201 Cancellation and return of license — prohibition from issuance of commercial driver's license for false information. 49 C.F.R. §383.73(k) . [C31, 35, §4960-d33; C39, §5014.01; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.201] 90 Acts, ch 1230, §46; 98 Acts, ch 1073, §9; 2010 Acts, ch 1061, §180; 2015 Acts, ch 123, §57 Referred to in §321.204

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.203 - Suspending privileges of nonresidents.

321.203 Suspending privileges of nonresidents. A nonresident's privilege to operate a motor vehicle on a highway in this state is subject to suspension or revocation for the same reasons and in the same manner as suspension or revocation of a resident's driver's license and is also subject to suspension as provided in section 321.513. [C31, 35, §4960-d37; C39, §5014.03; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.203] 90 Acts, ch 1230, §47

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.204 - Certification of conviction — notification of commercial driver's disqualification.

321.204 Certification of conviction — notification of commercial driver's disqualification. 1. The department is authorized, upon receiving a record of the conviction in this state of a nonresident operator of a motor vehicle for any offense under the motor vehicle laws of this state, to forward a certified written or electronic record of the conviction to the motor vehicle administrator in the licensing state. 2. The department shall notify the commercial driver's license information system and the commercial motor vehicle administrator in the licensing state, if applicable, of the disqualification of a commercial driver within ten days of any of the following: a. The disqualification of the commercial driver under section 321.201 or section 321.208 if the disqualification is for sixty days or more. b. The suspension or revocation of a commercial driver's license or commercial learner's permit if the suspension or revocation is for sixty days or more. c. The cancellation of a commercial driver's license or commercial learner's permit. [C31, 35, §4960-d41; C39, §5014.04; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.204] 90 Acts, ch 1230, §48; 2015 Acts, ch 123, §58 Referred to in §321.208

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.205 - Conviction or administrative decision in another jurisdiction.

321.205 Conviction or administrative decision in another jurisdiction. The department is authorized to suspend or revoke the driver's license of a resident of this state or disqualify a resident of this state from operating a commercial motor vehicle for any of the following reasons: 1. Upon receiving notice of the conviction of the resident in another state for an offense which, if committed in this state, would be grounds for the suspension or revocation of the license or disqualification of the person from operating a commercial motor vehicle. 2. Upon receiving notice of a final administrative decision in another state that the resident has acted in a manner which would be grounds for suspension or revocation of the license or disqualification of the person from operating a commercial motor vehicle in this state. [C31, 35, §4960-d39; C39, §5014.05; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.205] 90 Acts, ch 1230, §49; 93 Acts, ch 16, §3; 93 Acts, ch 87, §4; 96 Acts, ch 1218, §58; 98 Acts, ch 1073, §9; 2005 Acts, ch 8, §21 Referred to in §321.210C

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.206 - Surrender of license — duty of court.

321.206 Surrender of license — duty of court. If a person is convicted in court of an offense for which this chapter requires mandatory revocation of the person's driver's license or, if the person's license is a commercial driver's license or commercial learner's permit and the conviction disqualifies the person from operating a commercial motor vehicle, the court shall require the person to surrender the driver's license held by the person and the court shall destroy the license or forward the license together with a record of the conviction to the department as provided in section 321.491. [C31, 35, §4960-d32; C39, §5014.06; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.206] 90 Acts, ch 1230, §50; 98 Acts, ch 1073, §9; 2007 Acts, ch 143, §14; 2015 Acts, ch 123, §59 Referred to in §321.210D

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section

321.207 - Downgrade of commercial driver's license or commercial learner's permit.

321.207 Downgrade of commercial driver's license or commercial learner's permit. 49 C.F.R. §383.73(q) . The rules shall include procedures regarding notification of downgrade status to the commercial driver's license information system, termination of a downgrade process, and reinstatement of a commercial learner's permit or commercial driver's license after a downgrade, and shall substantially comply with 49 C.F.R. §383.71 and 383.73 , as adopted by rule by the department. 2011 Acts, ch 38, §17; 2015 Acts, ch 123, §60; 2023 Acts, ch 126, §3 Referred to in §321.174 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section

321.208 - Disqualification from operation of commercial motor vehicles — noncommercial driver's license — temporary license or permit.

321.208 Disqualification from operation of commercial motor vehicles — noncommercial driver's license — temporary license or permit. 49 C.F.R. §383.5 . 4. A person is disqualified from operating a commercial motor vehicle for life if convicted or found to have committed two or more of the acts or offenses described in subsection 1 or 2 arising out of two or more separate incidents. However, a disqualification for life is subject to a reduction to a ten-year disqualification as provided in 49 C.F.R. §383.51 as adopted by rule by the department. 5. A person is disqualified from operating a commercial motor vehicle for life upon a conviction that the person used a commercial motor vehicle in the commission of a felony or aggravated misdemeanor involving the manufacturing, distributing, or dispensing of a controlled substance as defined in section 124.101. A person is disqualified from operating a commercial motor vehicle for life upon a conviction that the person used a noncommercial motor vehicle in the commission of a felony or aggravated misdemeanor involving the manufacturing, distributing, or dispensing of a controlled substance as defined in section 124.101 and held a commercial driver's license or commercial learner's permit at the time the offense was committed. 6. A person is disqualified from operating a commercial motor vehicle for life upon a conviction that the person used a commercial motor vehicle in the commission of a felony involving an act or practice of human trafficking as defined in section 710A.1. 7. A person is disqualified from operating a commercial motor vehicle if the person receives convictions for committing within any three-year period two or more of the following offenses while operating a commercial motor vehicle, or while operating a noncommercial motor vehicle and holding a commercial driver's license or commercial learner's permit if the convictions result in the revocation, cancellation, or suspension of the person's commercial driver's license, commercial learner's permit, or noncommercial motor vehicle driving privileges: a. Operating a commercial motor vehicle upon a highway when not issued a commercial driver's license or commercial learner's permit. b. Operating a commercial motor vehicle upon a highway when not issued the proper class of commercial driver's license, commercial learner's permit, or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported. c. Operating a commercial motor vehicle upon a highway without immediate possession of a commercial driver's license or commercial learner's permit valid for the vehicle operated. d. Speeding fifteen miles per hour or more over the legal speed limit. e. Reckless driving. f. Any violation of the traffic laws, except a parking violation or a vehicle weight violation, which arises in connection with a fatal traffic accident. g. Following another motor vehicle too closely. h. Improper lane changes in violation of section 321.306. i. Violating a state or local law or ordinance on motor vehicle traffic control prohibiting texting while driving a commercial motor vehicle. j. Violating a state or local law or ordinance on motor vehicle traffic control restricting or prohibiting the use of a hand-held mobile telephone while driving a commercial motor vehicle. 8. The period of disqualification under subsection 7 shall be sixty days for two offenses within any three-year period and one hundred twenty days for three offenses within any three-year period. Multiple periods of disqualification shall be consecutive. 9. A person is disqualified from operating a commercial motor vehicle when the person's driving privilege is suspended or revoked. 10. A person is disqualified from operating a commercial motor vehicle: a. For no less than one hundred eighty days and no more than one year upon conviction for the first violation of an out-of-service order; for no less than two and not more than five years upon conviction for a second violation of an out-of-service order in separate incidents within a ten-year period; and for not less than three and not more than five years upon conviction for a third or subsequent violation of an out-of-service order in separate incidents within a ten-year period. b. For one year upon conviction for the first violation and for not less than three years and not more than five years upon conviction for a second or subsequent violation of an out-of-service order while transporting hazardous materials as defined in 49 C.F.R. §383.5 , or while operating a commercial motor vehicle designed to transport more than fifteen passengers including the driver. 11. A person is disqualified from operating a commercial motor vehicle if the person is convicted of a first, second, or third railroad crossing at grade violation as follows: a. A person is disqualified from operating a commercial motor vehicle for sixty days if the person is convicted of a first railroad crossing at grade violation under section 321.341 or 321.343 and the violation occurred while the person was operating a commercial motor vehicle. b. A person is disqualified from operating a commercial motor vehicle for one hundred twenty days if the person is convicted of a second railroad crossing at grade violation under section 321.341 or 321.343, the violation occurred while the person was operating a commercial motor vehicle, and the violation occurred within three years after a first such violation. c. A person is disqualified from operating a commercial motor vehicle for one year if the person is convicted of a third or subsequent railroad crossing at grade violation under section 321.341 or 321.343, the violation occurred while the person was operating a commercial motor vehicle, and the violation occurred within three years after a first such violation. 12. Upon receiving a record of a person's disqualifying conviction, administrative decision, suspension, or revocation, the department shall, by rule, without preliminary hearing and upon thirty days' advance notice, disqualify the person from operating a commercial motor vehicle upon a highway. 13. a. A person is disqualified

from operating a commercial motor vehicle if the person either refuses to submit to chemical testing required under chapter 321J or submits to chemical testing and the results show an alcohol concentration as defined in section 321J.1 of 0.04 or more. The department, upon receipt of the peace officer's certification, subject to penalty for perjury, that the peace officer had reasonable grounds to believe the person to have been operating a commercial motor vehicle with an alcohol concentration of 0.04 or more and that the person refused to submit to the chemical testing or submitted to chemical testing and the results show an alcohol concentration as defined in section 321J.1 of 0.04 or more, shall, without preliminary hearing and upon thirty days' advance notice, disqualify the person from operating a commercial motor vehicle upon a highway. b. The effective date of disqualification shall be thirty days after notification. Immediate notice of disqualification may be served on a person operating a commercial motor vehicle who refused to submit to a test or whose test results indicate an alcohol concentration of 0.04 or more by the peace officer administering the chemical test or, notwithstanding chapter 17A, the department may notify the person by first class mail. If immediate notice is served, the peace officer shall take the commercial driver's license or commercial learner's permit of the driver, if issued within the state, and issue a temporary commercial driver's license or commercial learner's permit effective for only thirty days. The peace officer shall immediately send the person's commercial driver's license or commercial learner's permit to the department in addition to the officer's certification required by this subsection. 14. Upon notice, the disqualified person shall surrender the person's commercial driver's license or commercial learner's permit to the department and the department may issue a driver's license valid only to operate a noncommercial motor vehicle upon payment of the fee for a replacement driver's license under section 321.195. The department shall notify the commercial driver's license information system of the disqualification if required to do so under section 321.204. 15. Notwithstanding the Iowa administrative procedure Act, chapter 17A, the filing of a petition for judicial review shall stay the disqualification pending the determination by the district court. 16. The department may reinstate a qualified person's privilege to operate a commercial motor vehicle after a period of disqualification and after payment of required fees. 17. As used in this section, the terms "acts", "actions", and "offenses" mean acts, actions, or offenses which occur on or after July 1, 1990. [C39, §5014.08; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.208] 90 Acts, ch 1230, §51; 92 Acts, ch 1175, §24 – 26; 95 Acts, ch 55, §6; 96 Acts, ch 1152, §13; 98 Acts, ch 1073, §9; 99 Acts, ch 96, §33; 2000 Acts, ch 1133, §6; 2001 Acts, ch 32, §44; 2001 Acts, ch 132, §7; 2002 Acts, ch 1063, §29; 2003 Acts, ch 44, §114; 2005 Acts, ch 8, §22 – 25; 2006 Acts, ch 1068, §28; 2008 Acts, ch 1021, §5 – 9; 2009 Acts, ch 130, §9, 10; 2013 Acts, ch 103, §11, 12; 2015 Acts, ch 123, §61 – 66; 2020 Acts, ch 1017, §1, 2; 2020 Acts, ch 1062, §43 Referred to in §321.204, 321.218, 321A.17, 321J.8, 321J.13

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.208A - Operation in violation of out-of-service order — penalties.

321.208A Operation in violation of out-of-service order — penalties. 49 C.F.R. pt. 386, Appendix B(b)(1) . 90 Acts, ch 1230, §52; 95 Acts, ch 55, §7; 97 Acts, ch 108, §12; 98 Acts, ch 1178, §1; 2001 Acts, ch 137, §5; 2008 Acts, ch 1021, §10; 2010 Acts, ch 1140, §6; 2015 Acts, ch 123, §67; 2023 Acts, ch 126, §4 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.209 - Mandatory revocation.

321.209 Mandatory revocation. The department, upon thirty days' notice and without preliminary hearing, shall revoke the license or operating privilege of an operator upon receiving a record of the operator's conviction for any of the following offenses, when such conviction has become final: 1. Manslaughter resulting from the operation of a motor vehicle. 2. A felony if during the commission of the felony a motor vehicle is used. 3. Failure to stop and render aid as required under the laws of this state or to otherwise comply with section 321.261 in the event of a motor vehicle accident resulting in the death or personal injury of another. 4. Perjury or the making of a false affidavit or statement under oath to the department under this chapter or under any other law relating to the ownership or operation of motor vehicles. 5. Conviction, or forfeiture of bail not vacated, upon two charges of reckless driving. 6. Conviction of drag racing. 7. Eluding or attempting to elude a law enforcement vehicle as provided in section 321.279. [C31, 35, §4960-d33, 5027-d1; C39, §5014.09; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.209; 82 Acts, ch 1167, §2] 83 Acts, ch 125, §3; 86 Acts, ch 1220, §31; 90 Acts, ch 1230, §53; 93 Acts, ch 16, §4; 96 Acts, ch 1152, §14; 96 Acts, ch 1218, §59; 2021 Acts, ch 180, §1 Referred to in §321.210D, 321.212, 321.213, 321.215

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.20A - Certificate of title and registration fees — commercial vehicles.

321.20A Certificate of title and registration fees — commercial vehicles. 1. Notwithstanding other provisions of this chapter, the owner of a commercial vehicle subject to the apportioned registration provisions of chapter 326 may make application to the department or the appropriate county treasurer for a certificate of title. The owner of a commercial vehicle purchased pursuant to section 578A.7 shall present documentation that such sale was completed in compliance with that section. The application for certificate of title shall be made within thirty days of purchase or transfer and shall be accompanied by a twenty dollar title fee and the appropriate fee for new registration. The department or the county treasurer shall deliver the certificate of title to the owner if there is no security interest. If there is a security interest, the title, when issued, shall be delivered to the first secured party. Delivery may be made using electronic means. 2. An owner of more than fifty commercial vehicles subject to the apportioned registration provisions of chapter 326 who is issued a certificate of title under this section shall not be subject to annual registration fees until the commercial vehicle is driven or moved upon the highways. The annual registration fee due shall be prorated for the remaining

unexpired months of the registration year. Ownership of the commercial vehicle shall not be transferred until annual registration fees have been paid to the department. 95 Acts, ch 118, §6; 96 Acts, ch 1089, §1; 96 Acts, ch 1152, §2; 2000 Acts, ch 1016, §2; 2001 Acts, ch 132, §2; 2004 Acts, ch 1013, §4, 35; 2006 Acts, ch 1070, §3; 2008 Acts, ch 1113, §14, 21, 52; 2012 Acts, ch 1093, §3; 2019 Acts, ch 50, §13 Referred to in §312.2, 321.47, 321.52A, 331.557 Surcharge imposed, §321.52A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.20B - Proof of security against liability — driving without liability coverage.

321.20B Proof of security against liability — driving without liability coverage. 1. a. Notwithstanding chapter 321A, which requires certain persons to maintain proof of financial responsibility, a person shall not drive a motor vehicle on the highways of this state unless financial liability coverage, as defined in section 321.1, subsection 24B, is in effect for the motor vehicle and unless the driver has in the motor vehicle the proof of financial liability coverage card issued for the motor vehicle, or if the vehicle is registered in another state, other evidence that financial liability coverage is in effect for the motor vehicle. A proof of financial liability coverage card may be produced in paper or electronic format. Acceptable electronic formats include electronic images displayed on a cellular telephone or any other portable electronic device that has a display screen with touch input or a miniature keyboard. b. It shall be conclusively presumed that a motor vehicle driven upon a parking lot which is available to the public without charge or which is available to customers or invitees of a business or facility without charge was driven on the highways of this state in order to enter the parking lot, and this section shall be applicable to such a motor vehicle. As used in this section, “parking lot” includes access roads, drives, lanes, aisles, entrances, and exits to and from a parking lot described in this paragraph. c. This subsection does not apply to the operator of a motor vehicle owned by or leased to the United States, this state or another state, or any political subdivision of this state or of another state, or to a motor vehicle which is subject to section 325A.6. 2. a. An insurance company transacting business in this state shall issue to its insured owners of motor vehicles registered in this state a financial liability coverage card for each motor vehicle insured. Each financial liability coverage card shall identify the registration number or vehicle identification number of the motor vehicle insured and shall indicate the expiration date of the applicable insurance coverage. The financial liability coverage card shall also contain the name and address of the insurer or the name of the insurer and the name and address of the insurance agency, the name of the insured, and an emergency telephone number of the insurer or emergency telephone number of the insurance agency. An insurance company may issue a financial liability coverage card in either paper format or, if requested by the insured, electronic format. b. The department shall adopt rules regarding the contents of a financial liability coverage card to be issued pursuant to this section. (1) Notwithstanding the provisions of this section, a fleet owner who is issued a certificate of self-insurance pursuant to section 321A.34, subsection 1, is not required to maintain in each vehicle a financial liability coverage card with the individual registration number or the vehicle identification number of the vehicle included on the card. Such fleet owner shall be required to maintain a financial liability coverage card in each vehicle in the fleet including information deemed appropriate by the director. (2) An association of individual members that is issued a certificate of self-insurance pursuant to section 321A.34, subsection 2, is required to maintain in each vehicle of an individual member a financial liability coverage card that complies with the provisions of this section and in addition contains information relating to the association and the association’s certificate of self-insurance as is deemed appropriate by the director. 3. If the financial liability coverage for a motor vehicle which is registered in this state is canceled or terminated effective prior to the expiration date indicated on the financial liability coverage card issued for the vehicle, the person to whom the financial liability coverage card was issued shall destroy the card. 4. a. If a peace officer stops a motor vehicle registered in this state and the driver is unable to provide proof of financial liability coverage, the peace officer shall do one of the following: (1) Issue a warning memorandum to the driver. (2) Issue a citation to the driver. (3) Issue a citation and remove the motor vehicle’s license plates and registration receipt. (a) Upon removing the license plates and registration receipt, the peace officer shall deliver the plates for destruction, as appropriate, and forward the registration receipt and evidence of the violation, as determined by the department, to the county treasurer of the county in which the motor vehicle is registered. (b) The motor vehicle may be driven for a time period of up to forty-eight hours after receiving the citation solely for the purpose of removing the motor vehicle from the highways of this state, unless the driver’s operating privileges are otherwise suspended. After receiving the citation, the driver shall keep the citation in the motor vehicle at all times while driving the motor vehicle as provided in this subparagraph, as proof of the driver’s privilege to drive the motor vehicle for such limited time and purpose. (4) (a) Issue a citation, remove the motor vehicle’s license plates and registration receipt, and impound the motor vehicle. The peace officer shall deliver the plates for destruction, as appropriate, and forward the registration receipt and evidence of the violation, as determined by the department, to the county treasurer of the county in which the motor vehicle is registered. (b) A motor vehicle which is impounded may be claimed by a person if the owner provides proof of financial liability coverage and proof of payment of any applicable fine and the costs of towing and storage for the motor vehicle. If the motor vehicle is not claimed within thirty days after impoundment, the motor vehicle may be treated as an abandoned vehicle pursuant to section 321.89. (c) The holder of a security interest in a motor vehicle which is impounded pursuant to this subparagraph shall be notified of the impoundment within seventy-two hours of the impoundment of the motor vehicle and shall have the right to claim the motor vehicle upon the payment of all fees. However, if the value of the vehicle is less than the security interest, all fees shall be divided equally between the lienholder and the political subdivision impounding the vehicle. b. An owner or driver of a motor vehicle who is charged with a violation of subsection 1 and issued a citation under paragraph “a”, subparagraph (3) or (4), is subject to the following: (1) An owner or driver who produces to the clerk of court, prior to the date of the individual’s court appearance as indicated on the citation, proof that financial liability coverage was in effect for the motor vehicle at the time the person was stopped

and cited, or, if the driver is not the owner of the motor vehicle, proof that liability coverage was in effect for the driver with respect to the motor vehicle being driven at the time the driver was stopped and cited, in the same manner as if the motor vehicle were owned by the driver, shall be given a receipt indicating that such proof was provided and be subject to one of the following: (a) If the person was cited pursuant to paragraph “a”, subparagraph (3), the owner or driver shall provide a copy of the receipt to the county treasurer of the county in which the motor vehicle is registered and the owner shall be assessed a fifteen dollar administrative fee by the county treasurer who shall issue new license plates and registration to the person after payment of the fee. (b) If the person was cited pursuant to paragraph “a”, subparagraph (4), the owner or driver, after the owner provides proof of financial liability coverage to the clerk of court, may claim the motor vehicle after such person pays any applicable fine and the costs of towing and storage for the motor vehicle, and the owner or driver provides a copy of the receipt and the owner pays to the county treasurer of the county in which the motor vehicle is registered a fifteen dollar administrative fee, and the county treasurer shall issue new license plates and registration to the person. (2) An owner or driver who is charged with a violation of subsection 1 and is unable to show that financial liability coverage was in effect for the motor vehicle at the time the person was stopped and cited may do either of the following: (a) Sign an admission of violation on the citation and remit to the clerk of court a scheduled fine as provided in section 805.8A, subsection 14, paragraph “f”, for a violation of subsection 1. Upon payment of the fine to the clerk of court of the county where the citation was issued, payment of a fifteen dollar administrative fee to the county treasurer of the county in which the motor vehicle is registered, and providing proof of payment of any applicable fine and proof of financial liability coverages to the county treasurer of the county in which the motor vehicle is registered, the treasurer shall issue new license plates and registration to the owner. (b) Request an appearance before the court on the matter. If the matter goes before the court, and the owner or driver is found guilty of a violation of subsection 1, the court may impose a fine as provided in section 805.8A, subsection 14, paragraph “f”, for a violation of subsection 1, or the court may order the person to perform unpaid community service instead of the fine. Upon the payment of the fine or the entry of the order for unpaid community service, the person shall provide proof of payment or entry of such order and the county treasurer of the county in which the motor vehicle is registered shall issue new license plates and registration to the owner upon the owner providing proof of financial liability coverage and paying a fifteen dollar administrative fee to the county treasurer. c. An owner or driver cited for a violation of subsection 1, who produces to the clerk of court prior to the date of the person’s court appearance as indicated on the citation proof that financial liability coverage was in effect for the motor vehicle at the time the person was stopped and cited, shall not be convicted of such violation and the citation issued shall be dismissed by the court. Upon dismissal, the court or clerk of court shall assess the costs of the action against the defendant named on the citation. 5. If the motor vehicle is not registered in this state and the driver is a nonresident, the peace officer shall do one of the following: a. Issue a warning memorandum to the driver. b. Issue a citation. An owner or driver who produces to the clerk of court prior to the date of the person’s court appearance as indicated on the citation proof that the financial liability coverage was in effect for the motor vehicle at the time the person was stopped and cited, or if the driver is not the owner of the motor vehicle, proof that liability coverage was in effect for the driver with respect to the motor vehicle being driven at the time the driver was stopped and cited in the same manner as if the motor vehicle were owned by the driver, shall be given a receipt indicating that proof was provided, and the citation issued shall be dismissed by the court. Upon dismissal, the court or clerk of court shall assess the costs of the action against the defendant named on the citation. 6. This section does not apply to a motor vehicle identified in section 321.18, subsection 1, 2, 3, 4, 5, 6, or 8. 7. This section does not apply to a lienholder who has a security interest in a motor vehicle subject to the registration requirements of this chapter, so long as such lienholder maintains financial liability coverage for any motor vehicle driven or moved by the lienholder in which the lienholder has an interest. 8. This section does not apply to a motor vehicle owned by a motor vehicle dealer or wholesaler licensed pursuant to chapter 322. 9. The director of transportation and the commissioner of insurance shall adopt rules pursuant to chapter 17A to administer this section. 97 Acts, ch 139, §2, 17, 18; 98 Acts, ch 1100, §41; 98 Acts, ch 1121, §1 – 4, 8, 9; 99 Acts, ch 110, §1; 99 Acts, ch 114, §19; 2001 Acts, ch 32, §16; 2002 Acts, ch 1050, §32; 2003 Acts, ch 151, §23 – 25; 2006 Acts, ch 1144, §1 – 3; 2007 Acts, ch 215, §105; 2008 Acts, ch 1031, §111; 2012 Acts, ch 1138, §29; 2013 Acts, ch 103, §5, 6 Referred to in §321.1, 321.54, 321.55, 321.89, 321.234A, 321.515, 321.516, 321A.34, 321K.1, 321N.4, 322.7B, 326.25, 331.557, 805.8A(14)(f)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.210 - Suspension.

321.210 Suspension. 1. a. The department is authorized to establish rules providing for the suspension of the license of an operator upon thirty days’ notice and without preliminary hearing upon a showing by its records or other sufficient evidence that the licensee: (1) Is an habitually reckless or negligent driver of a motor vehicle. (2) Is an habitual violator of the traffic laws. (3) Is physically or mentally incapable of safely operating a motor vehicle. (4) Has permitted an unlawful or fraudulent use of the license. (5) Has committed an offense or acted in a manner in another state or foreign jurisdiction which in this state would be grounds for suspension or revocation. (6) Has committed a serious violation of the motor vehicle laws of this state. (7) Is subject to a license suspension under section 321.513. b. Prior to a suspension taking effect under paragraph “a”, subparagraphs (1), (2), (3), (4), (5), or (6), the licensee shall have received thirty days’ advance notice of the effective date of the suspension. Notwithstanding the terms of the Iowa administrative procedure Act, chapter 17A, the filing of a petition for judicial review shall, except for suspensions under paragraph “a”, subparagraph (3), operate to stay the suspension pending the determination by the district court. 2. In determining suspension the department shall not consider the following: a. Violation of motor vehicle equipment standards if repairs are made within seventy-two hours of the violation and satisfactory evidence of repair is immediately sent to the department. b. Violations of

requirements to install and use safety belts, safety harnesses, and child restraint devices under sections 321.445 and 321.446. c. Parking violations, meaning violation of a local authority parking ordinance or violation of sections 321L.4, 321.366, subsection 1, paragraph “f”, and sections 321.354 through 321.361 except section 321.354, subsection 1, paragraph “a”. d. The first two speeding violations within any twelve-month period of ten miles per hour or less over the legal speed limit in speed zones having a legal speed limit between thirty-four miles per hour and fifty-six miles per hour. e. Violations of section 321.276. [C31, 35, §4960-d35; C39, §5014.10; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.210; 82 Acts, ch 1100, §18, 19] 84 Acts, ch 1016, §2; 84 Acts, ch 1022, §1; 86 Acts, ch 1009, §1; 86 Acts, ch 1220, §32; 87 Acts, ch 120, §1; 87 Acts, ch 167, §6; 89 Acts, ch 247, §6; 90 Acts, ch 1230, §54; 96 Acts, ch 1152, §15; 97 Acts, ch 23, §33; 97 Acts, ch 104, §16; 2010 Acts, ch 1061, §113, 172; 2010 Acts, ch 1105, §4; 2013 Acts, ch 90, §243 Referred to in §321.12, 321.178, 321.180A, 321.189, 321.190, 321.191, 321.194, 321.210C, 321.212, 321.213, 321.215, 321.218, 321.372, 321.555, 321A.17

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.210A - Suspension for failure to pay fine, penalty, surcharge, or court costs.

321.210A Suspension for failure to pay fine, penalty, surcharge, or court costs. 1. The department shall suspend the driver’s license of a person who, upon conviction of violating a law regulating the operation of a motor vehicle, has failed to pay the criminal fine or penalty, surcharge, or court costs, as follows: a. Upon the failure of a person to timely pay the fine, penalty, surcharge, or court costs the clerk of the district court shall notify the person by regular mail that if the fine, penalty, surcharge, or court costs remain unpaid after sixty days from the date of mailing, the clerk will notify the department of the failure for purposes of instituting suspension procedures. b. Upon the failure of a person to pay the fine, penalty, surcharge, or court costs within sixty days’ notice by the clerk of the district court as provided in paragraph “b”, the clerk shall report the failure to the department. c. Upon receipt of a report of a failure to pay the fine, penalty, surcharge, or court costs from the clerk of the district court, the department shall in accordance with its rules, suspend the person’s driver’s license until the fine, penalty, surcharge, or court costs are paid. 2. If after suspension, the person enters into an installment agreement with the county attorney, the county attorney’s designee, or the department of revenue in accordance with section 321.210B to pay the fine, penalty, court cost, or surcharge, the person’s license shall be reinstated by the department upon receipt of a report of an executed installment agreement. 3. If the county attorney or the county attorney’s designee, while collecting delinquent court debt pursuant to section 602.8107, determines that the person has been convicted of an additional violation of a law regulating the operation of a motor vehicle, the county attorney or the county attorney’s designee shall notify the clerk of the district court of the appropriate case numbers, and the clerk of the district court shall notify the department for the purpose of instituting suspension procedures pursuant to this section. 85 Acts, ch 197, §3; 86 Acts, ch 1019, §1; 98 Acts, ch 1073, §9; 2007 Acts, ch 196, §1; 2008 Acts, ch 1172, §19, 20; 2009 Acts, ch 130, §11; 2015 Acts, ch 138, §90, 161, 162; 2020 Acts, ch 1074, §85, 92 Referred to in §321.12, 321.210B, 321.212, 321.215, 321.218, 321A.17, 602.8102(50A)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.210B - Installment agreement.

321.210B Installment agreement. 1. a. If a person’s fine, penalty, surcharge, or court cost is deemed delinquent as provided in section 602.8107, subsection 2, and the person’s driver’s license has been suspended pursuant to section 321.210A, or the clerk of the district court has reported the delinquency to the department as required by section 321.210A, the person may execute an installment agreement as defined in section 602.8107 with the county attorney, the county attorney’s designee, or the department of revenue, to pay the delinquent amount and the civil penalty assessed in subsection 7 in installments. Prior to execution of the installment agreement, the person shall provide the county attorney, the county attorney’s designee, or the department of revenue with a financial statement in order for the parties to the agreement to determine the amount of the installment payments. b. Cases involving court debt assigned to a county attorney, a county attorney’s designee, or the department of revenue shall remain so assigned. 2. If the person enters into an installment agreement with the county attorney or the county attorney’s designee, the person shall execute an installment agreement in the county where the fine, penalty, surcharge, or court cost was imposed. If the county where the fine, penalty, surcharge, or court cost was imposed does not have an installment agreement program, the person shall execute an installment agreement in the person’s county of residence. If the county of residence does not have an installment agreement program, the person may execute an installment agreement with any county attorney or county attorney’s designee. 3. The county attorney, the county attorney’s designee, or the department of revenue shall file or give notice of the installment agreement with the clerk of the district court in the county where the fine, penalty, surcharge, or court cost was imposed, within five days of execution of the agreement. 4. Upon receipt of an executed installment agreement and after the first installment payment, the clerk of the district court shall report the receipt of the executed installment agreement to the department of transportation. 5. Upon receipt of the report from the clerk of the district court and payment of the reinstatement fee as provided in section 321.191, the department shall terminate the suspension if the suspension has not yet become effective. If the suspension has become effective, the department shall immediately reinstate the driver’s license of the person unless the driver’s license of the person is otherwise suspended, revoked, denied, or barred under another provision of law. 6. If a driver’s license is reinstated upon receipt of a report of an executed installment agreement the driver shall provide proof of financial responsibility pursuant to section 321A.17, if otherwise required by law. 7. a. A civil penalty assessed pursuant to section 321J.17 shall be added to the amount owing under the installment agreement. b. The clerk of the district court shall transmit to the department, from the first moneys collected, an amount equal to the amount of any civil penalty assessed pursuant to section 321J.17 and added to the installment agreement. The department shall

transmit the money received from the clerk of the district court pursuant to this paragraph to the treasurer of state who shall deposit one-half of the money in the separate fund established in section 915.94 and one-half of the money in the general fund of the state.

8. a. Except as provided in paragraph “b”, upon determination by the county attorney, the county attorney’s designee, or the department of revenue that the person is in default, the county attorney, the county attorney’s designee, or the department of revenue shall notify the clerk of the district court. b. (1) If the person is in default and the person provides a new financial statement within fifteen days of the determination made pursuant to paragraph “a” indicating that the person’s financial condition has changed to such an extent that lower installment payments would have been required prior to the execution of the initial installment agreement under subsection 1, the county attorney, the county attorney’s designee, or the department of revenue shall not notify the clerk of the district court, and the person shall not be considered in default. The new installment payments shall be based upon the new financial statement filed in compliance with this subparagraph. (2) A person making new installment payments after complying with the provisions of subparagraph (1) shall not be considered executing a new installment agreement for purposes of calculating the number of installment agreements a person may execute in a person’s lifetime under subsection 12. 9. The clerk of the district court, upon receipt of a notification of a default from the county attorney, the county attorney’s designee, or the department of revenue, shall report the default to the department of transportation. 10. Upon receipt of a report of a default from the clerk of the district court, the department shall suspend the driver’s license of a person as provided in section 321.210A. For purposes of suspension and reinstatement of the driver’s license of a person in default, the suspension and any subsequent reinstatement shall be considered a suspension pursuant to section 321.210A. 11. If a new fine, penalty, surcharge, or court cost is imposed on a person after the person has executed an installment agreement with the county attorney, the county attorney’s designee, or the department of revenue, and the new fine, penalty, surcharge, or court cost is deemed delinquent as provided in section 602.8107, subsection 2, and the person’s driver’s license has been suspended pursuant to section 321.210A, the person may enter into a second installment agreement with the county attorney, county attorney’s designee, or the department of revenue to pay the delinquent amount and the civil penalty, if assessed, in subsection 7 in installments. 12. A person is eligible to enter into five installment agreements in the person’s lifetime. 13. Except for a civil penalty assessed and collected pursuant to subsection 7, any amount collected under the installment agreement by the county attorney or the county attorney’s designee shall be distributed as provided in section 602.8107, subsection 4, and any amount collected by the department of revenue shall be deposited with the clerk of the district court for distribution under section 602.8108. 2007 Acts, ch 196, §2, 17; 2008 Acts, ch 1018, §23, 31; 2008 Acts, ch 1172, §21; 2015 Acts, ch 138, §91, 161, 162; 2016 Acts, ch 1119, §1 – 4; 2020 Acts, ch 1074, §51, 86, 92, 93 Referred to in §321.210A, 321J.17, 331.756(5)(d)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.210C - Probation period.

321.210C Probation period. 1. A person whose driver’s license or operating privileges have been suspended, revoked, or barred under this chapter for a conviction of a moving traffic violation, or suspended, revoked, or barred under section 321.205 or section 321.210, subsection 1, paragraph “a”, subparagraph (5), must satisfactorily complete a twelve-month probation period beginning immediately after the end of the period of suspension, revocation, or bar. Upon a second conviction of a moving traffic violation which occurred during the probation period, the department may suspend the driver’s license or operating privileges for an additional period equal in duration to the original period of suspension, revocation, or bar, or for one year, whichever is the shorter period. 2. A person whose driver’s license or operating privileges have been revoked under chapter 321J, must satisfactorily complete a twelve-month probation period beginning immediately after the end of the period of revocation. Upon conviction of a moving traffic violation which occurs during the probation period, the department may revoke the driver’s license or operating privileges for an additional period equal in duration to the original period of revocation, or for one year, whichever is the shorter period. 3. For purposes of determining a conviction under this section, the department shall not consider the first two speeding violations within the probation period that are ten miles per hour or less over the legal speed limit in speed zones having a legal speed limit between thirty-four miles per hour and fifty-six miles per hour. 98 Acts, ch 1112, §10, 14, 16; 2006 Acts, ch 1010, §89; 2007 Acts, ch 196, §4; 2010 Acts, ch 1061, §173

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.210D - Vehicular homicide suspension — termination upon revocation of license — reopening of suspension.

321.210D Vehicular homicide suspension — termination upon revocation of license — reopening of suspension. 1. If a trial information or indictment is filed charging a person with the offense of homicide by vehicle under section 707.6A, subsection 1 or 2, the clerk of the district court shall, upon the filing of the information or indictment, forward notice to the department including the name and address of the party charged, the registration number of the vehicle involved, if known, the nature of the offense, and the date of the filing of the indictment or information. 2. Upon receiving notice from the clerk of the district court that an indictment or information has been filed charging an operator with homicide by vehicle under section 707.6A, subsection 1 or 2, the department shall notify the person that the person’s driver’s license will be suspended effective ten days from the date of issuance of the notice. The department shall adopt rules relating to the suspension of the license of an operator pursuant to this section which shall include, but are not limited to, procedures for the surrender of the person’s license to the department upon the effective date of the suspension. 3. If a person whose driver’s license has been suspended pursuant to this section is not convicted of the charge of homicide by vehicle under section 707.6A, subsection 1 or 2, upon record entry of disposition of the charge, the clerk of the district court shall forward a notice including the name and address of the party charged, the registration number of the vehicle involved, the

nature of the offense charged by indictment or information, the date of the filing of the indictment or information, and of the disposition of the charge to the department. Upon receipt of the notice from the clerk, the department shall automatically rescind the suspension and reinstate the person's driver's license without payment of any charge or penalty. 4. Upon receiving a record of conviction under section 321.206, for a violation of section 707.6A, subsection 1 or 2, and upon revocation of the person's license or operating privileges under section 321.209, the suspension under subsection 2 shall automatically terminate in favor of the revocation. 98 Acts, ch 1073, §12; 98 Acts, ch 1088, §1; 2000 Acts, ch 1133, §7 Referred to in §321A.17

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.211 - Notice and hearing — appropriation.

321.211 Notice and hearing — appropriation. 1. Upon suspending the license of a person as authorized, the department shall immediately notify the licensee in writing and upon the licensee's request shall afford the licensee an opportunity for a hearing before the department of inspections, appeals, and licensing as early as practical within thirty days after receipt of the request. The hearing shall be held by telephone conference unless the licensee and the department of inspections, appeals, and licensing agree to hold the hearing in the county in which the licensee resides or in some other county. Upon the hearing the department of inspections, appeals, and licensing may administer oaths and issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the licensee. Upon the hearing and issuance of a recommendation by the department of inspections, appeals, and licensing, the state department of transportation shall either rescind its order of suspension or for good cause may extend the suspension of the license or revoke the license. This section does not preclude the director from attempting to effect an informal settlement under chapter 17A. 2. There is appropriated each year from the road use tax fund to the department of transportation two hundred twenty-five thousand dollars or as much thereof as is necessary to be used to pay the cost of notice and personal delivery of service, as necessary to meet the notice requirement of this section. The department shall adopt rules governing the payment of the cost of personal delivery of service. The reinstatement fees collected under section 321.191 shall be deposited in the road use tax fund in the manner provided in section 321.145, as reimbursement for the costs of notice under this section. 3. A peace officer stopping a person for whom a notice of a suspension or revocation has been issued or to whom a notice of a hearing has been sent under the provisions of this section may personally serve such notice upon forms approved by the department to satisfy the notice requirements of this section. The peace officer may confiscate the driver's license of such person if the license has been revoked or has been suspended subsequent to a hearing and the person has not forwarded the driver's license to the department as required. [C31, 35, §4960-d36; C39, §5014.11; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.211; 81 Acts, ch 14, §24] 83 Acts, ch 198, §21; 86 Acts, ch 1246, §29; 89 Acts, ch 273, §1; 89 Acts, ch 317, §34; 90 Acts, ch 1230, §55; 90 Acts, ch 1267, §37; 92 Acts, ch 1238, §34; 98 Acts, ch 1073, §9; 2010 Acts, ch 1061, §180; 2023 Acts, ch 19, §1966 Subsection 1 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.211A - Appeal of extended suspension or revocation.

321.211A Appeal of extended suspension or revocation. Notwithstanding any provision of law to the contrary, if a person was not served with notice of a suspension or revocation under section 321.16, or section 321J.9, subsection 4, or section 321J.12, subsection 3, the person may appeal to the department an extension of the period of suspension or revocation based upon a conviction under section 321.218 or 321J.21. At the hearing on the appeal, the sole issue shall be whether the department failed to send notice of the underlying suspension or revocation to the person at the address contained in the department's records. If the department determines it failed to send such notice, the department shall rescind the extended suspension or revocation resulting from the conviction and send notice of the department's determination to the court that rendered the conviction. Upon receipt of the notice, the court shall enter an order exonerating the person of the conviction and ordering that the record of the conviction be expunged by the clerk of the district court. 2001 Acts, ch 32, §45

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.212 - Period of suspension or revocation — surrender of license.

321.212 Period of suspension or revocation — surrender of license. 1. a. (1) Except as provided in section 321.210A or 321.513 the department shall not suspend a license for a period of more than one year, except that a license suspended because of incompetency to drive a motor vehicle shall be suspended until the department receives satisfactory evidence that the former holder is competent to operate a motor vehicle and a refusal to reinstate constitutes a denial of license within section 321.215; upon revoking a license the department shall not grant an application for a new license until the expiration of one year after the revocation, unless another period is specified by law. (2) A suspension under section 321.210, subsection 1, paragraph "a", subparagraph (4), for a violation of section 321.216B shall not exceed six months. As soon as practicable after the period of suspension has expired, but not later than six months after the date of expiration, the department shall expunge information regarding the suspension from the person's driving record. b. The department shall not revoke a license under the provisions of section 321.209, subsection 5, for more than thirty days nor less than five days as recommended by the trial court. c. The department shall revoke a license for six months for a first offense under the provisions of section 321.209, subsection 6, where the violation charged did not result in a personal injury or damage to property. 2. The department upon suspending or revoking a driver's license shall require that the license be surrendered to and be retained by the department. At the end of the period of suspension the license surrendered shall be reissued to the licensee upon

payment of the reinstatement fee under section 321.191. At the end of a period of revocation the licensee must apply for a new driver's license. [C31, 35, §4960-d40, -d42, -d45; C39, §5014.12, 5014.13; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.212, 321.213; 82 Acts, ch 1167, §3] 85 Acts, ch 197, §4; 90 Acts, ch 1230, §56; 93 Acts, ch 16, §5; 93 Acts, ch 164, §2; 96 Acts, ch 1218, §60; 98 Acts, ch 1073, §9; 2010 Acts, ch 1061, §114; 2018 Acts, ch 1172, §96, 104

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.213 - License suspensions or revocations due to violations by juvenile drivers.

321.213 License suspensions or revocations due to violations by juvenile drivers. Upon the entering of a dispositional order suspending or revoking the driver's license or operating privileges of the juvenile under section 232.52, subsection 2, paragraph "a", the clerk of the juvenile court shall forward a copy of the adjudication and the dispositional order to the department. Notwithstanding section 232.55, a final adjudication in a juvenile court that the child violated a provision of this chapter or chapter 321A or 321J constitutes a final conviction for purposes of section 321.189, subsection 7, paragraph "b", and sections 321.193, 321.194, 321.200, 321.209, 321.210, 321.215, 321.555, 321A.17, 321J.2, 321J.3, and 321J.4. [82 Acts, ch 1070, §1] C83, §321.213 86 Acts, ch 1220, §33; 89 Acts, ch 296, §32; 90 Acts, ch 1230, §57; 93 Acts, ch 16, §6; 93 Acts, ch 87, §6; 95 Acts, ch 55, §8; 96 Acts, ch 1218, §61; 98 Acts, ch 1073, §9 Referred to in §232.147

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.213A - License suspension for juveniles adjudicated delinquent for certain drug or alcohol offenses.

321.213A License suspension for juveniles adjudicated delinquent for certain drug or alcohol offenses. Upon the entering of a dispositional order under section 232.52, subsection 2, paragraph "a", the clerk of the juvenile court shall forward a copy of the adjudication and the dispositional order suspending or revoking the driver's license or operating privileges of the juvenile to the department. The department shall suspend the license or operating privilege of the child for one year. The child may receive a temporary restricted license, if eligible, as provided in section 321.215. 94 Acts, ch 1172, §34; 95 Acts, ch 55, §9; 96 Acts, ch 1034, §20; 96 Acts, ch 1218, §62; 98 Acts, ch 1073, §9; 2001 Acts, ch 132, §8 Referred to in §232.147, 321A.17

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.213B - Suspension for failure to attend.

321.213B Suspension for failure to attend. The department shall establish procedures by rule for suspending the license of a juvenile who has been issued a driver's license and is not in compliance with the requirements of section 299.1B or issuing the juvenile a restricted license under section 321.178. 94 Acts, ch 1172, §35; 96 Acts, ch 1152, §16; 2005 Acts, ch 8, §26 Referred to in §321.215, 321A.17

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.215 - Temporary restricted license.

321.215 Temporary restricted license. 1. a. The department, on application, may issue a temporary restricted license to a person whose noncommercial driver's license is suspended or revoked under this chapter, allowing the person to drive to and from the person's home and specified places at specified times which can be verified by the department and which are required by any of the following: (1) The person's full-time or part-time employment. (2) The person's continuing health care or the continuing health care of another who is dependent upon the person. (3) The person's continuing education while enrolled in an educational institution on a part-time or full-time basis and while pursuing a course of study leading to a diploma, degree, or other certification of successful educational completion. (4) The person's substance use disorder treatment. (5) The person's court-ordered community service responsibilities. (6) The person's appointments with the person's parole or probation officer. b. However, a temporary restricted license shall not be issued to a person whose license is revoked pursuant to a court order issued under section 321.209, subsections 1 through 5; to a juvenile whose license has been suspended or revoked pursuant to a dispositional order under section 232.52, subsection 2, paragraph "a", for a violation of chapter 124 or 453B or section 126.3; to a juvenile whose license has been suspended under section 321.213B; or to a person whose license has been suspended pursuant to a court order under section 714.7D. A temporary restricted license may be issued to a person whose license is revoked under section 321.209, subsection 6, only if the person has no previous drag racing convictions. A person holding a temporary restricted license issued by the department under this section shall not operate a motor vehicle for pleasure. 2. Upon conviction and the suspension or revocation of a person's noncommercial driver's license under section 321.209, subsection 5, 6, or 7, or section 321.210, 321.210A, or 321.513; or upon the denial of issuance of a noncommercial driver's license under section 321.560, based solely on offenses enumerated in section 321.555, subsection 1, paragraph "c", or section 321.555, subsection 2; or upon suspension or revocation of a juvenile's driver's license pursuant to a dispositional order under section 232.52, subsection 2, paragraph "a", for a violation of chapter 124 or 453B, or section 126.3; or upon suspension of a driver's license pursuant to a court order under section 714.7D, the person may apply to the department for a temporary restricted license to operate a motor vehicle for the limited purpose or purposes specified in subsection 1. The application may be granted only if all of the following criteria are satisfied: a. The temporary restricted license is requested only for a case of hardship or circumstances where alternative means of transportation do not exist. b. The temporary restricted license is restricted to the limited purpose or purposes specified in subsection 1 at times specified in the license. c. Proof of financial

responsibility is established as defined in chapter 321A. However, such proof is not required if the driver's license was suspended under section 321.210A or 321.513. 3. The temporary restricted license shall be canceled upon conviction of a moving traffic violation or upon a violation of a term of the license. A "moving traffic violation" does not include a parking violation as defined in section 321.210. 4. The temporary restricted license is not valid to operate a commercial motor vehicle if a commercial driver's license or commercial learner's permit is required for the person's operation of the commercial motor vehicle. 5. Notwithstanding any provision of this chapter to the contrary, the department may issue a temporary restricted license to a person eligible for a temporary restricted license under this section if the person is also eligible for a temporary restricted license under section 321J.20, provided the requirements of this section and section 321J.20 are satisfied. [C31, 35, §4960-d43, -d44; C39, §5014.15; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.215] 84 Acts, ch 1022, §6; 84 Acts, ch 1219, §26; 90 Acts, ch 1230, §58; 93 Acts, ch 16, §7 – 9; 95 Acts, ch 55, §10; 95 Acts, ch 143, §1; 96 Acts, ch 1152, §17; 96 Acts, ch 1218, §63 – 65; 98 Acts, ch 1073, §9; 2000 Acts, ch 1133, §8 – 10; 2001 Acts, ch 132, §9; 2002 Acts, ch 1050, §33; 2005 Acts, ch 8, §27; 2005 Acts, ch 141, §1, 2; 2007 Acts, ch 196, §3; 2010 Acts, ch 1097, §1; 2015 Acts, ch 123, §34, 68; 2016 Acts, ch 1011, §50; 2018 Acts, ch 1172, §97 – 99, 104; 2023 Acts, ch 19, §1061; 2023 Acts, ch 42, §1, 2 Referred to in §321.212, 321.213, 321.213A, 321.560, 321.561, 321J.20 Subsection 1, paragraph a, subparagraph (4) amended Subsection 1, paragraph b amended Subsection 2, unnumbered paragraph 1 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.216 - Unlawful use of license or nonoperator's identification card — penalty.

321.216 Unlawful use of license or nonoperator's identification card — penalty. It is a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 4, for any person: 1. To display or cause or permit to be displayed or have in the person's possession a canceled, revoked, suspended, fictitious, or fraudulently altered driver's license or nonoperator's identification card. 2. To lend that person's driver's license or nonoperator's identification card to another person or knowingly permit the use of the license by another. 3. To display or represent as one's own a driver's license or nonoperator's identification card not issued to that person. 4. To fail or refuse to surrender to the department upon its lawful demand a driver's license or nonoperator's identification card which has been suspended, revoked, or canceled. 5. To permit an unlawful use of a driver's license or nonoperator's identification card issued to that person. [C31, 35, §4960-d46, -d52; C39, §5015.01; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.216] 89 Acts, ch 84, §1; 90 Acts, ch 1230, §59; 96 Acts, ch 1090, §3; 98 Acts, ch 1073, §9; 2001 Acts, ch 176, §52, 59; 2010 Acts, ch 1190, §40 Referred to in §123.48, 453A.4, 805.8A(4)(h)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.216A - Falsifying driver's licenses, nonoperator's identification cards, or forms.

321.216A Falsifying driver's licenses, nonoperator's identification cards, or forms. It is a serious misdemeanor for a person to do any of the following: 1. Make a driver's license, a nonoperator's vehicle identification card, or a blank driver's license form if the person has no authority or right to make the license, card, or form. 2. Obtain, possess, or have in the person's control or on the person's premises, driver's license or nonoperator's identification card forms. 3. Obtain, possess, or have in the person's control or on the person's premises, a driver's license or a nonoperator's identification card, or blank driver's license or nonoperator's identification card form, which has been made by a person having no authority or right to make the license, card, or form. 4. Use a false or fictitious name in any application for a driver's license or nonoperator's identification card or to knowingly make a false statement or knowingly conceal a material fact or otherwise commit fraud on an application. 89 Acts, ch 84, §2; 96 Acts, ch 1090, §4; 98 Acts, ch 1073, §9, 10 Referred to in §123.48, 453A.4

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.216B - Use of driver's license or nonoperator's identification card by underage person to obtain alcohol.

321.216B Use of driver's license or nonoperator's identification card by underage person to obtain alcohol. 1. A person who is under the age of twenty-one, who alters or displays or has in the person's possession a fictitious or fraudulently altered driver's license or nonoperator's identification card and who uses the license to violate or attempt to violate section 123.47, commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 4. The court shall forward a copy of the conviction to the department. 2. A person shall not be charged or prosecuted for a violation of this section if the person is immune from charge or prosecution pursuant to section 701.12. 93 Acts, ch 164, §3; 96 Acts, ch 1090, §5; 97 Acts, ch 126, §40; 98 Acts, ch 1073, §9; 98 Acts, ch 1100, §45; 2001 Acts, ch 176, §53, 59; 2010 Acts, ch 1190, §41; 2020 Acts, ch 1080, §5 Referred to in §123.48, 321.212, 321A.17, 701.12, 805.8A(4)(i) Legislative intent regarding effect on insurance rates; 93 Acts, ch 164, §6

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.216C - Use of driver's license or nonoperator's identification card by underage person to obtain tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes.

321.216C Use of driver's license or nonoperator's identification card by underage person to obtain tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes. A person who is under the age of twenty-one, who alters or displays or has in the person's possession a fictitious or fraudulently altered driver's license or nonoperator's identification card and who uses the license or card to violate or attempt to violate section 453A.2, subsection 2, commits a simple misdemeanor punishable as a

scheduled violation under section 805.8A, subsection 4. The court shall forward a copy of the conviction to the department. 2000 Acts, ch 1105, §1; 2001 Acts, ch 176, §54, 59; 2010 Acts, ch 1190, §42; 2020 Acts, ch 1106, §1, 8 Referred to in §453A.4, 805.8A(4)(j)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.217 - Perjury.

321.217 Perjury. Any person who makes any false affidavit, or knowingly swears or affirms falsely to any matter or thing required by the terms of this chapter to be sworn to or affirmed, is guilty of a class “D” felony. [C31, 35, §4960-d47; C39, §5015.02; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.217] Perjury, §720.2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.218 - Operating without valid driver’s license or when disqualified — penalties.

321.218 Operating without valid driver’s license or when disqualified — penalties. 1. A person whose driver’s license or operating privilege has been denied, canceled, suspended, or revoked as provided in this chapter or as provided in section 252J.8, and who operates a motor vehicle upon the highways of this state while the license or privilege is denied, canceled, suspended, or revoked, commits a simple misdemeanor. In addition to any other penalties, the punishment imposed for a violation of this subsection shall include assessment of a fine of not less than two hundred fifty dollars nor more than one thousand five hundred dollars. 2. The sentence imposed under this section shall not be suspended by the court, notwithstanding section 907.3 or any other statute. 3. a. The department, upon receiving the record of the conviction of a person under this section upon a charge of operating a motor vehicle while the license of the person is suspended or revoked, shall, except for licenses suspended under section 252J.8, section 321.210, subsection 1, paragraph “a”, subparagraph (3), or section 321.210A or 321.513, extend the period of suspension or revocation for an additional like period or for one year, whichever period is shorter. b. If the department receives a record of a conviction of a person under this section but the person’s driving record does not indicate what the original grounds of suspension were, the period of suspension under this subsection shall be for a period not to exceed six months. 4. A person who operates a commercial motor vehicle upon the highways of this state when disqualified from operating the commercial motor vehicle under section 321.208 or the imminent hazard provisions of 49 C.F.R. §383.52 commits a serious misdemeanor if a commercial driver’s license or commercial learner’s permit is required for the person to operate the commercial motor vehicle. 5. The department, upon receiving the record of a conviction of a person under this section upon a charge of operating a commercial motor vehicle while the person is disqualified, shall extend the period of disqualification for an additional like period or for the time period specified in section 321.208, whichever is longer. [C31, 35, §4960-d34, -d51; C39, §5015.03; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.218; 82 Acts, ch 1167, §4; 84 Acts, ch 1142, §1; 85 Acts, ch 195, §36; 86 Acts, ch 1220, §34; 89 Acts, ch 83, §43; 90 Acts, ch 1230, §60; 93 Acts, ch 164, §4; 95 Acts, ch 48, §4; 96 Acts, ch 1090, §6, 7; 97 Acts, ch 104, §17; 98 Acts, ch 1073, §9; 99 Acts, ch 153, §2; 2005 Acts, ch 8, §28; 2006 Acts, ch 1030, §36; 2009 Acts, ch 130, §12; 2010 Acts, ch 1061, §174; 2015 Acts, ch 123, §69; 2018 Acts, ch 1172, §100, 104; 2021 Acts, ch 98, §1 Referred to in §321.211A, 321.241, 321J.4B, 321N.3, 901C.3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.219 - Permitting unauthorized minor to drive.

321.219 Permitting unauthorized minor to drive. 1. A person shall not cause or knowingly permit the person’s child or ward under the age of eighteen years to drive a motor vehicle upon any highway when the minor is not authorized under this chapter. 2. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 4. [C31, 35, §4960-d48; C39, §5015.04; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.219] 2000 Acts, ch 1203, §7; 2001 Acts, ch 137, §5; 2002 Acts, ch 1119, §152; 2010 Acts, ch 1190, §43 Referred to in §805.8A(4)(k)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.22 - Urban and regional transit equipment certificates and plates.

321.22 Urban and regional transit equipment certificates and plates. 1. An urban transit company or system having a franchise to operate in any city and any regional transit system may make application to the department, upon forms furnished by the department, for a certificate containing a distinguishing number and for one or more pairs of registration plates to be attached to the front and rear of buses owned or operated by the transit company or system. 2. The department shall issue to the applicant a certificate, or certificates, containing but not limited to the applicant’s name and address, the distinguishing number assigned to the applicant, and such other information deemed necessary by the department for proper identification of the buses. 3. The department shall issue registration plates to the applicant. 4. The department shall issue the certificates and plates without fee. [C66, 71, 73, 75, 77, 79, 81, §321.22] 84 Acts, ch 1253, §4; 85 Acts, ch 195, §31; 92 Acts, ch 1244, §42; 2009 Acts, ch 130, §22 Referred to in §331.557

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.220 - Permitting unauthorized person to drive.

321.220 Permitting unauthorized person to drive. 1. A person shall not knowingly authorize or permit a motor vehicle owned by the

person or under the person's control to be driven upon a highway by a person who is not issued a driver's license valid for the vehicle's operation. 2. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 4. [C31, 35, §4960-d50; C39, §5015.05; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.220] 90 Acts, ch 1230, §61; 98 Acts, ch 1073, §9; 2000 Acts, ch 1203, §8; 2001 Acts, ch 137, §5; 2010 Acts, ch 1190, §44 Referred to in §805.8A(4)(l)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.221 - Employing unlicensed chauffeur.

321.221 Employing unlicensed chauffeur. A person shall not employ as a chauffeur of a motor vehicle a person not then holding a class D driver's license or a commercial driver's license as provided in this chapter. [C31, 35, §4960-d49; C39, §5015.06; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.221] 90 Acts, ch 1230, §62

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.222 - Renting motor vehicle to another.

321.222 Renting motor vehicle to another. No person shall rent a motor vehicle to any other person unless the latter person is then duly licensed hereunder or, in the case of a nonresident, then duly licensed under the laws of the state or country of residence except a nonresident whose home state or country does not require that an operator be licensed. [C39, §5015.07; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.222]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.223 - Driver's license inspection for motor vehicle rental.

321.223 Driver's license inspection for motor vehicle rental. A person shall not rent a motor vehicle to another person without inspecting the driver's license of the person to whom the vehicle is to be rented and doing all of the following: 1. A comparison and verification of the signature on the driver's license with the signature of such person written in the inspecting person's presence. 2. A comparison and verification of the person to whom the motor vehicle is to be rented with the photograph and other identification information on the person's driver's license. 3. A determination that the driver's license of the person to whom the vehicle is to be rented is valid for operating the vehicle to be rented. [C39, §5015.08; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.223] 90 Acts, ch 1230, §63; 98 Acts, ch 1073, §9

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.224 - Record kept.

321.224 Record kept. Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name and address of the person to whom the vehicle is rented, the number of the license of the latter person and the date and place when and where the license was issued. The record shall be open to inspection by any peace officer as defined in section 801.4, subsection 11, paragraphs "a", "b", "c" and "h" or employee of the department. [C39, §5015.09; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.224; 81 Acts, ch 103, §3]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.228 - Provisions refer to highways — exceptions.

321.228 Provisions refer to highways — exceptions. The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except: 1. Where a different place is specifically referred to in a given section. 2. The provisions of sections 321.261 through 321.273, and sections 321.277 and 321.280 shall apply upon highways and elsewhere throughout the state. [C39, §5017.01; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.228] 86 Acts, ch 1220, §35; 98 Acts, ch 1178, §2; 2019 Acts, ch 59, §91

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.229 - Obedience to peace officers.

321.229 Obedience to peace officers. No person shall willfully fail or refuse to comply with any lawful order or direction of any peace officer invested by law with authority to direct, control, or regulate traffic. [S13, §1571-m18; C24, 27, 31, 35, §5064; C39, §5017.02; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.229] Referred to in §805.8A(14)(a) For applicable scheduled fine, see §805.8A, subsection 14, paragraph a

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.23 - Titles to specially constructed and reconstructed vehicles, street rods, replica vehicles, and foreign vehicles.

321.23 Titles to specially constructed and reconstructed vehicles, street rods, replica vehicles, and foreign vehicles. 1. a. If the vehicle to be registered is a specially constructed vehicle, reconstructed vehicle, street rod, replica vehicle, or foreign vehicle, such fact shall be stated in the application. A fee of twenty dollars shall be paid by the person making the application upon issuance of a certificate of title by the county treasurer. For a specially constructed vehicle, reconstructed vehicle, street rod, or replica vehicle

subject to registration, the application shall be accompanied by a statement from the department authorizing the motor vehicle to be titled and registered in this state. The owner of a specially constructed vehicle, reconstructed vehicle, street rod, replica vehicle, or foreign vehicle purchased pursuant to section 578A.7 shall present documentation that such sale was completed in compliance with that section. b. The department shall cause a physical inspection to be made of all specially constructed vehicles, reconstructed vehicles, street rods, and replica vehicles upon application for a certificate of title by the owner, to determine whether the motor vehicle complies with the definition of specially constructed vehicle, reconstructed vehicle, street rod, or replica vehicle in this chapter and to determine that the integral component parts are properly identified and that the rightful ownership is established before issuing the owner the authority to have the motor vehicle registered and titled. The purpose of the physical inspection under this section is not to determine whether the motor vehicle is in a condition safe to operate. c. The owner of a specially constructed vehicle, reconstructed vehicle, street rod, or replica vehicle shall apply for a certificate of title and registration for the vehicle at the county treasurer's office within thirty days of the inspection. For a foreign vehicle which has been registered outside this state, the owner shall surrender to the treasurer all registration plates, registration cards, and certificates of title, or if the vehicle to be registered is from a nontitle state, the evidence of foreign registration and ownership as may be prescribed by the department except as provided in subsection 2. d. Upon completion of every specially constructed vehicle, reconstructed vehicle, street rod, or replica vehicle, the owner shall certify on a form prescribed by the department that such vehicle is in compliance with all equipment specifications required under this chapter. 2. Where in the course of operation of a vehicle registered in another state it is desirable to retain registration of said vehicle in such other state, such applicant need not surrender but shall submit for inspection said evidence of such foreign registration and the treasurer upon a proper showing shall register said vehicle in this state but shall not issue a certificate of title for such vehicle. 3. In the event an applicant for registration of a foreign vehicle for which a certificate of title has been issued is able to furnish evidence of being the registered owner of the vehicle to the county treasurer of the owner's residence, although unable to surrender such certificate of title, the county treasurer may issue a registration receipt and plates upon receipt of the required annual registration fee and the fee for new registration but shall not issue a certificate of title thereto. Upon surrender of the certificate of title from the foreign state, the county treasurer shall issue a certificate of title to the owner, or person entitled thereto, of such vehicle as provided in this chapter. The owner of a vehicle registered under this subsection shall not be required to obtain a certificate of title in this state and may transfer ownership of the vehicle to a motor vehicle dealer licensed under chapter 322 or an insurance carrier authorized to do business in this state if, at the time of the transfer, the certificate of title is held by a secured party and the dealer or insurance carrier, as applicable, has forwarded to the secured party the sum necessary to discharge the security interest pursuant to section 321.48, subsection 1. 4. A vehicle which does not meet the equipment requirements of this chapter due to the particular use for which it is designed or intended, may be registered by the department upon payment of appropriate fees and after inspection and certification by the department that the vehicle is not in an unsafe condition. A person is not required to have a certificate of title to register a vehicle under this subsection. If the owner elects to have a certificate of title issued for the vehicle, a fee of twenty dollars shall be paid by the person making the application upon issuance of a certificate of title. If the department's inspection reveals that the vehicle may be safely operated only under certain conditions or on certain types of roadways, the department may restrict the registration to limit operation of the vehicle to the appropriate conditions or roadways. This subsection does not apply to snowmobiles as defined in section 321G.1. Section 321.382 does not apply to a vehicle registered under this subsection which is operated exclusively by a person with a disability who has obtained a persons with disabilities parking permit as provided in section 321L.2, if the persons with disabilities parking permit is carried in or on the vehicle and shown to a peace officer on request. [C39, §5001.07; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.23] 83 Acts, ch 9, §4, 8; 84 Acts, ch 1305, §48; 88 Acts, ch 1158, §65; 89 Acts, ch 247, §3; 96 Acts, ch 1171, §1; 97 Acts, ch 70, §2; 98 Acts, ch 1073, §5; 99 Acts, ch 13, §4; 2005 Acts, ch 8, §6; 2008 Acts, ch 1044, §5, 8; 2008 Acts, ch 1113, §15, 21, 53; 2008 Acts, ch 1191, §127 [A change in fee amount in subsection 1, paragraph a, by 2008 Acts, ch 1113, §15, inadvertently overwritten and omitted beginning with the 2009 Code Supplement through Code 2023] 2019 Acts, ch 50, §14; 2022 Acts, ch 1027, §1 Referred to in §312.2, 321.30, 321.47, 321.52A, 321.67, 331.557 Surcharge imposed; §321.52A Section not amended; editorial change applied and Code section history revised

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.230 - Public officers not exempt.

321.230 Public officers not exempt. The provisions of this chapter applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this state or any county, city, district, or any other political subdivision of the state, subject to such specific exceptions as are set forth in this chapter with reference to authorized emergency vehicles. [C39, §5017.03; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.230]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.231 - Authorized emergency vehicles and police bicycles.

321.231 Authorized emergency vehicles and police bicycles. 1. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected perpetrator of a felony or misdemeanor, or in response to an incident dangerous to the public, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section. 2. The driver of any authorized emergency vehicle, may: a. Park or stand an authorized emergency vehicle, irrespective of the provisions of this chapter. b. Disregard laws or regulations governing direction of movement for the minimum

distance necessary before an alternative route that conforms to the traffic laws and regulations is available. c. Drive the vehicle on the shoulder or median of a highway. d. Disregard laws or regulations governing turning the vehicle in specified directions. e. Disregard laws or regulations governing overtaking or passing other motorists. 3. The driver of an official fire department vehicle, police vehicle, rescue vehicle, ambulance, emergency medical services vehicle, or emergency management vehicle, or a peace officer riding a police bicycle in the line of duty, may do any of the following: a. Proceed past a red or stop signal or stop sign, but only after slowing down to or maintaining a speed deemed necessary for safe operation by the driver based on information known to the driver at the time. b. Exceed the maximum speed limits so long as the driver does not recklessly endanger life or property. 4. A peace officer operating an authorized emergency vehicle may execute a pursuit intervention technique if such execution is reasonable under the circumstances based on the information perceived by the officer at the time, and the officer has completed a training course approved by the Iowa law enforcement academy that instructs participants in the proper execution of pursuit intervention techniques. For purposes of this subsection, “pursuit intervention technique” means a method by which a peace officer operating a motor vehicle in pursuit of a fleeing motor vehicle causes or attempts to cause the fleeing motor vehicle to stop, including by use of reasonable force. This subsection shall not be construed to limit a peace officer’s objectively reasonable use of force in connection with a pursuit. 5. a. The exemptions granted to the driver of an authorized emergency vehicle under subsection 2 and to the driver of an official fire department vehicle, police vehicle, rescue vehicle, ambulance, emergency medical services vehicle, or emergency management vehicle as provided in subsection 3 shall apply only when such vehicle is making use of an audible warning device meeting the requirements of section 321.433 or a visual signaling device authorized under this chapter. b. The exemption granted under subsection 3, paragraph “b”, shall be granted to a peace officer or reserve peace officer operating an authorized emergency vehicle without using an audible warning device or visual signaling device if such action occurs over the shortest distance necessary, does not recklessly endanger persons or property, and if the officer is pursuing a suspected violator of the speed restrictions imposed by or pursuant to this chapter for the purpose of determining the speed of travel of such suspected violator, or if the officer reasonably believes based on the facts and circumstances at the time that a suspected violator’s knowledge of the officer’s proximity may cause the suspected violator to destroy evidence of a suspected felony or aggravated misdemeanor, evade apprehension, or endanger the public or the officer. c. The exemption granted under subsection 3, paragraph “b”, shall be granted to the driver of an authorized emergency vehicle transporting a patient to a hospital without using a visual signaling device or audible warning device if a certified emergency medical care provider reasonably believes the patient’s condition warrants rapid transport. 6. The provisions of this section shall not relieve the driver of an authorized emergency vehicle or the rider of a police bicycle from the duty to drive or ride with due regard for the safety of all persons, nor shall such provisions protect the driver or rider from the consequences of the driver’s or rider’s reckless disregard for the safety of others. [C39, §5017.04, 5017.05, 5023.12; C46, 50, 54, 58, 62, 66, 71, 73, 75, §321.231, 321.232, 321.296; C77, 79, 81, §321.231] 97 Acts, ch 71, §1; 98 Acts, ch 1080, §2; 98 Acts, ch 1100, §46; 2009 Acts, ch 133, §118; 2018 Acts, ch 1022, §2; 2022 Acts, ch 1087, §1 – 4, 11 Referred to in §321.231C, 613.17, 805.8A(11)(a) For applicable scheduled fines, see §805.8A, subsection 11

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.231A - Authorized emergency vehicles — parades and events.

321.231A Authorized emergency vehicles — parades and events. 1. The driver of an authorized emergency vehicle may operate the vehicle as part of an official governmental event for the purposes of the safety and security of an elected official, candidate for public office, or the public, or as part of a parade or other public service event if the parade or event is approved by the state or a municipality, as defined in section 670.1, at least one day prior to the date on which the parade or event will occur. 2. Notwithstanding any provision of law to the contrary, an authorized emergency vehicle operating in a parade or event may display any of the vehicle’s lighting devices. This subsection shall not be construed to exempt the driver of the authorized emergency vehicle from any duty to operate the vehicle with due regard for the safety of all persons. 2022 Acts, ch 1087, §5, 11

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.231B - Authorized emergency vehicles — immunity from liability.

321.231B Authorized emergency vehicles — immunity from liability. 1. The following shall not be liable for the consequence of any injury or loss arising from the operation of an authorized emergency vehicle in response to an emergency call or to an incident dangerous to the public unless the driver operates the authorized emergency vehicle with reckless disregard for the safety of persons or property: a. A fire fighter operating the authorized emergency vehicle who is certified by the fire service training bureau, as described in section 100B.6, as a fire apparatus driver operator, or an operator who has completed an emergency vehicle operations course and any applicable continuing education requirements established or approved by the fire service training bureau. b. An emergency medical care provider, as defined in section 147A.1, operating the authorized emergency vehicle who has completed an emergency vehicle operations course and any applicable continuing education requirements established or approved by the department of health and human services. c. A peace officer, as defined in section 801.4, or a reserve peace officer, as defined in section 80D.1A, operating the authorized emergency vehicle who has completed an emergency vehicle operations course and any applicable continuing education requirements established or approved by the Iowa law enforcement academy. d. An emergency management agency employee operating the authorized emergency vehicle who has completed an emergency vehicle operations course and any applicable continuing education requirements established or approved by the local or joint emergency management commission, and where the local or joint emergency management commission has adopted a written policy related to emergency

vehicle operations. For purposes of this paragraph, “emergency management agency employee” means a member of the personnel, including but not limited to the coordinator, an operations officer, or an emergency management assistant, of a local or joint emergency management commission. e. Any entity, including a nonprofit corporation, on whose behalf the fire fighter, emergency medical care provider, peace officer, reserve peace officer, or emergency management agency employee is operating the authorized emergency vehicle. 2. The protections from liability set forth in subsection 1 apply only when, in response to an emergency call or to an incident dangerous to the public, the driver operating the authorized emergency vehicle is utilizing a siren meeting the requirements of section 321.433 or flashing blue and red lights authorized under this chapter. The protections from liability provided by subsection 1 apply in addition to any other defense to liability provided by law. This section shall not be construed to lower the standard of recklessness to recover against any entity or authorized emergency vehicle driver. 3. a. The driver of an authorized emergency vehicle, and any entity on whose behalf the driver is operating the authorized emergency vehicle, shall not be liable for any injury or loss arising from the operation of the authorized emergency vehicle unless reckless disregard for the safety of persons or property is proven by a preponderance of the evidence. b. If a person brings a tort claim against the driver of an authorized emergency vehicle, a municipality, as defined in section 670.1, this state, or any other entity on whose behalf the driver is operating the authorized emergency vehicle, for any injury or loss arising from the operation of the authorized emergency vehicle, the court shall determine, on motion by any party or on its own motion, whether the person has presented sufficient, admissible evidence to support a prima facie finding of recklessness before the matter proceeds to trial. 2022 Acts, ch 1087, §6, 11, 12; 2023 Acts, ch 19, §1062 Section applies to causes of action accrued on or after May 24, 2022; 2022 Acts, ch 1087, §12 Subsection 1, paragraph b amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.231C - Fire fighters and emergency medical services members responding to emergency situations.

321.231C Fire fighters and emergency medical services members responding to emergency situations. 1. Notwithstanding section 321.231, the driver of a vehicle making use of a blue light pursuant to section 321.423, subsection 3, or displaying fire fighter or emergency medical services registration plates issued pursuant to section 321.34, subsection 10 or 10A, may reasonably exceed the maximum speed limits based on the facts and circumstances at the time, only if all of the following apply: a. The driver is a current member of a paid or volunteer fire department or emergency medical services agency. b. The driver is responding to, but not returning from, an emergency call or fire alarm. c. The driver has received emergency vehicle operations training. 2. The provisions of this section shall not relieve the driver from the duty to drive with due regard for the safety of all other persons, nor shall such provisions protect the driver from the consequences of the driver’s reckless disregard for the safety of others. 3. A court shall dismiss and expunge from a driver’s record any excessive speed violation citations issued to a driver under circumstances in which the driver complied with subsection 1, if the driver presents to the court a signed statement from the applicable fire chief or chief officer of an emergency medical services agency providing details about the driver’s operation of the vehicle while responding to an emergency call or fire alarm, which operation resulted in the citation. This subsection does not apply to a driver who holds a commercial driver’s license or commercial learner’s permit. 2022 Acts, ch 1089, §1 Referred to in §321.423

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.232 - Speed detection jamming devices — penalty.

321.232 Speed detection jamming devices — penalty. 1. A person shall not sell, operate, or possess a speed detection jamming device, except as otherwise provided in this section, when the device is in a vehicle operated on the highways of this state or the device is held for sale in this state. 2. This section does not apply to speed measuring devices purchased by, held for purchase for, or operated by peace officers using the devices in performance of their official duties. 3. A speed detection jamming device sold, operated, or possessed in violation of subsection 1 may be seized by a peace officer and is subject to forfeiture as provided by chapter 809 or 809A. 4. For the purposes of this section: a. “Speed detection jamming device” means any active or passive device, instrument, mechanism, or equipment that is designed or intended to interfere with, disrupt, or scramble the radar or laser that is used by a peace officer to measure the speed of motor vehicles. “Speed detection jamming device” does not include equipment that is legal under federal communications commission regulations, such as a citizens’ band radio, a ham radio, or other similar electronic equipment. b. “Speed measuring device” includes but is not limited to devices commonly known as radar speed meters or laser speed meters. [81 Acts, ch 109, §1] 96 Acts, ch 1133, §41; 2013 Acts, ch 140, §158 Referred to in §805.8A(14)(g), 809A.3 For applicable scheduled fines, see §805.8A, subsection 14, paragraph g

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.233 - Road workers exempted.

321.233 Road workers exempted. This chapter, except sections 321.277 and 321.280, does not apply to persons and motor vehicles and other equipment while actually engaged in work upon the surface of a highway officially closed to traffic but does apply to such persons and vehicles when traveling to or from such work. The minimum speed restriction of section 321.285, subsection 5, and the provisions of sections 321.297, 321.298, and 321.323 do not apply to road workers operating maintenance equipment on behalf of any state or local authority while engaged in road maintenance, road blading, snow and ice control and removal, and granular resurfacing work on a highway, whether or not the highway is closed to traffic. [C39, §5017.06; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.233; 82 Acts, ch 1154, §1] 85 Acts, ch 167, §1; 86 Acts, ch 1220, §36; 90 Acts, ch 1230, §64; 97 Acts, ch 104, §18;

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.234 - Bicycles, animals, or animal-drawn vehicles.

321.234 Bicycles, animals, or animal-drawn vehicles. 1. A person riding an animal or driving an animal drawing a vehicle upon a roadway is subject to the provisions of this chapter applicable to the driver of a vehicle, except those provisions of this chapter which by their nature can have no application. 2. A person, including a peace officer, riding a bicycle on the highway is subject to the provisions of this chapter and has all the rights and duties under this chapter applicable to the driver of a vehicle, except those provisions of this chapter which by their nature can have no application or those provisions for which specific exceptions have been set forth regarding police bicycles. 3. A person propelling a bicycle on the highway shall not ride other than upon or astride a permanent and regular seat attached to the bicycle. 4. A person shall not use a bicycle on the highway to carry more persons at one time than the number of persons for which the bicycle is designed and equipped. 5. This section does not apply to the use of a bicycle in a parade authorized by proper permit from local authorities. [C39, §5017.07; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.234] 85 Acts, ch 40, §2; 97 Acts, ch 71, §2 Referred to in §321.235B, 321.236, 805.8A(9)(a) For applicable scheduled fines, see §805.8A, subsection 9

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.234A - All-terrain vehicles — highway use.

321.234A All-terrain vehicles — highway use. 1. All-terrain vehicles shall not be operated on a highway unless one or more of the following conditions apply: a. The operation is between sunrise and sunset and is incidental to the vehicle's use for agricultural purposes. For purposes of this paragraph, "incidental to the vehicle's use for agricultural purposes" includes stopping in the course of agricultural use to obtain fuel for the all-terrain vehicle or to obtain food or a nonalcoholic beverage for the operator. b. The operation is incidental to the vehicle's use for the purpose of surveying by a licensed engineer or land surveyor. c. The all-terrain vehicle is operated by an employee or agent of a political subdivision or public utility for the purpose of construction or maintenance on or adjacent to the highway. d. The all-terrain vehicle is operated by an employee or agent of a public agency as defined in section 34.1 for the purpose of providing emergency services or rescue. e. The all-terrain vehicle is operated for the purpose of mowing, installing approved trail signs, or providing maintenance on a snowmobile or all-terrain vehicle trail designated by the department of natural resources. f. The all-terrain vehicle is operated on a primary highway in accordance with section 321.10, subsection 2, a secondary road in accordance with section 321.10, subsection 3, or a city street in accordance with section 321.10, subsection 4. g. The all-terrain vehicle is crossing the highway pursuant to section 321.10, subsection 6. 2. A person operating an all-terrain vehicle on a highway shall have a valid driver's license and operate the vehicle at speeds of thirty-five miles per hour or less. In addition, a person operating an all-terrain vehicle on a highway pursuant to subsection 1, paragraphs "b" through "g", shall be at least eighteen years of age and have financial liability coverage in effect for the vehicle and carry proof of such financial liability coverage in accordance with section 321.20B. 3. As provided in section 321.1, an all-terrain vehicle is a motor vehicle for purposes of this chapter. Therefore, an all-terrain vehicle operated on a highway shall be equipped with the parts, lamps, and other equipment in proper condition and adjustment as required under this chapter for motor vehicles, including but not limited to the parts, lamps, and equipment required under sections 321.386, 321.387, 321.404, 321.432, and 321.437. 4. An all-terrain vehicle that is owned by the owner of land adjacent to a highway, other than an interstate road, may be operated by the owner of the all-terrain vehicle, or by a member of the owner's family, on the portion of the highway right-of-way that is between the shoulder of the roadway, or at least five feet from the edge of the roadway, and the owner's property line. A person operating an all-terrain vehicle within the highway right-of-way under this subsection shall comply with the registration, safety, and age requirements under chapter 321. 5. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 3. 85 Acts, ch 35, §3; 90 Acts, ch 1230, §65; 98 Acts, ch 1073, §9; 99 Acts, ch 108, §4; 2000 Acts, ch 1203, §9; 2001 Acts, ch 137, §5; 2002 Acts, ch 1001, §1; 2004 Acts, ch 1132, §81; 2006 Acts, ch 1036, §1; 2007 Acts, ch 141, §1; 2010 Acts, ch 1186, §4, 5; 2010 Acts, ch 1190, §45; 2017 Acts, ch 32, §1; 2022 Acts, ch 1105, §1 – 3 Referred to in §321.1, 321.1.1, 321.1.9, 321.1.10, 805.8A(3)(a)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.235 - Provisions uniform.

321.235 Provisions uniform. The provisions of this chapter shall be applicable and uniform throughout this state and in all political subdivisions and municipalities in this state. Unless expressly authorized in this chapter, a local authority shall not enact or enforce any rule or regulation in conflict with the provisions of this chapter. Local authorities may, however, adopt additional traffic regulations which are not in conflict with the provisions of this chapter. [C39, §5017.08; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.235] 2023 Acts, ch 66, §75 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.235A - Electric personal assistive mobility devices.

321.235A Electric personal assistive mobility devices. An electric personal assistive mobility device, which is a two-wheeled device

as defined in section 321.1, subsection 20B, may be operated by a person at least sixteen years of age on sidewalks and bikeways in accordance with this section. 1. None of the following are required for operation of an electric personal assistive mobility device: a. Licensure or registration of the electric personal assistive mobility device under this chapter. b. Possession of a driver's license or permit by the operator of the electric personal assistive mobility device. c. Proof of financial responsibility. 2. A person operating an electric personal assistive mobility device on a sidewalk or bikeway shall do all of the following: a. Yield the right-of-way to pedestrians and human-powered devices. b. Give an audible signal before overtaking and passing a pedestrian or human-powered device. 3. A person shall not operate an electric personal assistive mobility device at the times specified in section 321.384 unless the person or the electric personal assistive mobility device is equipped with a headlight visible from the front of the electric personal assistive mobility device and at least one red reflector visible from the rear of the electric personal assistive mobility device. 4. Violations of this section are punishable as a scheduled violation under section 805.8A, subsection 9A. 2002 Acts, ch 1063, §30; 2004 Acts, ch 1013, §29, 35; 2004 Acts, ch 1175, §397, 400 Referred to in §321.236, 805.8A(9A)(a)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.235B - Low-speed electric bicycles — labels — operation.

321.235B Low-speed electric bicycles — labels — operation. 16 C.F.R. pt. 1512 . 4. A low-speed electric bicycle shall be manufactured to operate in such a manner that when the rider stops pedaling, applies the brakes, or the electric motor is disengaged, the electric motor assist ceases to function. 5. A class 3 low-speed electric bicycle shall not be operated unless it is equipped with a speedometer that displays its speed in miles per hour. 6. A person under the age of sixteen shall not operate a class 3 low-speed electric bicycle. A person under the age of sixteen may ride as a passenger on a class 3 low-speed electric bicycle in compliance with section 321.234, subsection 4. 7. A person operating a low-speed electric bicycle on a highway is subject to the provisions of this chapter applicable to a rider of a bicycle on a highway and has all the rights and duties under this chapter applicable to a rider of a bicycle, except those provisions of this chapter which by their nature can have no application, or except as otherwise provided in this section. 8. Except for provisions of the Code made specifically applicable to low-speed electric bicycles in this section, low-speed electric bicycles are not subject to provisions of the Code applicable to vehicles, including provisions relating to all of the following: a. Licensure, registration, titling, inspection, and proof of financial liability coverage. b. Possession of a driver's license or permit. 9. a. A low-speed electric bicycle may be operated in any place where a bicycle is allowed to operate, including but not limited to streets, highways, roadways, shoulders, bicycle lanes, bikeways, and bicycle or multi-use paths. b. A person shall not operate a class 3 low-speed electric bicycle on a bicycle lane or multi-use path in excess of the posted or applicable speed limit, or if there is no posted or applicable speed limit, twenty miles per hour. 2021 Acts, ch 125, §5, 8, 9 Referred to in §805.8A(9A)(b) Subsections 1 and 2 apply to low-speed electric bicycles manufactured or distributed on or after January 1, 2022; 2021 Acts, ch 125, §8 Subsections 3 and 4 apply to low-speed electric bicycles manufactured or distributed on or after July 1, 2021; 2021 Acts, ch 125, §9

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.236 - Powers of local authorities.

321.236 Powers of local authorities. Local authorities shall not enact, enforce, or maintain any ordinance, rule, or regulation that is in conflict with, contrary to, or inconsistent with the provisions of this chapter. An ordinance, rule, or regulation that is in conflict with, contrary to, or inconsistent with this chapter that has been or is enacted by local authorities shall not have any force or effect. However, with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power, the provisions of this chapter shall not be deemed to prevent local authorities from doing any of the following: 1. Regulating the standing or parking of vehicles. a. Parking meter, snow route, and overtime parking violations which are contested shall be charged and proceed before a court the same as other traffic violations. Filing fees and court costs shall be assessed as provided in section 602.8106, subsection 1, and section 805.6, subsection 1, paragraph "a" for parking violation cases. b. Parking violations which are uncontested shall be charged and collected upon a simple notice of a fine payable to the city clerk. The fine for each violation charged under a simple notice of a fine shall be established by ordinance. The fine may be increased by five dollars if the parking violation is not paid within thirty days of the date upon which the violation occurred. Violations of section 321L.4, subsection 2, shall be charged and collected upon a simple notice of a one hundred dollar fine payable to the city clerk. Costs or other charges shall not be assessed. All fines collected by a city pursuant to this paragraph shall be retained by the city and all fines collected by a county pursuant to this paragraph shall be retained by the county, except as provided by an agreement between a city and a county treasurer for the collection of fines pursuant to section 331.553, subsection 8. c. If the local authority regulating the standing or parking of vehicles under this subsection is located in a county where the renewal of registration of a vehicle shall be refused for unpaid restitution under section 321.40, the simple notice of fine under paragraph "b" shall contain the following statement: Failure to pay restitution owed by you can be grounds for refusing to renew your motor vehicle's registration. d. If the local authority regulating the standing or parking of vehicles under this subsection is a county or is a city which has an agreement with a county treasurer by which the renewal of registration of a vehicle shall be refused for uncontested and unpaid parking fines under section 321.40, the simple notice of a fine under paragraph "b" shall contain the following statement: Failure to pay parking fines owed by you can be grounds for refusing to renew your motor vehicle's registration. e. Cities that enter into chapter 28E agreements for the collection of delinquent parking fines in conjunction with renewal of motor vehicle registrations pursuant to section 321.40 shall be responsible for computer programming costs incurred by the department to accommodate the collection and dissemination of

delinquent parking ticket information to county treasurers, with each such city paying a per capita share of the costs as provided in this paragraph. The department's programming costs shall be paid by the first city to enter into such an agreement. Thereafter, cities that enter into such agreements on or before June 30, 2010, shall pay a pro rata share of the department's programming costs on or before September 30, 2010, to the city which first paid the costs, based on the respective populations of each city as of the last decennial census. 2. Regulating traffic by means of police officers or traffic-control signals. 3. Regulating or prohibiting processions or assemblages on the highways. 4. Designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one specific direction. 5. Regulating the speed of vehicles in public parks. 6. Designating any highway as a through highway and requiring that all vehicles stop or yield the right-of-way before entering or crossing the same or designating any intersection as a stop intersection and requiring all vehicles to stop at one or more entrances to such intersections. 7. Licensing and regulating the operation of vehicles offered to the public for hire and used principally in intracity operation, except to the extent such licensure and regulation conflicts with section 321.241, section 321N.11, section 325A.6, or any other provision of the Code. 8. Restricting the use of highways as authorized in sections 321.471 through 321.473. 9. Regulating or prohibiting the turning of vehicles at and between intersections. 10. Regulating the operation of bicycles and requiring the registration and licensing of the same, including the requirement of a registration fee. However, the regulations shall not conflict with the provisions of section 321.234. 11. Establishing speed limits in public alleys and providing the penalty for violation thereof. 12. Designating highways or portions of highways as snow routes. a. When conditions of snow or ice exist on the traffic surface of a designated snow route, it is unlawful for the driver of a vehicle to impede or block traffic if the driving wheels of the vehicle are not equipped with snow tires, tire chains, or a nonslip differential. b. A person charged with impeding or blocking traffic for lack of snow tires, chains, or nonslip differential shall have the charge dismissed upon a showing to the court that the person's motor vehicle was equipped with snow tires, chains, or a nonslip differential. 13. Establishing a rural residence district. a. The board of supervisors of a county with respect to highways under its jurisdiction may establish, by ordinance or resolution, rural residence districts and may, by ordinance or resolution, regulate the speed and parking of vehicles within the rural residence district consistent with sections 321.239, 321.285, and 321.293. b. Before establishing a rural residence district, the board of supervisors shall hold a public hearing on the proposal, notice of which shall be published in a newspaper having a general circulation in the area where the proposed district is located at least twenty days before the date of hearing. The notice shall state the time and place of the hearing, the proposed location of the district, and other data considered pertinent by the board of supervisors. 14. Regulating or prohibiting the operation of electric personal assistive mobility devices authorized pursuant to section 321.235A. 15. A violation of a local ordinance, rule, or regulation promulgated under the authority of this section shall be prosecuted under the local ordinance, without reference to this section. [S13, §1571-m18, -m20; C24, 27, 31, 35, §4992, 4995, 4997; C39, §5018.01; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.236; 82 Acts, ch 1111, §1] 85 Acts, ch 40, §3; 86 Acts, ch 1056, §2; 86 Acts, ch 1238, §14; 90 Acts, ch 1102, §1; 90 Acts, ch 1151, §2; 90 Acts, ch 1170, §2, 3; 92 Acts, ch 1122, §1; 95 Acts, ch 169, §2; 97 Acts, ch 108, §13; 97 Acts, ch 147, §1; 2002 Acts, ch 1063, §31; 2003 Acts, ch 178, §14; 2005 Acts, ch 54, §3, 4, 12; 2009 Acts, ch 21, §1, 2; 2009 Acts, ch 41, §115, 252; 2010 Acts, ch 1140, §7; 2016 Acts, ch 1101, §3, 24; 2021 Acts, ch 80, §167, 168; 2023 Acts, ch 66, §76 Referred to in §321.40, 321.237, 321.285, 321.449, 325A.13, 331.362, 364.3, 602.8103, 602.8106, 707.6A, 805.6, 805.8A(1)(a), 805.8A(5)(a), 805.8A(6)(a), 805.8A(8)(a), 805.8A(9)(b) For fines applicable to offenses charged as scheduled violations, see §805.8A Unnumbered paragraph 1 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.237 - Signs — requirement — notice.

321.237 Signs — requirement — notice. 1. A traffic ordinance or regulation enacted under section 321.236, subsection 4, 5, 6, 8, 12, or 13, shall not be effective until signs, giving notice of such local traffic regulations as specified in the department manual on uniform traffic-control devices, are posted upon or at the entrances to the highway or part thereof affected as may be most appropriate and shall be erected at the expense of the local authority. 2. When a city has adopted an ordinance as authorized in section 321.236, subsection 12, or an ordinance which prohibits standing or parking of vehicles upon a street or streets during any time when snow-removal operations are in progress and before such operations have resulted in the removal or clearance of snow from such street or streets, signs as specified in the department manual on uniform traffic-control devices, posted as provided in subsection 1, shall be deemed sufficient notice of the existence of such restrictions. [C39, §5018.02; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.237] 86 Acts, ch 1056, §3; 2018 Acts, ch 1026, §111 Referred to in §331.362

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.238 - Use of electronic devices while driving — preemption of local legislation.

321.238 Use of electronic devices while driving — preemption of local legislation. The provisions of this chapter restricting the use of electronic communication devices and electronic entertainment devices by motor vehicle operators shall be implemented uniformly throughout the state. Such provisions shall preempt any county or municipal ordinance regarding the use of an electronic communication device or electronic entertainment device by a motor vehicle operator. In addition, a county or municipality shall not adopt or continue in effect an ordinance regarding the use of an electronic communication device or electronic entertainment device by a motor vehicle operator. 2010 Acts, ch 1105, §5 Referred to in §331.362

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.239 - Counties may restrict parking of vehicles.

321.239 Counties may restrict parking of vehicles. 1. The county board of supervisors may adopt, amend, or repeal traffic ordinances to regulate or prohibit the standing or parking of vehicles within the right-of-way of any highway under its jurisdiction. 2. Any person violating a traffic ordinance adopted under this section shall be guilty of a misdemeanor and shall, upon conviction, be fined not to exceed twenty-five dollars, or be imprisoned not to exceed seven days in the county jail. The form and style of the information shall be in the name of the county and as against the person in violation of the traffic ordinance. [C73, 75, 77, 79, 81, §321.239] Referred to in §321.236, 331.362, 602.8103, 602.8106, 805.8A(1)(a) For fines applicable to offenses charged as scheduled violations, see §805.8A, subsection 1, paragraph a

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.23A - Affidavit of correction.

321.23A Affidavit of correction. When information is printed incorrectly on a certificate of title, application for certificate of title, damage disclosure statement, or other document required for a title transfer or when these documents contain an alteration or erasure, the county treasurer may accept a notarized affidavit of correction. This section does not apply to an odometer certification statement. The department shall consult with a representative of the Iowa state county treasurer's association and shall promulgate rules and adopt a standard affidavit form or forms to administer this section. 2004 Acts, ch 1092, §1 Referred to in §331.557

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.24 - Issuance of registration and certificate of title.

321.24 Issuance of registration and certificate of title. 1. Upon receipt of the application for title and payment of the required fees for a motor vehicle, trailer, or semitrailer, the county treasurer or the department shall, when satisfied as to the application's genuineness and regularity, and, in the case of a mobile home or manufactured home, that taxes are not owing under chapter 423 or 435, issue a certificate of title and, except for a mobile home or manufactured home, a registration receipt, and shall file the application, the manufacturer's or importer's certificate, the certificate of title, or other evidence of ownership, as prescribed by the department. The registration receipt shall be delivered to the owner and shall contain upon its face the date issued, the name and address of the owner, the registration number assigned to the vehicle, the amount of the fee paid, the type of fuel used, a description of the vehicle as determined by the department, and a form for notice of transfer of the vehicle. The name and address of any lessee of the vehicle shall not be printed on the registration receipt or certificate of title. Up to three owners may be listed on the registration receipt and certificate of title. 2. The county treasurer shall maintain in the county record system information contained on the registration receipt. The information shall be accessible by registration number and shall be open for public inspection during reasonable business hours. Copies the department requires shall be sent to the department in the manner and at the time the department directs. 3. The certificate of title shall contain upon its face the identical information required upon the face of the registration receipt. In addition, the certificate of title shall contain a statement of the owner's title, the title number assigned to the owner or owners of the vehicle, the name and address of the previous owner, and a statement of all security interests and encumbrances as shown in the application, upon the vehicle described, including the nature of the security interest, date of perfection, and name and mailing address of the secured party. 4. If the prior certificate of title is from another state and indicates that the vehicle was rebuilt, the new certificate of title and registration receipt shall contain the designation "REBUILT" printed on its face together with the name of the state issuing the prior title. The designation shall be retained on the face of all subsequent certificates of title and registration receipts for the vehicle. 5. If the prior certificate of title is from another state and indicates that the vehicle was junked, an Iowa junking certificate shall be issued according to section 321.52, subsections 2 and 3. If the prior certificate of title from another state indicates that the vehicle is salvaged and not rebuilt or is a salvage certificate of title, an Iowa salvage certificate of title shall be issued and a "SALVAGE" designation shall be retained on all subsequent Iowa certificates of title and registration receipts for the vehicle, unless the owner has surrendered the prior certificate of title and a salvage theft examination certificate, as provided under section 321.52, subsection 4, paragraph "c", and the salvage theft examination certificate was properly executed within thirty days of the date the owner was assigned the prior certificate of title. The department may require that subsequent Iowa certificates of title retain other states' designations which indicate that a vehicle had incurred prior damage. The department shall determine the manner in which other states' rebuilt, salvage, or other designations are to be indicated on Iowa titles. 6. If the prior certificate of title is from another state and indicates that the vehicle was returned to the manufacturer pursuant to a law of another state similar to chapter 322G, the new registration receipt and certificate of title, and all subsequent registration receipts and certificates of title issued for the vehicle, shall contain a designation indicating the vehicle was returned to the manufacturer. The department shall determine the manner in which other states' designations are to be indicated on Iowa registration receipts and certificates of title. The department may determine that a "REBUILT" or "SALVAGE" designation supersedes the designation required by this subsection and include the "REBUILT" or "SALVAGE" designation on the registration receipt and certificate of title in lieu of the designation required by this subsection. 7. The certificate shall contain the name of the county treasurer or of the department and, if the certificate of title is printed, the signature of the county treasurer, the deputy county treasurer, or the department director or deputy designee. The certificate of title shall contain upon the reverse side a form for assignment of title or interest and warranty by the owner, for reassignments by a dealer licensed in this state or in another state if the state in which the dealer is licensed permits Iowa licensed dealers to similarly reassign certificates of title. However, titles for mobile homes or manufactured homes shall not be reassigned by licensed dealers. Notwithstanding section 321.1, subsection 17, as used in this subsection, "dealer" means every person engaged in the business of buying, selling, or exchanging vehicles of a type

required to be registered under this chapter. 8. The original certificate of title shall be delivered to the owner if there is no security interest. Otherwise the certificate of title shall be delivered by the county treasurer or the department to the person holding the first security interest. Delivery may be made using electronic means. 9. The county treasurer or the department shall maintain in the county or department records system information contained on the certificate of title. The information shall be accessible by title certificate number for a period of three years from the date of notification of cancellation of title or that a new title has been issued as provided in this chapter. Copies the department requires shall be sent to the department in the manner and at the time the department directs. The department shall designate a uniform system of title numbers to indicate the county of issuance. 10. A vehicle shall be registered for the registration year. A vehicle registered for the first time in this state shall be registered for the remaining unexpired months of the registration year and pay an annual registration fee prorated for the remaining unexpired months of the registration year plus a fee for new registration if applicable pursuant to section 321.105A. Except for a vehicle registered under chapter 326, a vehicle registered for the first time during the eleventh month of the owner's registration year may be registered for the remaining unexpired months of the registration year as provided in this subsection or for the remaining unexpired months of the registration year and for the next registration year, upon payment of the applicable registration fees. 11. If the county treasurer or department is not satisfied as to the ownership of the vehicle or that there are no undisclosed security interests in it, or a junking certificate has been issued for the vehicle but a certificate of title will not be reissued under section 321.52, subsection 3, and the vehicle qualifies as an antique vehicle under section 321.115, subsection 1, the county treasurer or department may register the vehicle but shall, as a condition of issuing a certificate of title and registration receipt, require the applicant to file with the department a bond in the form prescribed by the department and executed by the applicant, and either accompanied by the deposit of cash with the department or also executed by a person authorized to conduct a surety business in this state. The owner of a vehicle subject to the bond requirements of this subsection shall apply for a certificate of title and registration for the vehicle at the county treasurer's office within thirty days of issuance of written authorization from the department. The bond shall be in an amount equal to one and one-half times the current value of the vehicle as determined by the department and conditioned to indemnify any prior owner and secured party and any subsequent purchaser of the vehicle or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss, or damage, including reasonable attorney fees, by reason of the issuance of the certificate of title for the vehicle or on account of any defect in or undisclosed security interest upon the right, title, and interest of the applicant in and to the vehicle. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond, and any deposit accompanying it, shall be returned at the end of three years or earlier if the vehicle is no longer registered in this state and the currently valid certificate of title is surrendered to the department, unless the department has been notified of the pendency of an action to recover on the bond. The department may authorize issuance of a certificate of title as provided in this subsection for a vehicle with an unreleased security interest upon presentation of satisfactory evidence that the security interest has been extinguished or that the holder of the security interest cannot be located to release the security interest as provided in section 321.50. 12. A person who violates this section commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 2, paragraph "b". [C24, 27, 31, 35, §4873; C39, §5001.08; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.24; 82 Acts, ch 1251, §8] 82 Acts, ch 1062, §3, 38; 87 Acts, ch 108, §2; 87 Acts, ch 130, §1; 88 Acts, ch 1089, §3; 89 Acts, ch 185, §1; 90 Acts, ch 1116, §1; 91 Acts, ch 142, §1; 92 Acts, ch 1104, §2; 94 Acts, ch 1199, §77; 95 Acts, ch 45, §1; 99 Acts, ch 188, §4; 2000 Acts, ch 1016, §42, 47; 2000 Acts, ch 1028, §1, 4; 2000 Acts, ch 1047, §1, 4; 2001 Acts, ch 153, §17 ; 2003 Acts, 1st Ex, ch 2, §164, 205 ; 2004 Acts, ch 1013, §5, 35; 2005 Acts, ch 8, §7, 8; 2006 Acts, ch 1070, §4; 2007 Acts, ch 143, §8; 2008 Acts, ch 1018, §6; 2008 Acts, ch 1113, §54; 2009 Acts, ch 41, §113; 2010 Acts, ch 1140, §1; 2014 Acts, ch 1092, §73; 2016 Acts, ch 1098, §31; 2020 Acts, ch 1074, §31, 93 Referred to in §321.46, 321.52, 321.69, 321.152, 331.557, 805.8A(2)(b) Certain trailers exempt, see §321.123

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.241 - Regulation of taxicabs by local authorities — limits.

321.241 Regulation of taxicabs by local authorities — limits. 1. A local authority shall not enact, enforce, or maintain any ordinance, regulation, or rule that imposes a requirement on a person operating a taxicab having a seating capacity of less than seven passengers and not operating on a regular route or between specified points that is more restrictive than any of the following: a. Requiring the person to have a driver's license valid for the operation of the motor vehicle used as a taxicab that is not an instruction permit, special instruction permit, or temporary restricted license. b. Prohibiting the person from operating the taxicab if any of the following apply: (1) The person is restricted to operating motor vehicles equipped with an ignition interlock device. (2) The person's driving privileges have been suspended, revoked, barred, canceled, denied, or disqualified in the prior three-year period. (3) The person has been convicted of more than three moving violations in the prior three-year period. (4) The person has been convicted of violating section 321.218, 321.277, or 321J.21, or section 321A.32, subsection 1, in the prior three-year period. (5) The person has been convicted in the prior seven-year period of a felony, of violating section 321J.2 or 321J.2A, or of any crime involving resisting law enforcement, dishonesty, injury to another person, damage to the property of another person, or operating a vehicle in a manner that endangers another person. (6) The person is registered on the national sex offender registry. 2. A local authority shall not enact, enforce, or maintain any ordinance, regulation, or rule that requires a corporation, partnership, sole proprietorship, or other entity that sells or offers for sale transportation by taxicabs having a seating capacity of less than seven passengers and not operating on a regular route or between specified points to maintain a physical place of business in the local authority's jurisdiction as a condition

of operating such taxicabs in the local authority's jurisdiction. 2016 Acts, ch 1101, §4, 24 Referred to in §321.236, 325A.2, 331.362

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.247 - Golf cart operation on city streets.

321.247 Golf cart operation on city streets. 1. a. Incorporated areas may, upon approval of their governing body, allow the operation of golf carts on city streets by persons possessing a valid driver's license. However, a golf cart shall not be operated upon a city street which is a primary road extension through the city but shall be allowed to cross a city street which is a primary road extension through the city. b. The golf carts shall be equipped with a slow moving vehicle sign and a bicycle safety flag and operate on the streets only from sunrise to sunset. c. Golf carts operated on city streets shall be equipped with adequate brakes and shall meet any other safety requirements imposed by the governing body. 2. Golf carts are not subject to the registration provisions of this chapter. 3. A person who violates subsection 1 commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 3. [82 Acts, ch 1041, §1] 90 Acts, ch 1230, §66; 98 Acts, ch 1073, §9; 2000 Acts, ch 1203, §10; 2001 Acts, ch 137, §5; 2010 Acts, ch 1069, §45; 2010 Acts, ch 1190, §46 Referred to in §331.362, 805.8A(3)(b)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.248 - Parks and cemeteries.

321.248 Parks and cemeteries. Local authorities may by general rule, ordinance, or regulation exclude vehicles from any cemetery or ground used for the burial of the dead, or exclude vehicles used solely or principally for commercial purposes, from any park or part of a park system where such general rule, ordinance, or regulation is applicable equally and generally to all other vehicles used for the same purpose, if, at the entrance, or at each entrance if there be more than one, to such cemetery or park from which vehicles are so excluded, there shall have been posted a sign plainly legible from the middle of the public highway on which such cemetery or park opens, plainly indicating such exclusion and prohibition. [S13, §1571-m20; C24, 27, 31, 35, §4994; C39, §5018.13; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.248] Referred to in §331.362

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.249 - School zones.

321.249 School zones. Cities and counties shall have the power to establish school zones and provide for the stopping of all motor vehicles approaching the school zones, when movable stop signs have been placed in the streets in the cities and highways in counties at the limits of the zones, notwithstanding the provisions of any statute to the contrary. All traffic-control devices provided for school zones shall conform to specifications included in the manual of traffic-control devices adopted by the department, except the provision prohibiting the use of portable or part-time stop signs. [C31, 35, §4997-d1; C39, §5018.14; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.249] 97 Acts, ch 108, §14 Referred to in §331.362

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.25 - Application for registration and title — cards attached.

321.25 Application for registration and title — cards attached. 1. A vehicle may be operated upon the highways of this state without registration plates for a period of forty-five days after the date of delivery of the vehicle to the purchaser from a dealer if a card bearing the words "registration applied for" is attached on the rear of the vehicle. The card shall have plainly stamped or stenciled the registration number of the dealer from whom the vehicle was purchased and the date of delivery of the vehicle. In addition, a dealer licensed to sell new motor vehicles may attach the card to a new motor vehicle delivered by the dealer to the purchaser even if the vehicle was purchased from an out-of-state dealer and the card shall bear the registration number of the dealer that delivered the vehicle. A dealer shall not issue a card to a person known to the dealer to be in possession of registration plates which may be attached to the vehicle. A dealer shall not issue a card unless an application for registration and certificate of title has been made by the purchaser and a receipt issued to the purchaser of the vehicle showing the fee paid by the person making the application. Dealers' records shall indicate the agency to which the fee is sent and the date the fee is sent. The dealer shall forward the application by the purchaser to the county treasurer or state office within thirty calendar days from the date of delivery of the vehicle. However, if the vehicle is subject to a security interest and has been offered for sale pursuant to section 321.48, subsection 1, the dealer shall forward the application by the purchaser to the county treasurer or state office within thirty calendar days from the date of the delivery of the vehicle to the purchaser. 2. The department shall, upon request by any dealer, furnish "registration applied for" cards free of charge. Only cards furnished by the department shall be used. Only one card shall be issued in accordance with this subsection for each vehicle purchased. [S13, §1571-m10; C24, 27, 31, 35, §4880; C39, §5001.09; C46, 50, 54, 58, 62, 66, 71, 73, 75, §321.25; C77, §321.25 – 321.27; C79, 81, §321.25] 83 Acts, ch 82, §1; 93 Acts, ch 47, §1; 97 Acts, ch 108, §4; 99 Acts, ch 13, §5; 2000 Acts, ch 1016, §3 Referred to in §321.46, 331.557, 805.8A(2)(c) For applicable scheduled fine, see §805.8A, subsection 2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.250 - Equitable reprisal.

321.250 Equitable reprisal. When the local authorities of other states shall, by the adoption of rules and regulations or otherwise,

prohibit motor vehicles registered under the laws of this state from operating upon highways in any subdivision of such other state, the local authorities of this state may, by ordinance or otherwise, require the motor vehicles of the subdivisions of such other state while operating by their own power in this state to be registered under the laws of this state. [C24, 27, 31, 35, §4998; C39, §5018.15; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.250] Referred to in §331.362

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.251 - Rights of owners of real property — manufactured home communities or mobile home parks.

321.251 Rights of owners of real property — manufactured home communities or mobile home parks. 1. This chapter shall not be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as matter of right from prohibiting such use, or from requiring other or different or additional conditions than those specified in this chapter, or otherwise regulating such use as may seem best to such owner. 2. a. The owner of real property upon which a manufactured home community or mobile home park is located may elect to have the vehicular traffic provisions of this chapter, or the ordinances, rules, or regulations of the local authority where the real property is located, apply to the real property and any persons located on the real property by granting authority to any peace officer to enforce the vehicular traffic provisions of this chapter, or the ordinances, rules, or regulations of the local authority as well as any regulations or conditions imposed on the real property pursuant to subsection 1. An election made pursuant to this subsection shall not create a higher priority for the enforcement of traffic laws on real property upon which a manufactured or mobile home is located than exists for the enforcement of traffic laws on public property. b. A written notice of election shall be filed with the designated officials of the local authority whose ordinances, rules, or regulations will govern the vehicular traffic. The appropriate officials shall be the city clerk and chief of police of the city in which the real property is located and the county sheriff and the county recorder of the county in which the real property is located. The notice shall include the legal description of the real property, the street address, if any, and the date and time when the owner wishes the election to become effective. The notice shall be signed by every titleholder of the real property and acknowledged by a notary public as provided in chapter 9B. c. An election shall terminate fourteen days following the filing of a written notice of withdrawal with the designated officials of the local authority whose ordinances, rules, or regulations will govern. d. For purposes of this subsection, “titleholder of real property” means the person or entity whose name appears on the documents of title filed in the official county records as the owner of the real property upon which a manufactured home community or mobile home park is located. 3. The titleholder of real property under subsection 2 may elect to waive the right to have the vehicular traffic provisions of this chapter, or the ordinances, rules, or regulations of the local authority where the real property is located, apply to the real property and any persons located on the real property, by recording a waiver with the county recorder of each county in which the property is located. The waiver shall include the legal description of the real property and shall bind the titleholder of the real property and any successors in interest. The waiver may only be rescinded if each law enforcement jurisdiction, in which the titleholder of real property wishes to obtain the benefit of this section, consents to the rescission of the waiver through adoption of a resolution. [C39, §5018.16; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.251] 91 Acts, ch 91, §1; 92 Acts, ch 1068, §1; 93 Acts, ch 109, §2; 2001 Acts, ch 153, §15, 16; 2001 Acts, ch 176, §80; 2012 Acts, ch 1050, §41, 60

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.252 - Department to adopt sign manual.

321.252 Department to adopt sign manual. 1. a. The department shall adopt a manual and specifications for a uniform system of traffic-control devices consistent with the provisions of this chapter for use upon highways within this state. Such uniform system shall correlate with and so far as possible conform to the system then current as approved by the American association of state highway and transportation officials. b. The department shall include in its manual of traffic-control devices, specifications for a uniform system of highway signs for the purpose of guiding traffic to organized off-highway permanent camps, and camp areas, operated by recognized and established civic, religious, and nonprofit charitable organizations and to for-profit campgrounds and ski areas. The department shall purchase, install, and maintain the signs upon the prepayment of the costs by the organization or owner. 2. The department shall also establish criteria for guiding traffic on all fully controlled-access, divided, multilaned highways including interstate highways to each tourist attraction which is located within thirty miles of the highway and receives fifteen thousand or more visitors annually. Nothing in this subsection shall be construed to prohibit the department from erecting signs to guide traffic on these highways to tourist attractions which are located more than thirty miles from the highway or which receive fewer than fifteen thousand visitors annually. 3. a. The department shall establish, by rule, in cooperation with a tourist signing committee, the standards for tourist-oriented directional signs and shall annually review the list of attractions for which signing is in place. The rules shall conform to national standards for tourist-oriented directional signs adopted under 23 U.S.C. §131(q) and to the manual of uniform traffic-control devices. (1) The tourist signing committee shall be made up of the directors or the directors’ designees of the departments of agriculture and land stewardship, natural resources, and transportation, the director or the director’s designee of the economic development authority, the chairperson or the chairperson’s designee of the Iowa travel council, and a member of the outdoor advertising association of Iowa. The director or the director’s designee of the economic development authority shall be the chairperson of the committee. (2) The department of transportation shall be responsible for calling and setting the date of the meetings of the committee which meetings shall be based upon the amount of activity relating to signs. However, the committee shall meet at least once a month. b. A tourist attraction is not subject to a minimum number of visitors annually to qualify for tourist-oriented directional signing. 4. The rules shall not be applicable to directional signs relating to historic sites on land

owned or managed by state agencies, as provided in section 321.253A. The rules shall include but are not limited to the following: a. Criteria for eligibility for signing. b. Criteria for limiting or excluding businesses, activities, services, and sites that maintain signs that do not conform to the requirements of chapter 306B, chapter 306C, subchapter II, or other statutes or administrative rules regulating outdoor advertising. c. Provisions for a fee schedule to cover the direct and indirect costs of sign manufacture, erection, and maintenance, and related administrative costs. d. Provisions specifying maximum distances to eligible businesses, activities, services, and sites. Tourist-oriented directional signs may be placed on highways within the maximum travel distance that have the greatest traffic count per day, if sufficient space is available. If an adjacent landowner complains to the department about the placement of a tourist-oriented directional sign, the department shall attempt to reach an agreement with the landowner for relocating the sign. If possible, the sign shall be relocated from the place of objection. If the sign must be located on an objectionable place, it shall be located on the least objectionable place possible. e. Provisions for trailblazing to facilities that are not on the crossroad. Appropriate trailblazing shall be installed over the most desirable routes on lesser traveled primary highways, secondary roads, and city streets leading to the tourist attraction. f. Criteria for determining when to permit advance signing. g. Provisions specifying conditions under which the time of operation of a business, activity, service, or site is shown. h. Provisions for masking or removing signs during off seasons for businesses, activities, services, and sites operated on a seasonal basis. Faded signs shall be replaced and the commercial vendor charged for the cost of replacement based upon the fee schedule adopted. i. Provisions specifying the maximum number of signs permitted per intersection. j. Provisions for determining what businesses, activities, services, or sites are signed when there are more applicants than the maximum number of signs permitted. k. Provisions for removing signs when businesses, activities, services, or sites cease to meet minimum requirements for participation and related costs. 5. Local authorities shall adhere to the specifications for signs as established by the department, and shall purchase, install, and maintain signs in their respective jurisdictions upon prepayment by the organization of the cost of such purchase, installation, and maintenance. The department shall include in its manual of traffic-control devices specifications for a uniform system of traffic-control devices in legally established school zones. [C24, 27, §4627; C31, 35, §4627, 5079-d7; C39, §5019.01; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.252] 86 Acts, ch 1060, §1, 2; 90 Acts, ch 1183, §4; 2010 Acts, ch 1069, §93; 2011 Acts, ch 118, §85, 89; 2023 Acts, ch 19, §2112 Referred to in §321.342, 668.10 Subsection 3, paragraph a, subparagraph (1) amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.253 - Department to erect signs.

321.253 Department to erect signs. 1. The department shall place and maintain such traffic-control devices, conforming to its manual and specifications, upon all primary highways as it deems necessary to indicate and to carry out the provisions of this chapter or to regulate, warn, or guide traffic. Whenever practical, the devices or signs shall be purchased from the director of the Iowa department of corrections. 2. The department shall post signs informing motorists of the penalties for speeding in a road work zone and that the scheduled fine for committing any other moving traffic violation in a road work zone is doubled. [C24, 27, §4627; C31, 35, §4627, 5079-d7; C39, §5019.02; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.253] 83 Acts, ch 96, §157, 159, 160; 93 Acts, ch 114, §2; 97 Acts, ch 104, §19; 2008 Acts, ch 1124, §8 Analogous provisions, §321.345

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.253A - Directional signs relating to historic sites on land owned or managed by state agencies.

321.253A Directional signs relating to historic sites on land owned or managed by state agencies. 1. The department shall place and maintain directional signs upon primary highways which provide information about historic sites which are located on land owned or managed by an agency as defined in section 17A.2. The signs shall conform to the manual of uniform traffic devices. However, the directional signs are not subject to requirements applicable to tourist-oriented directional signs. 2. Upon request by a city or county in which a historic site is located on land owned or managed by an agency, the department shall distribute a directional sign as provided in this section to the city or county for erection upon roads or streets within their jurisdictions. 3. The location of the historic site shall be memorialized on transportation maps of the state published under the direction of the department and generally made available to the public. However, if it is not reasonable and feasible to display specific historic sites on the state transportation map, the department shall consult with the agency managing the historic site. 4. The department shall not erect, maintain, or distribute a directional sign or include on a transportation map information about a historic site located on land owned or managed by an agency if the department receives an objection by the agency. 90 Acts, ch 1183, §5 Referred to in §321.252

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.253B - Metric signs restricted.

321.253B Metric signs restricted. The department shall not place a sign relating to a speed limit, distance, or measurement on a highway if the sign establishes the speed limit, distance, or measurement solely by using the metric system, unless specifically required by federal law. 95 Acts, ch 118, §23

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.254 - Local authorities restricted.

321.254 Local authorities restricted. No local authority shall place or maintain any traffic-control device upon any highway under

the jurisdiction of the department except by the latter's permission. [C39, §5019.03; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.254] Referred to in §331.362

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.255 - Local traffic-control devices.

321.255 Local traffic-control devices. Local authorities in their respective jurisdiction shall place and maintain such traffic-control devices upon highways under their jurisdiction as they may deem necessary to indicate and to carry out the provisions of this chapter or local traffic ordinances or to regulate, warn, or guide traffic. All such traffic-control devices hereafter erected shall conform to the state manual and specifications. [C39, §5019.04; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.255] Referred to in §331.362

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.256 - Obedience to official traffic-control devices.

321.256 Obedience to official traffic-control devices. No driver of a vehicle shall disobey the instructions of any official traffic-control device placed in accordance with the provisions of this chapter, unless at the time otherwise directed by a peace officer subject to the exceptions granted the driver of an authorized emergency vehicle. [C39, §5019.05; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.256] Referred to in §321.482A, 321E.17, 805.8A(8)(b) For applicable scheduled fine, see §805.8A, subsection 8 Additional penalties for violations causing injury or death, see §321.482A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.257 - Official traffic-control signal.

321.257 Official traffic-control signal. 1. For the purposes of this section "stop at the official traffic-control signal" means stopping at the first opportunity at either the clearly marked stop line or before entering the crosswalk or before entering the intersection. 2. Official traffic-control signals consisting of colored lights or colored lighted arrows shall regulate vehicle and pedestrian traffic in the following manner: a. A "steady circular red" light means vehicular traffic shall stop. Vehicular traffic shall remain standing until a signal to proceed is shown, or vehicular traffic, unless prohibited by a sign, may cautiously enter the intersection to make a right turn from the right lane of traffic or another lane designated for right turns, or a left turn from a one-way street to a one-way street from the left lane of traffic or another lane designated for left turns. Turns made under this paragraph shall be made in a manner that does not interfere with other vehicular or pedestrian traffic lawfully using the intersection. Pedestrian traffic facing a steady circular red light shall not enter the roadway unless the pedestrian can safely cross the roadway without interfering with any vehicular traffic. b. A "steady circular yellow" or "steady yellow arrow" light means vehicular traffic is warned that the related green movement is being terminated and vehicular traffic shall no longer proceed into the intersection and shall stop. If the stop cannot be made in safety, a vehicle may be driven cautiously through the intersection. Pedestrian traffic is warned that there is insufficient time to cross the intersection and any pedestrian starting to cross the roadway shall yield the right-of-way to all vehicles. c. A "steady circular green" light means vehicular traffic may proceed straight, turn right or turn left through the intersection unless otherwise specifically prohibited. Vehicular traffic shall yield the right-of-way to other vehicular and pedestrian traffic lawfully within the intersection. d. A "steady green arrow" light shown alone or with another official traffic-control signal means vehicular traffic may cautiously enter the intersection and proceed in the direction indicated by the arrow. Vehicular traffic shall yield the right-of-way to other vehicles and pedestrians lawfully within the intersection. e. A "flashing circular red" light means vehicular traffic shall stop and after stopping may proceed cautiously through the intersection yielding to all vehicles not required to stop or yield which are within the intersection or approaching so closely as to constitute a hazard, but then may proceed. f. A "flashing yellow" light means vehicular traffic shall proceed through the intersection or past such signal with caution. g. A "flashing yellow arrow" light shown alone or with another official traffic-control signal means vehicular traffic may cautiously enter the intersection and proceed only in the direction indicated by the arrow. Vehicular traffic shall yield the right-of-way to other vehicles and pedestrians lawfully within the intersection and any vehicle on the opposing approach which is approaching so closely as to constitute an immediate hazard during the time the driver is moving within the intersection. h. A "don't walk" or "steady upraised hand" light is a pedestrian signal which means that pedestrian traffic facing the illuminated pedestrian signal shall not start to cross the roadway in the direction of the pedestrian signal, and pedestrian traffic in the crossing shall proceed to a safety zone. i. A "flashing upraised hand" or "upraised hand with countdown" light is a pedestrian signal which means that pedestrian traffic facing the illuminated pedestrian signal shall not start to cross the roadway in the direction of the pedestrian signal, and pedestrian traffic in the crossing shall proceed to a safety zone. The "upraised hand with countdown" light is a pedestrian signal that also provides the time remaining for the pedestrian to complete the crossing. j. A "walk" or "walking person" light is a pedestrian signal which means that pedestrian traffic facing the illuminated pedestrian signal may proceed to cross the roadway in the direction of the pedestrian signal and shall be given the right-of-way by drivers of all vehicles. [C39, §5019.06, 5019.07; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §321.257, 321.258; C79, 81, §321.257] 2014 Acts, ch 1123, §15, 16; 2017 Acts, ch 15, §1 Referred to in §321.482A, 805.8A(7)(a), 805.8A(9)(c) For applicable scheduled fines, see §805.8A, subsections 7 and 9 Additional penalties for violations causing injury or death, see §321.482A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.258 - Arrangement of lights on official traffic-control signals.

321.258 Arrangement of lights on official traffic-control signals. 1. Colored lights placed on a vertical official traffic-control signal face shall be arranged from the top to the bottom in the following order when used: a. Circular red. b. Steady or flashing left-turn red arrow. c. Steady or flashing right-turn red arrow. d. Circular yellow. e. Circular green. f. Straight-through green arrow. g. Steady left-turn yellow arrow. h. Flashing left-turn yellow arrow. i. Left-turn green arrow. j. Steady right-turn yellow arrow. k. Flashing right-turn yellow arrow. l. Right-turn green arrow. 2. Colored lights placed on a horizontal official traffic-control signal face shall be arranged from the left to the right in the following order when used: a. Circular red. b. Steady or flashing left-turn red arrow. c. Steady or flashing right-turn red arrow. d. Circular yellow. e. Steady left-turn yellow arrow. f. Flashing left-turn yellow arrow. g. Left-turn green arrow. h. Circular green. i. Straight-through green arrow. j. Steady right-turn yellow arrow. k. Flashing right-turn yellow arrow. l. Right-turn green arrow. [C79, 81, §321.258] 2014 Acts, ch 1026, §77; 2014 Acts, ch 1123, §17; 2020 Acts, ch 1063, §147, 148

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.259 - Unauthorized signs, signals, or markings.

321.259 Unauthorized signs, signals, or markings. 1. No person shall place, maintain, or display upon or in view of any highway any sign, signal, marking, or device which purports to be or is an imitation of or resembles an official parking sign, curb or other marking, traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal, if such sign, signal, marking, or device has not been authorized by the department and local authorities with reference to streets and highways under their jurisdiction and no person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising. This shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information of a type that cannot be mistaken for official signs. 2. Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice. [C39, §5019.08; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.259] Nuisances in general, chapter 657

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.26 - Multiple registration periods and adjustments.

321.26 Multiple registration periods and adjustments. 1. There are established twelve registration periods for the registration of vehicles by the county treasurer. Each registration period shall commence on the first day of each calendar month following the month of the birth of the owner of the vehicle and end on the last day of the twelfth month. 2. The county treasurer may adjust the renewal or expiration date of vehicles registered in the county when deemed necessary to equalize the number of vehicles registered in each twelve-month period or for the administrative efficiency of the county treasurer's office. The adjustment shall be accomplished by delivery of a written notice to the vehicle owner of the adjustment and allowance of a credit for the remaining months of the unused portion of the annual registration fee, rounded to the nearest whole dollar, which amount shall be deducted from the annual registration fee due at the time of registration. Upon receipt of the notification the owner shall, within thirty days, surrender the registration card and registration plates to a county treasurer, except that the registration plates shall not be surrendered if validation stickers or other emblems are used to designate the month and year of expiration of registration. Upon payment of the annual registration fee, less the credit allowed for the remaining months of the unused portion of the annual registration fee, the county treasurer of the county where the vehicle is registered shall issue a new registration card and registration plates, validation stickers, or emblems which indicate the month and year of expiration of registration. 3. Except for motor trucks or truck tractors registered by the county treasurer pursuant to sections 321.120, 321.121, and 321.122, vehicles subject to registration which are owned by a person other than a natural person shall be registered for a registration year as determined by the county treasurer. 82 Acts, ch 1062, §34, 38; 83 Acts, ch 24, §8, 12; 2008 Acts, ch 1113, §55; 2013 Acts, ch 103, §7; 2021 Acts, ch 38, §1 Referred to in §331.557

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.260 - Interference with devices, signs, or signals — unlawful possession — traffic signal preemption devices.

321.260 Interference with devices, signs, or signals — unlawful possession — traffic signal preemption devices. 1. a. A person who willfully and intentionally, without lawful authority, attempts to or in fact alters, defaces, injures, knocks down, or removes an official traffic-control device, an authorized warning sign or signal or barricade, whether temporary or permanent, a railroad sign or signal, an inscription, shield, or insignia on any of such devices, signs, signals, or barricades, or any other part thereof, shall, upon conviction, be guilty of a simple misdemeanor and shall be required to make restitution to the affected jurisdiction. In addition to any other penalties, the punishment imposed for a violation of this subsection shall include assessment of a fine of not less than two hundred fifty dollars. b. A person who is convicted under paragraph "a" of an act relating to a stop sign or a yield sign may be required to complete community service in addition to making restitution to the affected jurisdiction. 2. It shall be unlawful for any person to have in the person's possession any official traffic-control device except by legal right or authority. Any person convicted of unauthorized possession of any official traffic-control device shall upon conviction be guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 8, paragraph "c". 3. a. A person shall not sell, own, possess, or use a traffic signal preemption device except as permitted in connection with the lawful operation of an authorized emergency vehicle as

defined in section 321.1 or as otherwise authorized by the jurisdiction owning and operating an official traffic control signal. A person who is convicted of the unauthorized sale, ownership, possession, or use of a traffic signal preemption device is guilty of a simple misdemeanor. In addition to any other penalties, the punishment imposed for a violation under this subsection shall include assessment of a fine of not less than two hundred fifty dollars, and if the violation involves the unauthorized use of a traffic signal preemption device, the person may also be required to complete community service. b. For purposes of this subsection, “traffic signal preemption device” means a device that, when activated, is capable of changing an official traffic control signal to green out of sequence. [C39, §5019.09; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.260] 90 Acts, ch 1064, §1; 91 Acts, ch 131, §1; 99 Acts, ch 153, §3, 4; 2005 Acts, ch 63, §1; 2020 Acts, ch 1074, §32, 93 Referred to in §805.8A(8)(c)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.261 - Death or personal injuries.

321.261 Death or personal injuries. 1. a. The driver of any vehicle who knows or has reason to believe that the driver’s vehicle was involved in an accident resulting in injury to or death of any person shall immediately stop the vehicle at the scene of the accident or as close as possible and if able, shall then return to and remain at the scene of the accident in accordance with section 321.263. Every such stop shall be made without obstructing traffic more than is necessary. b. If the driver of a vehicle leaves the scene of an accident resulting in injury to or death of a person without knowledge or reason to believe that the driver’s vehicle was involved in the accident, and later discovers that the driver’s vehicle may have been involved in an accident that resulted in injury to or death of a person, the driver shall, as soon as reasonably possible, make a good-faith effort to immediately contact emergency services or make a 911 call and provide the dispatcher with any requested information described in section 321.263 and the location and possible time of the accident. 2. Any person failing to stop or to comply with the requirements in subsection 1 of this section, in the event of an accident resulting in an injury to any person is guilty upon conviction of a serious misdemeanor. 3. a. Notwithstanding subsection 2, any person failing to stop or to comply with the requirements in subsection 1, in the event of an accident resulting in a serious injury to any person, is guilty upon conviction of an aggravated misdemeanor. b. Notwithstanding paragraph “a”, the driver of a vehicle who knows or has reason to believe that the driver’s vehicle caused an accident resulting in a serious injury to one or more persons, and who fails to stop or comply with the requirements of subsection 1, is guilty upon conviction of a class “D” felony. c. For purposes of this subsection, “serious injury” means as defined in section 702.18. 4. a. A person failing to stop or to comply with the requirements in subsection 1, in the event of an accident resulting in the death of a person, is guilty upon conviction of a class “D” felony. b. Notwithstanding paragraph “a”, the driver of a vehicle who knows or has reason to believe that the driver’s vehicle caused an accident resulting in the death of one or more persons, and who fails to stop or comply with the requirements of subsection 1, is guilty upon conviction of a class “C” felony. 5. The director shall revoke the driver’s license of a person convicted of a violation of this section. 6. Notwithstanding any other provision of law to the contrary, any person who has suffered physical, emotional, or financial harm as the result of a motor vehicle accident from which another person who caused the accident failed to stop or to comply with the requirements of subsection 1, as described in subsection 3, paragraph “b”, and subsection 4, paragraph “b”, shall be considered a victim pursuant to chapter 915, subchapter II, for purposes of any related proceedings against the other person. [S13, §1571-m23; C24, 27, 31, 35, §5072, 5074; C39, §5020.01; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.261; 81 Acts, ch 103, §4] 90 Acts, ch 1230, §67; 98 Acts, ch 1073, §9; 2006 Acts, ch 1082, §1, 2; 2021 Acts, ch 180, §2 – 4 Referred to in §321.209, 321.228, 321.484, 321.517, 321.555, 515D.4, 902.12, 915.80

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.262 - Leaving scene of traffic accident prohibited — vehicle damage only — removal of vehicles.

321.262 Leaving scene of traffic accident prohibited — vehicle damage only — removal of vehicles. 1. a. The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately remove the driver’s vehicle from the traveled portion of the roadway if the vehicle is operable and the removal can be achieved in a safe manner. The driver shall remove the vehicle to the shoulder, emergency lane, or median nearest to the scene of the accident such that the vehicle is completely off the traveled portion of the roadway, and shall then stop the vehicle. The driver shall remove the vehicle without obstructing traffic more than is necessary. b. Another person at the scene of the accident may remove a vehicle involved in the accident in accordance with this subsection to reduce the risk of a subsequent accident or to ensure the safety of persons at the scene of the accident. 2. The driver shall remain at the scene of the accident until the driver has fulfilled the requirements of section 321.263. Any person failing to remain at the scene of the accident or fulfill the requirements of section 321.263 under such circumstances shall be guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 14, paragraph “m”. [S13, §1571-m23; C24, 27, 31, 35, §5079; C39, §5020.02; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.262] 2017 Acts, ch 146, §1; 2020 Acts, ch 1074, §33, 93 Referred to in §321.228, 321.484, 321.517, 805.8A(14)(m)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.263 - Information and aid — leaving scene of personal injury accident.

321.263 Information and aid — leaving scene of personal injury accident. 1. The driver of a vehicle involved in an accident resulting in injury to or death of a person or damage to a vehicle which is driven or attended by a person shall give the driver’s name, address, and the registration number of the vehicle the driver is driving and shall upon request and if available exhibit the

driver's driver's license to the person struck, the driver or occupant of, or the person attending the vehicle involved in the accident and shall render to a person injured in the accident reasonable assistance, including the transporting or arranging for the transporting of the person for medical treatment if it is apparent that medical treatment is necessary or if transportation for medical treatment is requested by the injured person. 2. If the accident causes the death of a person, all surviving drivers shall remain at the scene of the accident except to seek necessary aid or to report the accident to law enforcement authorities. Before leaving the scene of the fatal accident, each surviving driver shall leave the surviving driver's driver's license, automobile registration receipt, or other identification data at the scene of the accident. After leaving the scene of the accident, a surviving driver shall promptly report the accident to law enforcement authorities, and shall immediately return to the scene of the accident or inform the law enforcement authorities where the surviving driver can be located. [S13, §1571-m23; C24, 27, 31, 35, §5072, 5079; C39, §5020.03; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.263] 90 Acts, ch 1230, §68; 98 Acts, ch 1073, §9 Referred to in §321.228, 321.261, 321.262, 321.517, 321.555

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.264 - Striking unattended vehicle.

321.264 Striking unattended vehicle. The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof. A person who violates this section commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 14, paragraph "n". [C24, 27, 31, 35, §5079; C39, §5020.04; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.264] 2020 Acts, ch 1074, §34, 93 Referred to in §321.228, 321.484, 321.517, 805.8A(14)(n)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.265 - Striking fixtures upon a highway.

321.265 Striking fixtures upon a highway. The driver of a vehicle involved in an accident resulting in damage to property legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner, a peace officer, or person in charge of the damaged property of the damage and shall inform the person of the driver's name and address and the registration number of the vehicle causing the damage and shall, upon request and if available, exhibit the driver's license of the driver of the vehicle and shall report the accident when and as required in section 321.266. A person who violates this section commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 14, paragraph "o". [C24, 27, 31, 35, §5079; C39, §5020.05; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.265] 90 Acts, ch 1230, §69; 98 Acts, ch 1073, §6; 2020 Acts, ch 1074, §35, 93 Referred to in §321.228, 321.517, 805.8A(14)(o)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.266 - Reporting accidents.

321.266 Reporting accidents. 1. The driver of a vehicle involved in an accident resulting in injury to or death of any person shall immediately by the quickest means of communication give notice of such accident to the sheriff of the county in which said accident occurred, or the nearest office of the state patrol, or to any other peace officer as near as practicable to the place where the accident occurred. 2. The driver of a vehicle involved in an accident resulting in injury to or death of any person, or total property damage to an apparent extent of one thousand five hundred dollars or more shall, within seventy-two hours after the accident, forward a written report of the accident to the department. However, such report is not required when the accident is investigated by a law enforcement agency. 3. Every law enforcement officer who, in the regular course of duty, investigates a motor vehicle accident of which report must be made as required in subsections 1 and 2, either at the time of and at the scene of the accident or thereafter by interviewing participants or witnesses shall, within twenty-four hours after completing such investigation, forward a written report of such accident to the department. 4. Notwithstanding section 455B.386, a carrier transporting hazardous material upon a public highway in this state, in the case of an accident involving the transportation of the hazardous material, shall immediately notify the police radio broadcasting system established pursuant to section 693.1 or shall notify a peace officer of the county or city in which the accident occurs. When a local law enforcement agency is informed of the accident, the agency shall notify the state patrol. A person who violates a provision of this subsection is guilty of a serious misdemeanor. [S13, §1571-m23; C24, §5073, 5075, 5104; C27, 31, 35, §5073, 5075, 5105-a35, 5105-c21; C39, §5020.06; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.266; 81 Acts, ch 103, §5] 87 Acts, ch 170, §6; 97 Acts, ch 72, §1; 97 Acts, ch 108, §15; 98 Acts, ch 1074, §23; 2002 Acts, ch 1063, §32; 2005 Acts, ch 35, §31; 2010 Acts, ch 1157, §1; 2021 Acts, ch 80, §169; 2023 Acts, ch 85, §11 Referred to in §321.228, 321.265, 321.267, 321.271, 321.517, 321G.10, 321I.11 Subsection 4 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.267 - Supplemental reports.

321.267 Supplemental reports. The department may require any driver of a vehicle involved in an accident of which report must be made as provided in section 321.266 to file supplemental reports whenever the original report is insufficient in the opinion of the

department and may require witnesses of accidents to render reports to the department. [C39, §5020.07; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.267] Referred to in §321.228, 321.517

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.267A - Traffic accidents involving certified law enforcement officers or other emergency responders — reports.

321.267A Traffic accidents involving certified law enforcement officers or other emergency responders — reports. 1. Any traffic accident involving the operation of a motor vehicle by a certified law enforcement officer or other emergency responder shall be reported to the department by the officer's or responder's employer. The officer's or responder's employer shall certify to the department whether or not the accident occurred in the line of duty while operating an official government vehicle or during the responder's deployment on an emergency call. Such a certification is effective only for the purposes of this section. 2. Notwithstanding section 321.200, upon receiving a certification pursuant to subsection 1, the department shall not include a notation of the accident described in the certification on the officer's or responder's driving record. 3. The provisions of this section shall not relieve a certified law enforcement officer or other emergency responder operating a motor vehicle of the duty to drive with due regard for the safety of all persons. 4. For the purposes of this section, "certified law enforcement officer" includes a law enforcement officer who is certified through the Iowa law enforcement academy as provided in section 80B.13, subsection 3, or a reserve peace officer certified through the Iowa law enforcement academy as provided in section 80D.4A. 5. For the purposes of this section, "other emergency responder" means a fire fighter certified as a fire fighter I pursuant to rules adopted under chapter 100B and trained in emergency driving or an emergency medical care provider certified under chapter 147A and trained in emergency driving. 2006 Acts, ch 1137, §1; 2010 Acts, ch 1084, §1; 2010 Acts, ch 1149, §17 Referred to in §321.228, 321.517

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.268 - Driver unable to report.

321.268 Driver unable to report. Whenever the driver of a vehicle is physically incapable of making a required accident report and there was another occupant in the vehicle at the time of the accident capable of making a report, such occupant shall make or cause to be made said report. [C39, §5020.08; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.268] Referred to in §321.228, 321.517

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.269 - Accident report forms.

321.269 Accident report forms. 1. The department shall prepare and upon request supply to police departments, coroners, sheriffs, and other suitable agencies or individuals, forms for accident reports required hereunder, which reports shall call for sufficiently detailed information to disclose with reference to a traffic accident the cause, condition then existing, and the persons and vehicles involved. 2. Every required accident report shall be made on a form approved by the department if said form is available. [C39, §5020.09; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.269] Referred to in §321.228, 321.517

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.271 - Reports confidential — without prejudice — exceptions.

321.271 Reports confidential — without prejudice — exceptions. 1. All accident reports filed by a driver of a vehicle involved in an accident as required under section 321.266 shall be in writing. The report shall be without prejudice to the individual so reporting and shall be for the confidential use of the department, except that upon the request of any person involved in the accident, the person's insurance company or its agent, or the attorney for such person, the department shall disclose the identity and address of other persons involved in the accident and may disclose the name of the insurance companies with whom the other persons have liability insurance. The department, upon written request of the person making the report, shall provide the person with a copy of that person's report. The written report filed with the department shall not be admissible in or used in evidence in any civil or criminal case arising out of the facts on which the report is based. 2. All written reports filed by a law enforcement officer as required under section 321.266 shall be made available to any party to an accident, the party's insurance company or its agent, the party's attorney, the federal motor carrier safety administration, or the attorney general, on written request to the department and the payment of a fee of four dollars for each copy. If a copy of an investigating officer's report of a motor vehicle accident filed with the department is retained by the law enforcement agency of the officer who filed the report, a copy shall be made available to any party to the accident, the party's insurance company or its agent, the party's attorney, the federal motor carrier safety administration, other law enforcement agencies, or the attorney general, on written request and the payment of a fee. However, the attorney general and the federal motor carrier safety administration shall not be required by the department or the law enforcement agency to pay a fee for a copy of a report filed by a law enforcement or investigating officer. 3. Notwithstanding subsections 1 and 2, the date, time, specific location, and immediate facts and circumstances surrounding a crime or incident shall not be kept confidential under this section, except in those unusual circumstances where disclosure would plainly and seriously jeopardize an investigation or pose a clear and present danger to the safety of an individual. [C39, §5020.11; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.271; 81 Acts, ch 14, §25] 83 Acts, ch 72, §1; 90 Acts, ch 1054, §1, 2; 98 Acts, ch 1073, §7; 2001 Acts, ch 32, §18; 2003 Acts, ch 8, §16; 2023 Acts, ch 28, §1 Referred to in §321.228, 321.273, 321.517 Subsection 2 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section

321.272 - Tabulation of reports.

321.272 Tabulation of reports. The department shall tabulate and may analyze all accident reports and shall publish annually or at more frequent intervals statistical information based thereon as to the number and circumstances of traffic accidents. [C39, §5020.12; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.272] Referred to in §321.228, 321.517

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.273 - City may require reports.

321.273 City may require reports. Any incorporated city or other municipality may by ordinance require that the driver of a vehicle involved in an accident shall also file with a designated city department a report of such accident or a copy of any report herein required to be filed with the department. All such reports shall be for the confidential use of the city department and subject to the provisions of section 321.271. [C39, §5020.13; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.273] Referred to in §321.228, 321.517

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.275 - Operation of motorcycles and motorized bicycles.

321.275 Operation of motorcycles and motorized bicycles. 1. General. The motor vehicle laws apply to the operators of motorcycles and motorized bicycles to the extent practically applicable. 2. Riders. a. Motorized bicycles. A person operating a motorized bicycle on the highways shall not carry any other person on the vehicle. b. Motorcycles. A person shall not operate or ride a motorcycle on the highways with another person on the motorcycle unless the motorcycle is designed to carry more than one person. The additional passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear of the operator. The motorcycle shall be equipped with footrests for the passenger unless the passenger is riding in a sidecar or enclosed cab. The motorcycle operator shall not carry any person nor shall any other person ride in a position that will interfere with the operation or control of the motorcycle or the view of the operator. 3. Sitting position. A person operating a motorcycle or motorized bicycle shall ride only upon the vehicle's permanent and regular attached seat. Every person riding upon the vehicle shall be sitting astride the seat, facing forward with one leg on either side of the vehicle. 4. Use of traffic lanes. Persons shall not operate motorcycles or motorized bicycles more than two abreast in a single lane. Except for persons operating such vehicles two abreast, a motor vehicle shall not be operated in a manner depriving a motorcycle or motorized bicycle operator of the full use of a lane. A motorcycle or motorized bicycle shall not be operated between lanes of traffic or between adjacent lines or rows of vehicles. The operator of a motorcycle or motorized bicycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken unless the vehicle being overtaken is a motorcycle or motorized bicycle. 5. Headlights on. A person shall not operate a 1977 or later model year motorcycle or any model year motorized bicycle upon the highways without displaying at least one lighted headlamp of the type described in section 321.409. However, this subsection is subject to the exceptions with respect to parked vehicles as provided in this chapter. 6. Packages. The operator of a motorcycle or motorized bicycle shall not carry any package, bundle, or other article which prevents the operator from keeping both hands on the handlebars. 7. Parades. The provisions of this section do not apply to motorcycles or motorized bicycles when used in a parade authorized by proper permit from local authorities. 8. Bicycle safety flags required on motorized bicycles. When operated on a highway, a motorized bicycle shall have a bicycle safety flag which extends not less than five feet above the ground attached to the rear of the motorized bicycle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty square inches, and be Day-Glo in color. [C71, 73, 75, 77, 79, 81, §321.275] 89 Acts, ch 184, §1; 98 Acts, ch 1075, §22; 98 Acts, ch 1178, §3 Referred to in §321.482A, 805.8A(6)(b), 805.8A(9)(d) For applicable scheduled fines, see §805.8A, subsections 6 and 9 Additional penalties for violations of subsection 4 causing serious injury or death, see §321.482A Lamps on parked vehicles, §321.395

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.276 - Use of electronic communication device while driving.

321.276 Use of electronic communication device while driving. 1. For purposes of this section: a. "Electronic message" includes images visible on the screen of a hand-held electronic communication device including a text-based message, an instant message, a portion of electronic mail, an internet site, a social media application, or a game. b. "Engage in a call" means talking or listening on a mobile telephone or other portable electronic communication device. c. "Hand-held electronic communication device" means a mobile telephone or other portable electronic communication device capable of being used to write, send, or view an electronic message. "Hand-held electronic communication device" does not include a voice-operated or hands-free device which allows the user to write, send, or view an electronic message without the use of either hand except to activate or deactivate a feature or function. "Hand-held electronic communication device" does not include a wireless communication device used to transmit or receive data as part of a digital dispatch system. "Hand-held electronic communication device" includes a device which is temporarily mounted inside the motor vehicle, unless the device is a voice-operated or hands-free device. d. The terms "write", "send", and "view", with respect to an electronic message, mean the manual entry, transmission, or retrieval of an electronic message, and include playing, browsing, or accessing an electronic message. 2. A person shall not use a hand-held electronic communication device to write, send, or view an electronic message while driving a motor vehicle unless the motor vehicle is at a complete stop off the traveled portion of the roadway. a. A person does not violate this section by using a global positioning system

or navigation system or when, for the purpose of engaging in a call, the person selects or enters a telephone number or name in a hand-held mobile telephone or activates, deactivates, or initiates a function of a hand-held mobile telephone. b. The provisions of this subsection relating to writing, sending, or viewing an electronic message do not apply to the following persons: (1) A member of a public safety agency, as defined in section 34.1, performing official duties. (2) A health care professional in the course of an emergency situation. (3) A person receiving safety-related information including emergency, traffic, or weather alerts. 3. Nothing in this section shall be construed to authorize a peace officer to confiscate a hand-held electronic communication device from the driver or occupant of a motor vehicle. 4. a. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 14, paragraph "I". b. A violation of this section shall not be considered a moving violation for purposes of this chapter or rules adopted pursuant to this chapter. 5. The department, in cooperation with the department of public safety, shall establish educational programs to foster compliance with the requirements of this section. 2010 Acts, ch 1105, §6; 2013 Acts, ch 90, §80; 2017 Acts, ch 75, §1 – 5 Referred to in §321.210, 321.449B, 321.482A, 321.555, 668.15A, 805.8A(14)(l) Additional penalties for violations causing injury or death, see §321.482A For homicide or serious injury by vehicle involving use of electronic communication device while driving, see §707.6A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.277 - Reckless driving.

321.277 Reckless driving. 1. A person who drives any vehicle in such manner as to indicate either a willful or a wanton disregard for the safety of persons or property is guilty of reckless driving. 2. A person who is convicted of reckless driving shall be guilty of a simple misdemeanor. [C73, §4071; C97, §5039; S13, §1571-m19; C24, 27, 31, 35, §5028; C39, §5022.04, 5022.05; C46, 50, 54, 58, 62, §321.283, 321.284; C66, 71, 73, §321.283; C75, 77, 79, 81, §321.277] 2019 Acts, ch 59, §92 Referred to in §321.228, 321.233, 321.241, 321N.3, 668.15A, 707.6A, 915.80

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.277A - Careless driving.

321.277A Careless driving. A person commits careless driving if the person intentionally operates a motor vehicle on a public road or highway in any one of the following ways: 1. Creates or causes unnecessary tire squealing, skidding, or sliding upon acceleration or stopping. 2. Simulates a temporary race. 3. Causes any wheel or wheels to unnecessarily lose contact with the ground. 4. Causes the vehicle to unnecessarily turn abruptly or sway. 97 Acts, ch 147, §2 Referred to in §805.8A(6)(c) For applicable scheduled fine, see §805.8A, subsection 6

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.278 - Drag racing prohibited.

321.278 Drag racing prohibited. 1. a. A person shall not do any of the following: (1) Engage in any motor vehicle speed contest or exhibition of speed on any street or highway of this state. (2) Aid or abet any motor vehicle speed contest or exhibition of speed on any street or highway of this state. b. A passenger shall not be considered as aiding and abetting. c. As used in this section, "motor vehicle speed contest" or "exhibition of speed" means one or more persons competing in speed in excess of the applicable speed limit in vehicles on the public streets or highways. 2. Any person who violates the provisions of this section shall be guilty of a simple misdemeanor. [C66, 71, 73, §321.284; C75, 77, 79, 81, §321.278] 2018 Acts, ch 1026, §112 Referred to in §707.6A, 707.8, 805.8A(5)(c)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.279 - Eluding or attempting to elude pursuing law enforcement vehicle.

321.279 Eluding or attempting to elude pursuing law enforcement vehicle. 1. a. The driver of a motor vehicle commits a serious misdemeanor if the driver willfully fails to bring the motor vehicle to a stop or otherwise eludes or attempts to elude a marked or unmarked official law enforcement vehicle driven by a peace officer after being given a visual and audible signal to stop. The signal given by the peace officer shall be by flashing red light, or by flashing red and blue lights, and siren. For purposes of this section, "peace officer" means those officers designated under section 801.4, subsection 11, paragraphs "a", "b", "c", "f", "g", and "h". b. The driver of a motor vehicle who commits a violation under this subsection and who has previously committed any violation under this section is, upon conviction, guilty of an aggravated misdemeanor. 2. a. The driver of a motor vehicle commits a class "D" felony if the driver willfully fails to bring the motor vehicle to a stop or otherwise eludes or attempts to elude a marked or unmarked official law enforcement vehicle that is driven by a peace officer after being given a visual and audible signal as provided in this section and in doing so exceeds the speed limit by twenty-five miles per hour or more. b. The driver of a motor vehicle who commits a violation under this subsection and who has previously committed any violation under this section is, upon conviction, guilty of a class "C" felony. [C81, §321.279] 94 Acts, ch 1069, §1; 99 Acts, ch 31, §1; 2002 Acts, ch 1119, §153; 2008 Acts, ch 1147, §3; 2020 Acts, ch 1028, §1; 2020 Acts, ch 1121, §65, 70; 2021 Acts, ch 183, §49, 52; 2023 Acts, ch 42, §3 – 5 Referred to in §321.209, 321.555, 321J.2, 707.6A, 907.3 Subsection 1, paragraph b amended Subsection 2 amended Subsection 3 stricken

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.28 - Failure to register.

321.28 Failure to register. If the owner of a vehicle fails to register the vehicle under the provisions of this chapter, the treasurer shall withhold the registration of the vehicle for any period or periods for which it appears that registration should have been made, until the fee for the period or periods is paid. [C24, 27, 31, 35, §4870; C39, §5001.12; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.28] 2023 Acts, ch 66, §69 Referred to in §321.101, 331.557 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.280 - Assaults and homicide.

321.280 Assaults and homicide. A conviction of the violation of any of the provisions of this chapter shall not be a bar to a prosecution for an assault or for a homicide committed by any person in operating motor vehicles. [S13, §1571-m30; C24, 27, 31, 35, §5091; C39, §5022.01; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.280] Referred to in §321.228, 321.233

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.281 - Actions against bicyclists.

321.281 Actions against bicyclists. 1. A person operating a motor vehicle shall not steer the motor vehicle unreasonably close to or toward a person riding a bicycle on a highway, including the roadway or the shoulder adjacent to the roadway. 2. A person shall not knowingly project any object or substance at or against a person riding a bicycle on a highway. 3. A person who violates this section commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 14, paragraph “k”. 2010 Acts, ch 1193, §143 Referred to in §805.8A(14)(k)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.284 - Open containers in motor vehicles — drivers.

321.284 Open containers in motor vehicles — drivers. 1. A driver of a motor vehicle upon a public street or highway shall not possess in the passenger area of the motor vehicle an open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage. “Passenger area” means the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating positions, including the glove compartment. An open or unsealed receptacle containing an alcoholic beverage may be transported in the trunk of the motor vehicle. An unsealed receptacle containing an alcoholic beverage may be transported behind the last upright seat of the motor vehicle if the motor vehicle does not have a trunk. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 14, paragraph “e”. 2. A person under the age of twenty-one who violates this section is guilty of a violation of section 123.47. 95 Acts, ch 48, §5; 98 Acts, ch 1100, §47; 98 Acts, ch 1204, §3; 99 Acts, ch 77, §1; 2001 Acts, ch 137, §5; 2010 Acts, ch 1128, §5 Referred to in §123.30, 123.31A, 123.31C, 123.49, 805.8A(14)(e)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.284A - Open containers in motor vehicles — passengers.

321.284A Open containers in motor vehicles — passengers. 1. A passenger in a motor vehicle upon a public street or highway shall not possess in the passenger area of the motor vehicle an open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage. “Passenger area” means the area of a motor vehicle designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating positions, including the glove compartment. An open or unsealed receptacle containing an alcoholic beverage may be transported in the trunk of the motor vehicle. An unsealed receptacle containing an alcoholic beverage may be transported behind the last upright seat of the motor vehicle if the motor vehicle does not have a trunk. 2. This section does not apply to a passenger being transported in a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation, or a passenger being transported in the living quarters of a motor home, motorsports recreational vehicle, manufactured or mobile home, travel trailer, or fifth-wheel travel trailer. 3. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 14, paragraph “e”. 4. A person under the age of twenty-one years who violates this section is guilty of a violation of section 123.47. 5. The department shall not include a conviction for a violation of this section on the individual driving record of the person committing the violation and the conviction shall not be considered by the department in any proceeding for suspension, revocation, barring, or denying of the person’s driver’s license or upon any application for renewal of driving privileges. 99 Acts, ch 77, §2; 2001 Acts, ch 137, §5; 2001 Acts, ch 153, §15; 2001 Acts, ch 176, §80; 2010 Acts, ch 1128, §6; 2014 Acts, ch 1127, §9 Referred to in §123.30, 123.31A, 123.31C, 123.49, 805.8A(14)(e)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.285 - Speed restrictions.

321.285 Speed restrictions. 1. Any person driving a motor vehicle on a highway shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface, and width of the highway and of any other conditions then existing, and no person shall drive any vehicle upon a highway at a speed greater than will permit the person to bring it to a stop within the assured clear distance ahead, such driver having the right to assume, however, that all persons using said highway will observe the law. 2. a. Unless otherwise provided by this section, or except as posted pursuant to sections 262.68,

321.236, subsection 5, section 321.288, subsection 2, paragraph “f”, sections 321.289, 321.290, 321.293, 321.295, and 461A.36, the following shall be the lawful speed and any speed in excess thereof shall be unlawful: (1) Twenty miles per hour in any business district. (2) Twenty-five miles per hour in any residence or school district. (3) Forty-five miles per hour in any suburban district. b. Each school district as defined in section 321.1, subsection 70, shall be marked by distinctive signs as provided by the current manual of uniform traffic control devices adopted by the department and placed on the highway at the limits of such school district. 3. Unless otherwise provided in this section or by other speed restrictions, the speed limit for all vehicular traffic shall be fifty-five miles per hour. 4. A reasonable and proper speed is required, but not greater than fifty-five miles per hour at any time between sunrise and sunset, and not greater than fifty miles per hour at any time between sunset and sunrise, on secondary roads unless such roads are surfaced with concrete or asphalt or a combination of both, in which case the speed limits shall be the same as provided in subsection 3. When the board of supervisors of any county shall determine upon the basis of an engineering and traffic investigation that the speed limit on any secondary road is greater than is reasonable and proper under the conditions found to exist at any intersection or other place or upon any part of a secondary road, the board shall determine and declare a reasonable and proper speed limit at the intersection or other part of the secondary road. The speed limits as determined by the board of supervisors shall be effective when appropriate signs giving notice of the speed limits are erected by the board of supervisors at the intersection or other place or part of the highway. 5. a. Notwithstanding any other speed restrictions, the speed limit for all vehicular traffic on fully controlled-access, divided, multilaned highways is sixty-five miles per hour. However, the speed limit for all vehicular traffic on highways that are part of the interstate road system, as defined in section 306.3, is seventy miles per hour. The department may establish a speed limit of sixty-five miles per hour on certain divided, multilaned highways not otherwise described in this paragraph. b. The department, on its own motion or in response to a recommendation of a metropolitan or regional planning commission or council of governments, may establish a lower speed limit on a highway described in this subsection. c. For the purposes of this subsection, “fully controlled-access highway” means a highway that gives preference to through traffic by providing access connections with selected public roads only and by prohibiting crossings at grade or direct private driveway connections. d. A minimum speed may be established by the department on the highways referred to in this subsection if warranted by engineering and traffic investigations. e. Any kind of vehicle, implement, or conveyance incapable of attaining and maintaining a speed of forty miles per hour shall be prohibited from using the interstate road system. 6. Notwithstanding any other speed restrictions, a self-propelled implement of husbandry equipped with flotation tires that is designed to be loaded and operated in the field and used exclusively for the application of organic or inorganic plant food materials, agricultural limestone, or agricultural chemicals shall not be operated on a highway at a speed in excess of thirty-five miles per hour. 7. Notwithstanding any other speed restrictions, the speed limit for all vehicular traffic on a street or highway on which a cattle guard is installed pursuant to section 314.30 is fifteen miles per hour between the point at which the cattle guard is installed and the point at which the street or highway terminates in a dead end. 8. A person who violates this section for excessive speed in violation of a speed limit commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 5. A person who operates a school bus at a speed which exceeds a limit established under this section by ten miles per hour or less commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 10. A person who violates any other provision of this section commits a simple misdemeanor. [S13, §1571-m19, -m20; C24, 27, 31, 35, §5029, 5030; C39, §5023.01; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.285] 87 Acts, ch 120, §2; 93 Acts, ch 47, §3 – 7; 94 Acts, ch 1173, §15; 96 Acts, ch 1126, §5; 96 Acts, ch 1191, §1; 2005 Acts, ch 165, §1; 2007 Acts, ch 143, §15; 2009 Acts, ch 133, §119; 2010 Acts, ch 1140, §8; 2012 Acts, ch 1083, §1; 2013 Acts, ch 90, §81; 2017 Acts, ch 29, §95; 2018 Acts, ch 1041, §82; 2018 Acts, ch 1118, §2, 3 Referred to in §321.233, 321.236, 321.291, 321.292, 321.293, 331.362, 707.6A, 723.4, 805.8A(5)(a), 805.8A(10) Speed limits at regents institutions, see §262.68 Speeding violations by implements of husbandry, see §321.383 Speed limits in state parks and preserves, see §461A.36

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.288 - Control of vehicle — reduced speed.

321.288 Control of vehicle — reduced speed. 1. A person operating a motor vehicle shall have the vehicle under control at all times. 2. A person operating a motor vehicle shall reduce the speed to a reasonable and proper rate: a. When approaching and passing a person walking in the traveled portion of the public highway. b. When approaching and passing an animal which is being led, ridden, or driven upon a public highway. c. When approaching and traversing a crossing or intersection of public highways, or a sharp turn, curve, or steep descent in a public highway. d. When approaching and passing an emergency warning device displayed in accordance with rules adopted under section 321.449, or an emergency vehicle displaying a revolving or flashing light. e. When approaching and passing a slow moving vehicle displaying a reflective device or alternative reflective device as provided by section 321.383. f. When approaching and passing through a road work zone. [S13, §1571-m18; C24, 27, 31, 35, §5031; C39, §5023.04; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.288] 85 Acts, ch 167, §2; 87 Acts, ch 170, §7; 89 Acts, ch 296, §33; 97 Acts, ch 104, §20; 99 Acts, ch 102, §1; 2012 Acts, ch 1083, §2 Referred to in §321.285, 707.6A, 805.8A(6)(d) For applicable scheduled fine, see §805.8A, subsection 6

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.289 - Speed signs — duty to install.

321.289 Speed signs — duty to install. The department shall furnish and place on primary roads or on extensions of primary roads within any city suitable standard signs showing the points at which the rate of speed changes and the maximum rate of speed in the

district which the vehicle is entering. On all other main highways the city shall furnish and erect suitable signs giving similar information to traffic on such highways. [S13, §1571-m20; C24, §5030; C27, 31, 35, §5030-b2; C39, §5023.05; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.289] Referred to in §321.285, 707.6A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.29 - Renewal not permitted.

321.29 Renewal not permitted. Any vehicle that was once registered in the state, but which was removed from and no longer subject to registration in this state, shall, upon being returned to this state and becoming again subject to registration, be registered again in accordance with section 321.20. [C24, 27, 31, 35, §4876; C39, §5001.13; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.29] 2023 Acts, ch 66, §70 Referred to in §331.557 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.290 - Special restrictions.

321.290 Special restrictions. 1. Whenever the department shall determine upon the basis of an engineering and traffic investigation that any speed limit set forth in this chapter is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the primary road system or upon any part of a primary road extension, the department shall determine and declare a reasonable and safe speed limit which shall be effective when appropriate signs giving notice of the speed limit are erected at such intersection or other place or part of the highway. 2. Whenever the council in any city shall determine upon the basis of an engineering and traffic investigation that any speed limit set forth in this chapter is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the city street system, except primary road extensions, said council shall determine and adopt by ordinance such higher or lower speed limit as it deems reasonable and safe. Such speed limit shall be effective when proper and appropriate signs giving notice of the speed limit are erected at such intersections or other place or part of the street. [C39, §5023.06; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.290] 2018 Acts, ch 1026, §113 Referred to in §321.285, 707.6A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.291 - Information or notice.

321.291 Information or notice. In every charge of violation of section 321.285 the citation or complaint, and also the notice to appear, shall specify the speed at which the defendant is alleged to have driven and the speed limit applicable within the district or at the location. [C39, §5023.07; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.291] 93 Acts, ch 47, §8; 94 Acts, ch 1023, §104; 2021 Acts, ch 80, §170

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.292 - Civil action unaffected.

321.292 Civil action unaffected. The provisions of section 321.285 shall not be construed to relieve the plaintiff in any civil action from the burden of proving negligence upon the part of the defendant as the proximate cause of an accident. [C39, §5023.08; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.292] 93 Acts, ch 47, §9; 2009 Acts, ch 41, §116

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.293 - Local authorities may alter limits.

321.293 Local authorities may alter limits. Local authorities in their respective jurisdiction may in their discretion subject to the approval of the department authorize by ordinance higher speeds than those stated in section 321.285 upon through highways or upon highways or portions thereof where stop or yield signs have been erected at the entrances thereto provided signs are erected giving notice of the authorized speed, but local authorities shall not have authority to authorize by ordinance a speed in excess of fifty-five miles per hour. If local authorities fail to authorize by ordinance higher speeds than those stated in section 321.285 upon through highways or upon highways or portions thereof where stop signs have been erected at the entrances thereto, the department may recommend, upon the basis of an engineering and traffic investigation, to the local authorities that the speed limit be increased. If local authorities fail to increase the speed limit upon said recommendation of the department, said department shall declare a reasonable and safe speed limit which shall be effective when appropriate signs are erected giving notice thereof. [C39, §5023.09; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.293] Referred to in §321.236, 321.285, 707.6A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.294 - Minimum speed regulation.

321.294 Minimum speed regulation. A person shall not drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law. Peace officers are hereby authorized to enforce this provision by directions to drivers, and in the event of apparent willful disobedience to this provision and refusal to comply with direction of an officer in accordance herewith the continued slow operation by a driver shall be a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 8. [C31, 35, §5021-c1; C39,

§5023.10; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.294] 2000 Acts, ch 1203, §11; 2001 Acts, ch 137, §5 Referred to in §805.8A(8)(d) See also §321.382

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.295 - Limitation on bridge or elevated structures.

321.295 Limitation on bridge or elevated structures. 1. A person shall not drive a vehicle on any public bridge or elevated structure at a speed which is greater than the maximum speed permitted under this chapter on the street or highway at a point where said street or highway joins said bridge or elevated structure. However, if the maximum speed permitted on said street or highway differs from the maximum speed on any other street or highway joining said bridge or elevated structure, then the lowest of those maximum speeds shall be the maximum speed limit on said bridge or elevated structure unless the department, upon request from any local authority or upon its own initiative, has conducted an investigation of the bridge or other elevated structure constituting a part of the highway, and has found that the structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this chapter. Under those circumstances, the department shall determine and declare the maximum speed of vehicles which the structure can withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained at a distance of two hundred feet before each end of such structure. 2. A person shall not drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when the structure is signposted as provided in this section. 3. Upon the trial of any person charged with driving a vehicle at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, proof of such determination of the maximum speed by said department and the existence of said signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure. [C39, §5023.11; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.295] 2010 Acts, ch 1069, §46 Referred to in §321.285, 707.6A, 805.8A(5)(d) For applicable scheduled fine, see §805.8A, subsection 5, paragraph d

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.297 - Driving on right-hand side of roadway — exceptions.

321.297 Driving on right-hand side of roadway — exceptions. 1. A vehicle shall be driven upon the right half of the roadway upon all roadways of sufficient width, except as follows: a. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement. b. When an obstruction exists making it necessary to drive to the left of the center of the roadway, provided, any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the roadway within such distance as to constitute an immediate hazard. c. Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon. d. Upon a roadway restricted to one-way traffic. 2. Any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic upon all roadways, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection, an alley, private road or driveway. 3. A vehicle shall not be driven upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, to the left of the center line of the roadway, except when authorized by official traffic-control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under subsection 1, paragraph “b”. This subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road, or driveway. [S13, §1571-m18; C24, 27, 31, 35, §5019; C39, §5024.01; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.297] Referred to in §321.233, 321.298, 321.482A, 805.8A(6)(e) For applicable scheduled fine, see §805.8A, subsection 6 Additional penalties for violations causing serious injury or death, see §321.482A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.298 - Meeting and turning to right.

321.298 Meeting and turning to right. Except as otherwise provided in section 321.297, vehicles or persons on horseback meeting each other on any roadway shall yield one-half of the roadway by turning to the right. [R60, §908; C73, §1000; C97, §1569; S13, §1569; C24, 27, 31, 35, §5020; C39, §5024.02; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.298] Referred to in §321.233, 321.482A, 805.8A(7)(b) For applicable scheduled fine, see §805.8A, subsection 7 Additional penalties for violations causing serious injury or death, see §321.482A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.299 - Overtaking a vehicle.

321.299 Overtaking a vehicle. The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules hereinafter stated: 1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left of the other vehicle at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle. 2. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle and shall not increase the speed of the

overtaken vehicle until completely passed by the overtaking vehicle. [S13, §1569, 1571-m18; C24, 27, 31, 35, §5021, 5022; C39, §5024.03; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.299] 89 Acts, ch 296, §34; 2010 Acts, ch 1061, §115 Referred to in §321.482A, 805.8A(6)(f) Passing on right, §321.302 For applicable scheduled fine, see §805.8A, subsection 6 Additional penalties for violations causing serious injury or death, see §321.482A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.3 - Powers and duties of director.

321.3 Powers and duties of director. The director is hereby vested with the power and is charged with the duty of observing, administering, and enforcing the provisions of this chapter. [C39, §5000.03; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.3]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.30 - Grounds for refusing registration or title.

321.30 Grounds for refusing registration or title. 1. The department or the county treasurer shall refuse registration and issuance of a certificate of title or any transfer of title and registration upon any of the following grounds: a. That the application contains any false or fraudulent statement or that the applicant has failed to furnish required information or reasonable additional information requested by the department or that the applicant is not entitled to registration and issuance of a certificate of title of the vehicle under this chapter. b. That the vehicle is mechanically unfit or unsafe to be operated or moved upon the highways, providing such condition is revealed by a member of this department, or any peace officer. c. That the department or the county treasurer has reasonable ground to believe that the vehicle is a stolen or embezzled vehicle or that the granting of registration and issuance of a certificate of title would constitute a fraud against the rightful owner. d. That the registration of the vehicle stands suspended or revoked, or the person applying for registration is prohibited from registering a motor vehicle, for any reason as provided in the motor vehicle laws of this state, except that the department and the county treasurer shall not refuse registration and issuance of a certificate of title or transfer of title as provided in section 321A.5 or 321A.17, or in accordance with rules adopted by the department. e. That the required registration fees have not been paid except as provided in section 321.48. f. For a vehicle subject only to a certificate of title or a manufactured home, that the required use tax has not been paid. g. If application for registration and certificate of title for a new vehicle is not accompanied by a manufacturer's or importer's certificate duly assigned. h. If application for a transfer of registration and issuance of a certificate of title for a used vehicle registered in this state is not accompanied by a certificate of title duly assigned. i. If application and supporting documents are insufficient to authorize the issuance of a certificate of title as provided by this chapter, except that an initial registration or transfer of registration may be issued as provided in section 321.23. j. In the case of a mobile home or manufactured home, that taxes are owing under chapter 435 for a previous year. k. In the case of a mobile home or manufactured home converted from real estate, real estate taxes which are delinquent. l. If a commercial motor vehicle has been assigned to be operated by a commercial motor carrier whose ability to operate has been terminated or denied by a federal agency. m. If the applicant is under eighteen years of age, unless the applicant has an Iowa driver's license or the application is being made by more than one applicant and one of the applicants is at least eighteen years of age. 2. a. Unless otherwise provided for in this chapter, the department or the county treasurer shall refuse registration and issuance of a certificate of title unless the vehicle bears a manufacturer's label pursuant to 49 C.F.R. pt. 567 certifying that the vehicle meets federal motor vehicle safety standards. b. A military vehicle, other than a vehicle that runs on continuous tracks or wheels and tracks, that was originally manufactured for and sold directly to the armed forces of the United States in conformity with contractual specifications, as provided in 49 C.F.R. §571.7, may be registered and issued a certificate of title if the owner provides satisfactory evidence to the department that the vehicle is substantially in compliance with federal motor vehicle safety standards. The department may adopt rules as necessary concerning the registration and titling of military vehicles in accordance with this chapter. 3. The department or the county treasurer shall refuse registration of a vehicle if the applicant for registration of the vehicle has failed to pay the required annual registration fee or the fee for new registration of any vehicle owned or previously owned when the fee was required to be paid by the applicant, and for which vehicle the registration was suspended or revoked under section 321.101, subsection 1, paragraph "d", or section 321.101A, until the fee is paid together with any accrued penalties. [C39, §5001.14; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.30; 82 Acts, ch 1164, §1, ch 1251, §9] 85 Acts, ch 98, §3; 87 Acts, ch 108, §3 – 5; 95 Acts, ch 55, §4; 95 Acts, ch 194, §2, 12; 99 Acts, ch 188, §5; 2000 Acts, ch 1016, §4, 5; 2001 Acts, ch 153, §17; 2003 Acts, ch 145, §245; 2006 Acts, ch 1068, §10, 41; 2007 Acts, ch 126, §53; 2008 Acts, ch 1018, §7, 8; 2008 Acts, ch 1113, §56, 57; 2012 Acts, ch 1091, §1; 2023 Acts, ch 67, §1 Referred to in §321.101, 331.557 See also §321.40 Subsection 1, paragraph d amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.302 - Overtaking and passing.

321.302 Overtaking and passing. 1. Unless otherwise prohibited by law, the driver of a vehicle on a roadway with unobstructed pavement of sufficient width for two or more lines of traffic moving in the same direction as the vehicle being passed may overtake and pass upon the right of another vehicle which is making or about to make a left turn when such movement can be made in safety. 2. Unless otherwise prohibited by law, the driver of a vehicle may overtake and, allowing sufficient clearance, pass another vehicle proceeding in the same direction either upon the left or upon the right on a roadway with unobstructed pavement of sufficient width for four or more lines of moving traffic when such movement can be made in safety. 3. The driver of a vehicle shall not drive off the pavement or upon the shoulder of the roadway or upon the apron or roadway of an intersecting roadway in overtaking or passing on

the right or the left. 4. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 6. [C39, §5024.06; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.302] 2000 Acts, ch 1203, §12; 2001 Acts, ch 137, §5; 2003 Acts, ch 6, §2; 2010 Acts, ch 1190, §47 Referred to in §321.482A, 805.8A(6)(g) Additional penalties for violations causing serious injury or death, see §321.482A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.303 - Limitations on overtaking on the left.

321.303 Limitations on overtaking on the left. A vehicle shall not be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless the left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the overtaking and passing to be completely made without interfering with the safe operation of a vehicle approaching from the opposite direction or a vehicle overtaken. The overtaking vehicle shall return to the right-hand side of the roadway before coming within three hundred feet of a vehicle approaching from the opposite direction when traveling on a roadway having a legal speed limit in excess of thirty miles per hour, and the overtaking vehicle shall return to the right-hand side of the roadway before coming within one hundred feet of a vehicle approaching from the opposite direction when traveling on a roadway having a legal speed limit of thirty miles per hour or less. [C39, §5024.07; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.303] 83 Acts, ch 125, §4 Referred to in §321.482A, 805.8A(6)(h) For applicable scheduled fine, see §805.8A, subsection 6 Additional penalties for violations causing serious injury or death, see §321.482A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.304 - Prohibited passing.

321.304 Prohibited passing. No vehicle shall, in overtaking and passing another vehicle or at any other time, be driven to the left side of the roadway under the following conditions: 1. When approaching the crest of a grade or upon a curve in the highway where the driver's view along the highway is obstructed for a distance of approximately seven hundred feet. 2. When approaching within one hundred feet of any narrow bridge, viaduct, or tunnel, when so signposted, or when approaching within one hundred feet of or traversing any intersection or railroad grade crossing. 3. Where official signs are in place directing that traffic keep to the right or a distinctive center line or off-center line is marked, which distinctive line also so directs traffic as declared in the sign manual adopted by the department of transportation. [C35, §5024-e1; C39, §5024.08; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.304] Referred to in §321.482A, 805.8A(6)(i), 805.8A(8)(e) For applicable scheduled fines, see §805.8A, subsections 6 and 8 Additional penalties for violations causing serious injury or death, see §321.482A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.305 - One-way roadways and rotary traffic islands.

321.305 One-way roadways and rotary traffic islands. 1. Upon a roadway designated and signposted for one-way traffic a vehicle shall be driven only in the direction designated. 2. A vehicle passing around a rotary traffic island shall be driven only to the right of such island. [C39, §5024.09; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.305] Referred to in §321.482A, 805.8A(6)(j) For applicable scheduled fine, see §805.8A, subsection 6 Additional penalties for violations causing serious injury or death, see §321.482A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.306 - Roadways laned for traffic.

321.306 Roadways laned for traffic. Whenever any roadway has been divided into three or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply: 1. A vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety. 2. If a roadway is divided into three lanes, a vehicle shall not be driven in the center lane except as follows: a. When overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance. b. In preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation. 3. Official signs may be erected directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction and drivers of vehicles shall obey the directions of every such sign. 4. Vehicles moving in a lane designated for slow-moving traffic shall yield the right-of-way to vehicles moving in the same direction in a lane not so designated when such lanes merge to form a single lane. 5. A portion of a highway provided with a lane for slow-moving vehicles does not become a roadway marked for three lanes of traffic. [C39, §5024.10; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.306] 2010 Acts, ch 1069, §94 Referred to in §321.208, 321.482A, 805.8A(6)(k) For applicable scheduled fine, see §805.8A, subsection 6 Additional penalties for violations causing serious injury or death, see §321.482A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.307 - Following too closely.

321.307 Following too closely. The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and

prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway. [C39, §5024.11; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.307] Referred to in §321.482A, 805.8A(7)(c) For applicable scheduled fine, see §805.8A, subsection 7 Additional penalties for violations causing serious injury or death, see §321.482A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.309 - Towing.

321.309 Towing. A person shall not pull or tow by motor vehicle, for hire, another motor vehicle over any highway outside the limits of any incorporated city, except in case of temporary movement of a disabled motor vehicle to the place where repairs will be made, unless the person has complied with the provisions of sections 321.57 and 321.58. Provided, however, if the person is a nonresident of the state of Iowa and has complied with the laws of the state of that person's residence governing licensing and registration as a transporter of motor vehicles, the person shall not be required to pay the fee provided in section 321.58 but only to submit proof of the person's status as a bona fide manufacturer or transporter as may reasonably be required by the department. [C31, 35, §5067-d9; C39, §5024.13; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.309] 83 Acts, ch 101, §69; 97 Acts, ch 108, §16; 2019 Acts, ch 79, §1 Referred to in §805.8A(12)(a) For applicable scheduled fines, see §805.8A, subsection 12, paragraph a

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.31 - Records system.

321.31 Records system. A state and county records system shall be maintained in the following manner: 1. State records system. a. The department shall install and maintain a records system which shall contain the name and address of the vehicle owner, current and previous registration number, vehicle identification number, make, model, style, date of purchase, registration certificate number, maximum gross weight, weight, list price or value of the vehicle as fixed by the department, fees paid and date of payment. The records system shall also contain a record of the certificate of title including such information as the department deems necessary. The information to be kept in the records system shall be entered within forty-eight hours after receipt insofar as is practical. The records system shall constitute the permanent record of ownership of each vehicle titled under the laws of this state. b. The department may make photostatic, microfilm, or other photographic copies of certificates of title, registration receipts, or other records, reports or documents which are required to be retained by the department. When copies have been made, the department may destroy the original records in such manner as prescribed by the director. The photostatic, microfilm, or other photographic copies, when no longer of use, may be destroyed in the manner prescribed by the director, subject to the approval of the state records commission. Photostatic, microfilm, or other photographic copies of records shall be admissible in evidence when duly certified and authenticated by the officer having custody and control of the copies of records. Records of vehicle certificates of title may be destroyed seven years after the date of issue. c. The director shall maintain a records system of delinquent accounts owed to the state using information provided through the computerized data bank established in section 421.17. The department and county treasurers shall use the information maintained in the records system to determine if applicants for renewal of registration have delinquent accounts, charges, fees, loans, taxes, or other indebtedness owed to or being collected by the state as provided pursuant to section 421.65. The director and the director of revenue shall establish procedures for updating the delinquent accounts records to add and remove accounts, as applicable. 2. County records system. a. Each county treasurer's office shall maintain a county records system for vehicle registration and certificate of title documents. The records system shall consist of information from the certificate of title, including the date of perfection and cancellation of security interests, and information from the registration receipt. The information shall be maintained in a manner approved by the department. b. Records of vehicle certificates of title for vehicles that are delinquent for five or more consecutive years may be destroyed by the county treasurer. Automated files, optical disks, microfiche records, and photostatic, microfilm or other photographic copies of records shall be admissible in evidence when duly certified and authenticated by the officer having custody and control of the records. [S13, §1571-m2; C24, 27, 31, 35, §5010; C39, §5001.15; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.31] 89 Acts, ch 185, §2; 95 Acts, ch 194, §3, 12; 2003 Acts, ch 145, §246; 2004 Acts, ch 1013, §6, 35; 2010 Acts, ch 1061, §180; 2020 Acts, ch 1064, §14, 28; 2020 Acts, ch 1118, §73, 74 Referred to in §331.557 2020 amendment to subsection 1, paragraph c, is effective on the date of rules adopted by the department of revenue to implement 2020 Acts, ch 1064 2020 Acts, ch 1064, see 2020 Acts, ch 1064, §28 ; 2020 Acts, ch 1118, §73, 74 ; the Code editor received notice that the system designed to implement the setoff procedures established in 2020 Acts, ch 1064 2020 Acts, ch 1064, and the accompanying rules, will be operational on November 13, 2023; rules governing transition, see 2020 Acts, ch 1118, §72 Subsection 1, paragraph c amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.310 - Towing four-wheeled trailers.

321.310 Towing four-wheeled trailers. 1. A motor vehicle shall not tow a four-wheeled trailer with a steering axle, or more than one trailer or semitrailer, or both in combination. However, this section does not apply to a motor home, motorsports recreational vehicle, multipurpose vehicle, motor truck, truck tractor or road tractor nor to a farm tractor towing a four-wheeled trailer, nor to a farm tractor or motor vehicle towing implements of husbandry, nor to a wagon box trailer used by a farmer in transporting produce, farm products, or supplies hauled to and from market. 2. Any four-wheeled trailer towed by a truck tractor or road tractor shall be registered under the semitrailer provisions of section 321.123; provided that the provisions of this subsection shall not apply to motor vehicles drawing wagon box trailers used by a farmer in transporting produce, farm products, or supplies hauled to and from

market, or to a four-wheeled trailer towed by a motorsports recreational vehicle. [C39, §5024.14; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.310] 84 Acts, ch 1226, §1; 2014 Acts, ch 1127, §10 Referred to in §805.8A(12)(a) For applicable scheduled fines, see §805.8A, subsection 12, paragraph a

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.311 - Turning at intersections.

321.311 Turning at intersections. 1. The driver of a vehicle intending to turn at an intersection shall do so as follows: a. Both the approach for a right turn and right turn shall be made as close as practical to the right-hand curb or edge of the roadway. b. Approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and after entering the intersection the left turn shall be made so as to depart from the intersection to the right of the center line of the roadway being entered. c. Approach for a left turn from a two-way street into a one-way street shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection. A left turn from a one-way street into two-way street shall be made by passing to the right of the center line of the street being entered upon leaving the intersection. 2. Local authorities in their respective jurisdictions may cause markers, buttons, or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when markers, buttons, or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons, or signs. [S13, §1571-m18; C24, 27, 31, 35, §5033; C39, §5025.01; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.311] Referred to in §321.354, 321.482A, 805.8A(6)(l) For applicable scheduled fine, see §805.8A, subsection 6 Additional penalties for violations causing serious injury or death, see §321.482A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.312 - Turning on curve or crest of grade.

321.312 Turning on curve or crest of grade. No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to, or near the crest of a grade or hill, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet. [C39, §5025.02; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.312] Referred to in §805.8A(6)(m) For applicable scheduled fine, see §805.8A, subsection 6

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.313 - Starting parked vehicle.

321.313 Starting parked vehicle. No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety. [C39, §5025.03; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.313] Referred to in §805.8A(7)(d) For applicable scheduled fine, see §805.8A, subsection 7

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.314 - When signal required.

321.314 When signal required. No person shall turn a vehicle from a direct course upon a highway unless and until such movement can be made with reasonable safety and then only after giving a clearly audible signal by sounding the horn if any pedestrian may be affected by such movement or after giving an appropriate signal in the manner provided in sections 321.315 through 321.318 in the event any other vehicle may be affected by such movement. [S13, §1571-m18; C24, 27, 31, 35, §5032; C39, §5025.04; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.314] 2021 Acts, ch 80, §171 Referred to in §321.316, 805.8A(6)(n) For applicable scheduled fine, see §805.8A, subsection 6

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.315 - Signal continuous.

321.315 Signal continuous. A signal of intention to turn right or left shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning when the speed limit is forty-five miles per hour or less and a continuous signal during not less than the last three hundred feet when the speed limit is in excess of forty-five miles per hour. [C39, §5025.05; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.315] Referred to in §321.314, 321.316, 805.8A(6)(o) For applicable scheduled fine, see §805.8A, subsection 6

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.316 - Stopping.

321.316 Stopping. A person shall not stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in sections 321.314, 321.315, 321.317, and 321.318 to the driver of any vehicle immediately to the rear when there is opportunity to give such signal. [S13, §1571-m18; C24, 27, 31, 35, §5032; C39, §5025.06; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.316] 2021 Acts, ch 80, §172 Referred to in §321.314, 805.8A(6)(p) For applicable scheduled fine, see §805.8A, subsection 6

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.317 - Signals by hand and arm or signal device.

321.317 Signals by hand and arm or signal device. 1. The signals required under the provisions of this chapter may be given either by means of the hand and arm as provided in section 321.318, or by a mechanical or electrical directional signal device or light conforming to the provisions of this chapter. 2. Directional signal devices shall be designed with a white, yellow or amber lamp or lamps to be displayed on the front of vehicles and with a lamp or lamps of red, yellow or amber to be displayed on the rear of vehicles. Such devices shall be capable of clearly indicating any intention to turn either to the right or to the left and shall be visible and understandable during both daylight and darkness from a distance of at least one hundred feet from the front and rear of a vehicle equipped therewith. 3. It is unlawful for any person to sell or offer for sale or operate on the highways of the state any vehicle subject to registration under the provisions of this chapter which has never been registered in this or any other state prior to January 1, 1954, unless the vehicle is equipped with a directional signal device of a type in compliance with the provisions of subsection 2. Motorcycles, motorized bicycles, and semitrailers and trailers less than forty inches in width are exempt from the provisions of this section. 4. When a vehicle is equipped with a directional signal device, such device shall at all times be maintained in good working condition. No directional signal device shall project a glaring or dazzling light. All directional signal devices shall be self-illuminated when in use while other lamps on the vehicle are lighted. 5. Whenever any vehicle or combination of vehicles is disabled or for other reason may present a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing, the operator then may display on the vehicle or combination of vehicles four directional signals of a type complying with the provisions of this section relating to directional signal devices in simultaneous operation. [S13, §1571-m18; C24, 27, 31, 35, §5032; C39, §5025.07; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.317] 87 Acts, ch 170, §8; 97 Acts, ch 108, §17, 18 Referred to in §321.314, 321.316, 321.404A, 805.8A(3)(c) For applicable scheduled fines, see §805.8A, subsection 3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.318 - Method of giving hand and arm signals.

321.318 Method of giving hand and arm signals. All signals required under this chapter which may be given by hand and arm shall when so given be given from the left side of the vehicle and the following manner and interpretation thereof is suggested: 1. Left turn — Hand and arm extended horizontally. 2. Right turn — Hand and arm extended upward. 3. Stop or decrease of speed — Hand and arm extended downward. [C39, §5025.08; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.318] 2021 Acts, ch 80, §173 Referred to in §321.314, 321.316, 321.317, 805.8A(6)(q) For applicable scheduled fine, see §805.8A, subsection 6

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.319 - Entering intersections from different highways.

321.319 Entering intersections from different highways. 1. When two vehicles enter an intersection from different highways or public streets at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right. 2. The rule contained in subsection 1 is modified at through highways and as otherwise stated in this chapter. [S13, §1571-m18; C24, 27, 31, 35, §5035; C39, §5026.01; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.319] 2019 Acts, ch 59, §93 Referred to in §321.482A, 805.8A(7)(e) For applicable scheduled fine, see §805.8A, subsection 7 Additional penalties for violations causing serious injury or death, see §321.482A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.32 - Registration card carried and exhibited — exception.

321.32 Registration card carried and exhibited — exception. 1. A vehicle's registration card shall at all times be carried in the vehicle to which it refers and shall be shown to any peace officer upon the officer's request. 2. This section shall not apply when the registration card is being used for the purpose of making application for renewal of registration or upon a transfer of registration for that vehicle. [S13, §1571-m11; C24, 27, 31, 35, §4879; C39, §5001.16; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.32] 91 Acts, ch 27, §1; 2010 Acts, ch 1069, §89 Referred to in §331.557, 805.8A(2)(d) For applicable scheduled fine, see §805.8A, subsection 2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.320 - Left turns — yielding.

321.320 Left turns — yielding. The driver of a vehicle who intends to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right-of-way to all vehicles approaching from the opposite direction which are within the intersection or so close as to constitute an immediate hazard. The driver, after yielding and giving a signal as required by this chapter, may make the left turn. [S13, §1571-m18; C24, 27, 31, 35, §5035; C39, §5026.02; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.320] 2022 Acts, ch 1021, §70 Referred to in §321.482A, 805.8A(7)(f) For applicable scheduled fine, see §805.8A, subsection 7 Additional penalties for violations causing serious injury or death, see §321.482A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.321 - Entering through highways.

321.321 Entering through highways. The driver of a vehicle shall stop or yield as required by this chapter at the entrance to a through highway and shall yield the right-of-way to other vehicles which have entered the intersection from said through highway or which are approaching so closely on said through highway as to constitute a hazard, but said driver having so yielded may proceed cautiously and with due care enter said through highway. [C27, §5079-b2, -b3; C31, 35, §5079-b2, -b3, -d2, -d3; C39, §5026.03; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.321] Referred to in §321.482A, 805.8A(7)(g) For applicable scheduled fine, see §805.8A, subsection 7 Additional penalties for violations causing serious injury or death, see §321.482A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.322 - Vehicles entering stop or yield intersection.

321.322 Vehicles entering stop or yield intersection. 1. The driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop at the first opportunity at either the clearly marked stop line or before entering the crosswalk or before entering the intersection or at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. Before proceeding, the driver shall yield the right-of-way to any vehicle on the intersecting roadway which has entered the intersection or which is approaching so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection. 2. The driver of a vehicle approaching a yield sign shall slow to a speed reasonable for the existing conditions and, if required for safety, shall stop at the first opportunity at either the clearly marked stop line or before entering the crosswalk or before entering the intersection or at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, the driver shall yield the right-of-way to any vehicle on the intersecting roadway which has entered the intersection or which is approaching so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection. [C27, §5079-b2, -b3; C31, 35, §5079-b2, -b3, -d2, -d3; C39, §5026.04; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.322] Referred to in §321.482A, 805.8A(8)(f) For applicable scheduled fines, see §805.8A, subsection 8 Additional penalties for violations causing serious injury or death, see §321.482A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.323 - Moving vehicle backward on highway.

321.323 Moving vehicle backward on highway. A person shall not cause a vehicle to be moved in a backward direction on a highway unless and until the vehicle can be backed with reasonable safety, and shall yield the right-of-way to any approaching vehicle on the highway or an intersecting highway which is so close as to constitute an immediate hazard. [C66, 71, 73, 75, 77, 79, 81, §321.323] 89 Acts, ch 296, §35 Referred to in §321.233, 321.482A, 805.8A(6)(r) For applicable scheduled fine, see §805.8A, subsection 6 Additional penalties for violations causing serious injury or death, see §321.482A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.323A - Approaching certain stationary vehicles.

321.323A Approaching certain stationary vehicles. 1. The operator of a motor vehicle approaching a stationary authorized emergency vehicle that is displaying flashing lights, as permitted under section 321.423, shall approach the authorized emergency vehicle with due caution and shall proceed in one of the following manners, absent any other direction by a peace officer: a. Make a lane change into a lane not adjacent to the authorized emergency vehicle if possible in the existing safety and traffic conditions. b. If a lane change under paragraph “a” would be impossible, prohibited by law, or unsafe, reduce the speed of the motor vehicle to a reasonable and proper speed for the existing road and traffic conditions, which speed shall be less than the posted speed limit, and be prepared to stop. 2. The operator of a motor vehicle approaching a stationary towing or recovery vehicle, a stationary utility maintenance vehicle, a stationary municipal maintenance vehicle, a stationary highway maintenance vehicle, a stationary construction vehicle, or a stationary solid waste or recycling collection service vehicle, that is displaying flashing lights, as permitted under section 321.423, shall approach the vehicle with due caution and shall proceed in one of the following manners, absent any other direction by a peace officer: a. Make a lane change into a lane not adjacent to the stationary motor vehicle if possible in the existing safety and traffic conditions. b. If a lane change under paragraph “a” would be impossible, prohibited by law, or unsafe, reduce the speed of the motor vehicle to a reasonable and proper speed for the existing road and traffic conditions, which speed shall be less than the posted speed limit, and be prepared to stop. 3. The operator of a motor vehicle approaching a stationary motor vehicle that is continually displaying its emergency signal lamps flashing simultaneously shall approach the vehicle with due caution and shall proceed in one of the following manners, absent any other direction by a peace officer: a. Make a lane change into a lane not adjacent to the stationary motor vehicle if possible in the existing safety and traffic conditions. b. If a lane change under paragraph “a” would be impossible, prohibited by law, or unsafe, reduce the speed of the motor vehicle to a reasonable and proper speed for the existing road and traffic conditions, which speed shall be less than the posted speed limit, and be prepared to stop. 4. a. A person convicted of a violation of this section commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 11. b. A person convicted of a violation of this section which resulted in an accident causing bodily injury to or the death of another person may be subject to the following penalties in addition to the penalty provided for a scheduled violation in section 805.8A, subsection 11, or any other penalty provided by law: (1) For a violation causing bodily injury to another person, a fine of five hundred dollars. (2) For a violation causing death, a fine of one thousand dollars. c. Upon receiving a record of a person’s conviction for a violation under paragraph “a” which resulted in an accident causing damage to the property of another

person or bodily injury to or death of another person, the department shall suspend the person's driver's license or operating privileges, upon thirty days' notice and without preliminary hearing, as follows: (1) For a violation causing damage to the property of another person, but not resulting in bodily injury to or death of another person, the department shall suspend the violator's driver's license or operating privileges for ninety days. (2) For a violation causing bodily injury to another person, the department shall suspend the violator's driver's license or operating privileges for one hundred eighty days. (3) For a violation causing death, the department shall suspend the violator's driver's license or operating privileges for one year. 2002 Acts, ch 1013, §1; 2003 Acts, ch 2, §1; 2012 Acts, ch 1083, §3; 2012 Acts, ch 1138, §63; 2015 Acts, ch 81, §1; 2017 Acts, ch 84, §2; 2018 Acts, ch 1079, §1 – 4 Referred to in §805.8A(11)(a), 805.8A(11)(b)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.324 - Operation on approach of emergency vehicles.

321.324 Operation on approach of emergency vehicles. 1. For the purposes of this section, "red light" or "blue light" means a light or lighting device that, when illuminated, will exhibit a solid flashing or strobing red or blue light. 2. Upon the immediate approach of an authorized emergency vehicle with any lamp or device displaying a red light or red and blue lights, or an authorized emergency vehicle of a fire department displaying a blue light, or when the driver is giving audible signal by siren, exhaust whistle, or bell, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the highway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. 3. Upon the approach of an authorized emergency vehicle, as described in subsection 2, the driver of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. 4. This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway. [C39, §5026.06; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.324] 2000 Acts, ch 1045, §1; 2010 Acts, ch 1069, §95 Referred to in §321.482A, 805.8A(11)(a) See also §321.231 For applicable scheduled fines, see §805.8A, subsection 11 Additional penalties for violations causing serious injury or death, see §321.482A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.324A - Funeral processions.

321.324A Funeral processions. 1. For purposes of this section, "funeral procession" means a procession of motor vehicles accompanying the body of a deceased person during daylight hours which is being escorted by a vehicle continually displaying its emergency signal lamps flashing simultaneously and using lighted headlamps and identifying flags, or an escort vehicle displaying a flashing or revolving red and amber light visible to pedestrians in all directions, and keeping all other motor vehicles with lighted headlamps in close formation. 2. Upon the immediate approach of a funeral procession, the driver of every other vehicle, except an authorized emergency vehicle, shall yield the right-of-way. An operator of a motor vehicle which is part of a funeral procession shall not be charged with violating traffic rules and regulations relating to traffic signals and devices while participating in the procession unless the operation is reckless. 3. The funeral establishment in charge of the funeral procession is liable only in connection with the procession for any negligent, reckless, or intentional act by the funeral establishment or any employee or agent of the funeral establishment that results in any death, personal injury or property damage suffered during a funeral procession. 4. a. The driver of an authorized emergency vehicle may operate the vehicle as part of a funeral procession, and a peace officer may provide traffic control relating to a funeral procession upon request or when necessary for the safety of all persons. b. Notwithstanding any provision of law to the contrary, an authorized emergency vehicle operating in a funeral procession or for traffic control relating to a funeral procession may display any of the vehicle's lighting devices. This subsection shall not be construed to exempt the driver of the authorized emergency vehicle from any duty to operate the vehicle with due regard for the safety of all persons. 5. A person who violates this section commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 6, paragraph "s". 94 Acts, ch 1139, §1; 2006 Acts, ch 1070, §13; 2020 Acts, ch 1074, §36, 93; 2022 Acts, ch 1087, §7, 11 Referred to in §321.423, 321.482A, 805.8A(6)(s) Flashing lights, see §321.423 Penalties for violations causing serious injury or death, see §321.482A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.325 - Pedestrians subject to signals.

321.325 Pedestrians subject to signals. Pedestrians shall be subject to traffic-control signals at intersections as provided in this chapter, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in sections 321.327 through 321.331. [C39, §5027.01; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.325] 2019 Acts, ch 59, §94 Referred to in §805.8A(9)(e) For applicable scheduled fine, see §805.8A, subsection 9

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.326 - Pedestrians on left.

321.326 Pedestrians on left. Pedestrians shall at all times when walking on or along a highway, walk on the left side of such highway. [C39, §5027.02; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.326] Referred to in §321O.4, 805.8A(9)(f) For

applicable scheduled fine, see §805.8A, subsection 9

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.327 - Pedestrians' right-of-way.

321.327 Pedestrians' right-of-way. 1. Where traffic-control signals are not in place or in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as otherwise provided in this chapter. 2. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 7. [C39, §5027.03; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.327] 2000 Acts, ch 1203, §13; 2001 Acts, ch 137, §5; 2010 Acts, ch 1190, §48 Referred to in §321.325, 321.482A, 805.8A(7)(h) Additional penalties for violations causing serious injury or death, see §321.482A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.328 - Crossing at other than crosswalk.

321.328 Crossing at other than crosswalk. 1. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway except that cities may restrict such a crossing by ordinance. 2. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway. 3. Where traffic-control signals are in operation at any place not an intersection pedestrians shall not cross at any place except in a marked crosswalk. [C39, §5027.04; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.328] Referred to in §321.325, 321.329, 805.8A(9)(g) For applicable scheduled fines, see §805.8A, subsection 9

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.329 - Duty of driver — pedestrians crossing or working on highways.

321.329 Duty of driver — pedestrians crossing or working on highways. 1. Notwithstanding the provisions of section 321.328 every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise due care upon observing any child or any confused or incapacitated person upon a roadway. 2. Every driver of a vehicle shall yield the right-of-way to pedestrian workers engaged in maintenance or construction work on a highway whenever the driver is notified of the presence of such workers by a flagman or a warning sign. [C39, §5027.05; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.329] Referred to in §321.325, 321.482A, 805.8A(7)(i) For applicable scheduled fine, see §805.8A, subsection 7 Additional penalties for violations causing serious injury or death, see §321.482A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.330 - Use of crosswalks.

321.330 Use of crosswalks. Pedestrians shall move, whenever practicable, upon the right half of crosswalks. [C39, §5027.06; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.330] Referred to in §321.325

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.331 - Pedestrians soliciting rides.

321.331 Pedestrians soliciting rides. 1. No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any private vehicle. 2. Nothing in this section or this chapter shall be construed so as to prevent any pedestrian from standing on that portion of the highway or roadway, not ordinarily used for vehicular traffic, for the purpose of soliciting a ride from the driver of any vehicle. [C39, §5027.07; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.331] Referred to in §321.325, 805.8A(9)(h) For applicable scheduled fines, see §805.8A, subsection 9

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.332 - White canes restricted to blind persons.

321.332 White canes restricted to blind persons. For the purpose of guarding against accidents in traffic on the public thoroughfares, it shall be unlawful for any person except persons wholly or partially blind to carry or use on the streets, highways, and public places of the state any white canes or walking sticks which are white in color or white tipped with red. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.332] Referred to in §216C.8, 321.334, 805.8A(9)(i) For applicable scheduled fine, see §805.8A, subsection 9; see also §321.334

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.333 - Duty of drivers.

321.333 Duty of drivers. Any driver of a vehicle or operator of a motor-driven vehicle who approaches or comes in contact with a person wholly or partially blind carrying a cane or walking stick white in color or white tipped with red, or being led by a guide dog

wearing a harness and walking on either side of or slightly in front of said blind person, shall immediately come to a complete stop, and take such precautions as may be necessary to avoid accident or injury to the person carrying a cane or walking stick white in color or white tipped with red or being led by a guide dog. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.333] Referred to in §216C.8, 321.482A, 805.8A(7)(j) For applicable scheduled fine, see §805.8A, subsection 7 Additional penalties for violations causing serious injury or death, see §321.482A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.334 - Penalties.

321.334 Penalties. A person shall be fined not less than one dollar nor more than one hundred dollars for each offense, if the person does any of the following: 1. Carries a cane or walking stick such as is prescribed in section 321.332, but contrary to the provisions of this chapter. 2. Fails to heed the approach of a person lawfully carrying a cane or walking stick that is white in color or white tipped with red, or who is being led by a guide dog. 3. Fails to immediately come to a complete stop and take such precautions against accident or injury to a person described in subsection 2. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.334] 2019 Acts, ch 59, §95 For scheduled fine applicable to §321.332 violations, see §805.8A, subsection 9

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.34 - Plates or validation sticker furnished — retained by owner — special plates.

321.34 Plates or validation sticker furnished — retained by owner — special plates. 1. Plates issued. The county treasurer upon receiving application, accompanied by proper fee, for registration of a vehicle shall issue to the owner one registration plate for a motorcycle, motorized bicycle, autocycle, truck tractor, trailer, or semitrailer and two registration plates for every other motor vehicle. The registration plates, including special registration plates, shall be assigned to the owner of a vehicle. When the owner of a registered vehicle transfers or assigns ownership of the vehicle to another person, the owner shall remove the registration plates from the vehicle. The owner shall forward the plates to a county treasurer or the owner may have the plates assigned to another vehicle within thirty days after transfer, upon payment of the fees required by law. The owner shall immediately affix registration plates retained by the owner to another vehicle owned or acquired by the owner, providing the owner complies with section 321.46. The department shall adopt rules providing for the assignment of registration plates to the transferee of a vehicle for which a credit is allowed under section 321.46, subsection 6. 2. Validation stickers. a. In lieu of issuing new registration plates each registration year for a vehicle renewing registration, the department may reassign the registration plates previously issued to the vehicle and may adopt and prescribe an annual validation sticker indicating payment of annual registration fees. The department shall issue one validation sticker for each set of registration plates. The sticker shall specify the month and year of expiration of the registration plates. The sticker shall be displayed only on the rear registration plate, except that the sticker shall be displayed on the front registration plate of a truck tractor. b. The state department of transportation shall adopt rules to provide for the placement of the motor vehicle registration validation sticker. 3. Radio operators plates. The owner of an automobile, motorcycle, trailer, or motor truck who holds an amateur radio license issued by the federal communications commission may, upon written application to the county treasurer accompanied by a fee of five dollars, order special registration plates bearing the call letters authorized the radio station covered by the person's amateur radio license. When received by the county treasurer, such special registration plates shall be issued to the applicant in exchange for the registration plates previously issued to the person. Not more than one set of special registration plates may be issued to an applicant. Said fee shall be in addition to and not in lieu of the fee for regular registration plates. Special registration plates must be surrendered upon expiration of the owner's amateur radio license and the owner shall thereupon be entitled to the owner's regular registration plates. The county treasurer shall validate special plates in the same manner as regular registration plates, upon payment of five dollars in addition to the regular annual registration fee. 4. Permanent plates. In lieu of issuing annual registration plates for trailers, semitrailers, motor trucks, and truck tractors, the department may issue a permanent registration plate for trailers, semitrailers, motor trucks, and truck tractors licensed under chapter 326, upon payment of the appropriate registration fee. Payment of fees for trailers and semitrailers for a permanent registration plate shall, at the option of the registrant, be made at five-year intervals or on an annual basis. Fees from five-year payments shall not be reduced or prorated. Payment of fees for motor trucks and truck tractors shall be made on an annual basis. 5. Personalized registration plates. a. Upon application and the payment of a fee of twenty-five dollars, the director may issue to the owner of a motor vehicle registered in this state or a trailer or travel trailer registered in this state, personalized registration plates marked with up to seven initials, letters, or combination of numerals and letters requested by the owner. However, personalized registration plates for autocycles, motorcycles, and motorized bicycles shall be marked with no more than six initials, letters, or combinations of numerals and letters. Upon receipt of the personalized registration plates, the applicant shall surrender the regular registration plates to the county treasurer. The fee for issuance of the personalized registration plates shall be in addition to the regular annual registration fee. b. The county treasurer shall validate personalized registration plates in the same manner as regular registration plates are validated under this section at an annual fee of five dollars in addition to the regular annual registration fee. A person renewing a personalized registration plate within one month following the time requirements under section 321.40 may renew the personalized plate without paying the additional registration fee under paragraph "a" but shall pay the five-dollar fee in addition to the regular annual registration fee and any penalties subject to regular registration plate holders for late renewal. c. The fees collected by the director under this subsection shall be paid to the treasurer of state and credited by the treasurer of state as provided in section 321.145. 6. Sample vehicle registration plates. Vehicle registration plates displaying the general design of regular registration plates, with the word "sample"

displayed on the plate, may be furnished to any person upon payment of a fee of three dollars, except that such plates may be furnished to governmental agencies without cost. Sample registration plates shall not be attached to a vehicle moved on the highways of this state.

7. Collegiate plates. a. Upon application and payment of the proper fees, the director may issue to the owner of a motor vehicle subject to registration under section 321.109, subsection 1, motor truck, motor home, multipurpose vehicle, trailer over two thousand pounds, or travel trailer registered in this state, collegiate registration plates created pursuant to this subsection. Upon receipt of the collegiate registration plates, the applicant shall surrender the regular registration plates to the county treasurer.

b. Collegiate registration plates shall be designed for each of the three state universities. The collegiate registration plates shall be designated as follows: (1) The letters "ISU" followed by a four-digit number all in cardinal on a gold background for Iowa state university of science and technology. (2) The letters "UNI" followed by a four-digit number all in purple on a gold background for the university of northern Iowa. (3) The letters "UI" followed by a four-digit number all in black on a gold background for the state university of Iowa. (4) In lieu of the letter-number designation provided under subparagraphs (1) through (3), the collegiate registration plates may be designated in the manner provided for personalized registration plates under subsection 5, paragraph "a", in the colors designated for the respective universities under subparagraphs (1) through (3).

c. (1) The fees for a collegiate registration plate are as follows: (a) A registration fee of twenty-five dollars. (b) A special collegiate registration fee of twenty-five dollars. (2) These fees are in addition to the regular annual registration fee. The fees collected by the director under this subsection shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall credit monthly from the statutory allocations fund created under section 321.145, subsection 2, to Iowa state university of science and technology, the university of northern Iowa, and the state university of Iowa respectively, the amount of the special collegiate registration fees collected in the previous month for collegiate registration plates designed for the university. The moneys credited are appropriated to the respective universities to be used for scholarships for students attending the universities.

d. The county treasurer shall validate collegiate registration plates in the same manner as regular registration plates are validated under this section at an annual fee of five dollars in addition to the regular annual registration fee.

e. A collegiate registration plate shall not be issued if its combination of alphanumeric characters are identical to those contained on a current personalized registration plate issued under subsection 5. However, the owner of a motor vehicle who has a personalized registration plate issued for the motor vehicle may, after proper application and payment of fees, be issued a collegiate registration plate containing the same alphanumeric characters as those on the personalized plate. Upon receipt of the collegiate registration plates, the owner shall surrender the personalized registration plates to the county treasurer.

7A. Collegiate plates — Private four-year colleges and universities. a. Upon application by a private four-year college or university located in this state and payment of the initial set-up costs for establishing the collegiate plate, the department, in consultation with the college or university, may design a special collegiate registration plate displaying the colors associated with the college or university.

b. Upon application and payment of the proper fees, the director may issue to the owner of a motor vehicle subject to registration under section 321.109, subsection 1, motor truck, motor home, multipurpose vehicle, trailer over two thousand pounds, or travel trailer registered in this state, collegiate registration plates created pursuant to this subsection. The fee for the issuance of collegiate registration plates is twenty-five dollars, which fee is in addition to the regular annual registration fee for the vehicle. An applicant may obtain a personalized collegiate registration plate upon payment of the additional fee for a personalized plate as provided in subsection 5 in addition to the collegiate plate fee and the regular registration fee. The county treasurer shall validate collegiate registration plates issued under this subsection in the same manner as regular registration plates, upon payment of five dollars in addition to the regular annual registration fee. Upon receipt of the collegiate registration plates, the applicant shall surrender the regular registration plates to the county treasurer.

c. A personalized collegiate registration plate shall not be issued if its combination of alphanumeric characters are identical to those contained on a current personalized registration plate issued under subsection 5. However, the owner of a motor vehicle who has a personalized registration plate issued for the motor vehicle may, after proper application and payment of fees, be issued a collegiate registration plate containing the same alphanumeric characters as those on the personalized plate. Upon receipt of the collegiate registration plates, the owner shall surrender the personalized registration plates to the county treasurer.

8. Medal of honor plates. a. The owner of a motor vehicle subject to registration under section 321.109, subsection 1, autocycle, motorcycle, trailer, or motor truck who has been awarded the medal of honor may, upon written application to the department, order special registration plates which shall be red, white, and blue in color and shall bear an emblem of the medal of honor and an identifying number. Each applicant applying for special registration plates under this subsection may order only one set of registration plates under this subsection. The application is subject to approval by the department and the special registration plates shall be issued at no charge to the applicant in exchange for the registration plates previously issued to the person. A person who is issued special plates under this subsection is exempt from payment of any annual registration fee for the motor vehicle bearing the special plates. The department shall validate the special plates in the same manner as regular registration plates are validated under this section. The department shall not issue special registration plates until service organizations in the state have furnished the department either the special dies or the cost of the special dies necessary for the manufacture of the special registration plate.

b. The surviving spouse of a person who was issued special plates under this subsection may continue to use the special plates subject to registration of the special plates in the surviving spouse's name. If the surviving spouse remarries, the surviving spouse shall return the special plates to the department and the department shall issue regular registration plates to the surviving spouse.

8A. Ex-prisoner of war special plates. a. The owner of a motor vehicle subject to registration under section 321.109, subsection 1, autocycle, motorcycle, trailer, or motor truck who was a prisoner of war during a time of military conflict may, upon written application to the department, order only one set of special registration plates with an ex-prisoner of war processed emblem. The emblem shall be designed by the department in cooperation with the adjutant general and

shall signify that the owner was a prisoner of war as described in this subsection. The application is subject to approval by the department, in consultation with the adjutant general. The special plates shall be issued at no charge and are subject to an annual registration fee of fifteen dollars. The county treasurer shall validate the special plates in the same manner as regular registration plates are validated under this section. b. The surviving spouse of a person who was issued special plates under this subsection may continue to use or apply for and use the special plates subject to registration of the special plates in the surviving spouse's name and upon payment of the annual registration fee. If the surviving spouse remarries, the surviving spouse shall return the special plates to the department and the department shall issue regular registration plates to the surviving spouse. 9. Leased vehicles. Registration plates under this section, including disabled veteran plates specified in section 321.105, may be issued to the lessee of a motor vehicle if the lessee provides evidence of a lease for a period of more than sixty days and if the lessee complies with the requirements, under this section, for issuance of the specific registration plates. 10. Fire fighter plates. a. An owner referred to in subsection 12 who is a current or retired member of a paid or volunteer fire department may, upon written application to the department, order special registration plates, designed by the department in cooperation with representatives designated by the Iowa fire fighters' associations, which signify that the applicant is a current or retired member of a paid or volunteer fire department. b. The application shall be approved by the department in consultation with representatives designated by the Iowa fire fighters' associations, and the special registration plates shall be issued to the applicant in exchange for the registration plates previously issued to the person. An applicant who is the owner of a business-trade truck or special truck shall not be issued special fire fighter registration plates for more than one vehicle. The fee for the special plates is twenty-five dollars which shall be paid in addition to the regular annual registration fee. The department shall validate the special plates in the same manner as regular registration plates are validated under this section at the regular annual registration fee. c. The special fees collected by the director under this subsection shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall transfer monthly from the statutory allocations fund created under section 321.145, subsection 2, to the Paul Ryan memorial fire fighter safety training fund created pursuant to section 100B.12 the amount of the special fees collected in the previous month for the fire fighter plates. d. For purposes of this subsection, a person is considered to be retired if the person is recognized by the chief of the fire department where the individual served, and on record, as officially retired from the fire department. Special registration plates with a fire fighter emblem shall be surrendered, as provided in subsection 12, in exchange for regular registration plates upon termination of the motor vehicle owner's membership in the paid or volunteer fire department, unless the person is a retired member in good standing. 10A. Emergency medical services plates. a. The owner of a motor vehicle referred to in subsection 12 who is a current member of a paid or volunteer emergency medical services agency may, upon written application to the department, order special registration plates, designed by the department in cooperation with representatives designated by the Iowa emergency medical services association, which plates signify that the applicant is a current member of a paid or volunteer emergency medical services agency. The application shall be approved by the department, in consultation with representatives designated by the Iowa emergency medical services association, and the special registration plates shall be issued to the applicant in exchange for the registration plates previously issued to the person. The fee for the special plates is twenty-five dollars which is in addition to the regular annual registration fee. The department shall validate the special plates in the same manner as regular registration plates are validated under this section at the regular annual registration fee. b. The special fees collected by the director under this subsection shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall transfer monthly from the statutory allocations fund created under section 321.145, subsection 2, to the emergency medical services fund created in section 135.25 the amount of the special fees collected in the previous month for issuance of emergency medical services plates. 11. Natural resources plates. a. Upon application and payment of the proper fees, the director may issue natural resources plates to the owner of a motor vehicle subject to registration under section 321.109, subsection 1, autocycle, motor truck, motor home, multipurpose vehicle, motorcycle, trailer, or travel trailer. b. Natural resources plates shall be designed by the department in cooperation with the department of natural resources which design shall include on the plate the name of the county where the vehicle is registered. c. (1) The special natural resources fee for letter-number designated natural resources plates is forty-five dollars. The fee for personalized natural resources plates is forty-five dollars which shall be paid in addition to the special natural resources fee of forty-five dollars. The fees collected by the director under this subsection shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall credit monthly from the statutory allocations fund created under section 321.145, subsection 2, to the Iowa resources enhancement and protection fund created pursuant to section 455A.18, the amount of the special natural resources fees collected in the previous month for the natural resources plates. (2) From the moneys credited to the Iowa resources enhancement and protection fund under subparagraph (1), ten dollars of the fee collected for each natural resources plate issued, and fifteen dollars from each renewal fee, shall be allocated to the department of natural resources wildlife bureau to be used for nongame wildlife programs. d. Upon receipt of the special registration plates, the applicant shall surrender the current registration plates to the county treasurer. The county treasurer shall validate the special registration plates in the same manner as regular registration plates are validated under this section. The annual special natural resources fee for letter-number designated plates is twenty-five dollars which shall be paid in addition to the regular annual registration fee. The annual fee for personalized natural resources plates is five dollars which shall be paid in addition to the annual special natural resources fee and the regular annual registration fee. The annual special natural resources fee shall be credited as provided under paragraph "c". 11A. Love our kids plates. a. Upon application and payment of the proper fees, the director may issue "love our kids" plates to the owner of a motor vehicle subject to registration under section 321.109, subsection 1, autocycle, motor truck, motor home, multipurpose vehicle, motorcycle, trailer, or travel trailer. b. Love our kids plates shall be designed by the department in

cooperation with the department of health and human services. c. The special fee for letter-number designated love our kids plates is thirty-five dollars. The fee for personalized love our kids plates is twenty-five dollars, which shall be paid in addition to the special love our kids fee of thirty-five dollars. The fees collected by the director under this subsection shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall transfer monthly from the statutory allocations fund created under section 321.145, subsection 2, to the department of health and human services the amount of the special fees collected in the previous month for the love our kids plates. Notwithstanding section 8.33, moneys transferred under this subsection shall not revert to the general fund of the state. d. Upon receipt of the special registration plates, the applicant shall surrender the current registration plates to the county treasurer. The county treasurer shall validate the special registration plates in the same manner as regular registration plates are validated under this section. The annual special love our kids fee for letter-number designated plates is ten dollars, which shall be paid in addition to the regular annual registration fee. The annual fee for personalized love our kids plates is five dollars, which shall be paid in addition to the annual special love our kids fee and the regular annual registration fee. The annual love our kids fee shall be credited as provided under paragraph “c”.

11B. Motorcycle rider education plates. a. Upon application and payment of the proper fees, the director may issue “motorcycle rider education” plates to the owner of a motor vehicle subject to registration under section 321.109, subsection 1, autocycle, motor truck, motor home, multipurpose vehicle, motorcycle, trailer, or travel trailer. b. Motorcycle rider education plates shall be designed by the department. c. The special fee for letter-number designated motorcycle rider education plates is thirty-five dollars. The fee for personalized motorcycle rider education plates is twenty-five dollars, which shall be paid in addition to the special motorcycle rider education fee of thirty-five dollars. The fees collected by the director under this subsection shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall transfer monthly from the statutory allocations fund created under section 321.145, subsection 2, to the department for use in accordance with section 321.179, the amount of the special fees collected in the previous month for the motorcycle rider education plates. d. Upon receipt of the special registration plates, the applicant shall surrender the current registration plates to the county treasurer. The county treasurer shall validate the special registration plates in the same manner as regular registration plates are validated under this section. The annual special motorcycle rider education fee for letter-number designated plates is ten dollars, which shall be paid in addition to the regular annual registration fee. The annual fee for personalized motorcycle rider education plates is five dollars, which shall be paid in addition to the annual special motorcycle rider education fee and the regular annual registration fee. The annual motorcycle rider education fee shall be credited as provided under paragraph “c”.

11C. Blackout plates. a. Upon application and payment of the proper fees, the director may issue blackout plates to the owner of a motor vehicle subject to registration under section 321.109, subsection 1, autocycle, motor truck, motor home, multipurpose vehicle, motorcycle, trailer, or travel trailer. b. Blackout plates shall be designed by the department. A blackout plate’s background shall be black, and the plate’s letters and numbers shall be white. c. The special blackout fee for letter-number designated blackout plates is thirty-five dollars. An applicant may obtain personalized blackout plates upon payment of the fee for personalized plates as provided in subsection 5, which is in addition to the special blackout fee. The fees collected by the director under this subsection shall be paid monthly to the treasurer of state and deposited in the road use tax fund. d. Upon receipt of the special registration plates, the applicant shall surrender the current registration plates to the county treasurer. The county treasurer shall validate the special registration plates in the same manner as regular registration plates are validated under this section. The annual special blackout fee for letter-number designated plates is ten dollars which shall be paid in addition to the regular annual registration fee. The annual fee for personalized blackout plates is five dollars which shall be paid in addition to the annual special blackout fee and the regular annual registration fee. The annual special blackout fee shall be credited as provided under paragraph “c”. e. The department shall not condition the issuance of blackout plates on the receipt of any number of orders for blackout plates.

11D. Flying our colors plates. a. Upon application and payment of the proper fees, the director may issue flying our colors plates to the owner of a motor vehicle subject to registration under section 321.109, subsection 1, autocycle, motor truck, motor home, multipurpose vehicle, motorcycle, trailer, or travel trailer. b. Flying our colors plates shall be designed by the department. Flying our colors plates shall be navy along the top and red along the bottom, and contain a white space in the middle of the plate which shall include the plate’s letters and numbers in black and a gray image of a bald eagle behind the plate’s letters and numbers. c. (1) The special flying our colors fee for letter-number designated flying our colors plates is thirty-five dollars. An applicant may obtain personalized flying our colors plates upon payment of the fee for personalized plates as provided in subsection 5, which is in addition to the special fee. The fees collected by the director under this subsection shall be paid monthly to the treasurer of state and deposited in the road use tax fund. (2) The treasurer of state shall credit monthly from the statutory allocations fund created under section 321.145, subsection 2, to the flood mitigation fund created under section 418.10, the amount of the special fees collected in the previous month for flying our colors plates. d. Upon receipt of the special registration plates, the applicant shall surrender the current registration plates to the county treasurer. The county treasurer shall validate the special registration plates in the same manner as regular registration plates are validated under this section. The annual special flying our colors fee for letter-number designated flying our colors plates is ten dollars which shall be paid in addition to the regular annual registration fee. The annual fee for personalized flying our colors plates is five dollars which shall be paid in addition to the annual special flying our colors fee and the regular annual registration fee. The annual special flying our colors fee shall be credited as provided under paragraph “c”.

12. Special registration plates — general provisions. a. The owner of a motor vehicle subject to registration pursuant to section 321.109, subsection 1, autocycle, motor truck, motor home, multipurpose vehicle, motorcycle, trailer, or travel trailer may, upon written application to the department, order special registration plates with a distinguishing processed emblem as authorized by this section or as approved by the department. The fee for the issuance of special registration plates is twenty-five dollars for each vehicle, unless otherwise provided by this

section, which fee is in addition to the regular annual registration fee. The county treasurer shall validate special registration plates with a distinguishing processed emblem in the same manner as regular registration plates, upon payment of five dollars in addition to the regular annual registration fee. b. Upon receipt of a special registration plate with a distinguishing processed emblem as authorized by this section or as approved by the department, the applicant shall surrender the regular registration plates to the county treasurer. An applicant no longer eligible for a special registration plate shall surrender the special vehicle registration plates to the county treasurer for issuance of regular registration plates. c. An applicant may, upon payment of the additional fee for a personalized plate as provided in subsection 5, obtain a personalized special registration plate with a processed emblem. Personalized plates authorized by this section with the processed emblem shall be limited to no more than five initials, letters, or combinations of numerals and letters. d. A special registration plate issued for a motorcycle, autocycle, or motorized bicycle under this section shall be designated in the manner provided for personalized registration plates under subsection 5, paragraph "a". 12A. Special registration plates — armed forces services. a. An owner of a vehicle referred to in subsection 12 who applies for any type of special registration plates associated with service in the United States armed forces shall be issued one set of the special registration plates at no charge, but shall be subject to the annual registration fee of fifteen dollars, if the owner is eligible for, but has relinquished to the department or the county treasurer or has not been issued, ex-prisoner of war or legion of merit special registration plates under this section. b. An owner of a vehicle referred to in subsection 12 who applies for any type of special registration plates associated with service in the United States armed forces shall be issued one set of the special registration plates at no charge and subject to no annual registration fee if the owner is eligible for, but has relinquished to the department or the county treasurer or has not been issued, medal of honor registration plates under subsection 8 or disabled veteran registration plates under section 321.105. c. The owner shall provide the appropriate information regarding the owner's eligibility for any of the special registration plates described in paragraph "a" or "b", and regarding the owner's eligibility for the special registration plates for which the owner has applied, as required by the department. d. The surviving spouse of a person who was issued special plates under this subsection may continue to use the special plates subject to registration of the special plates in the surviving spouse's name and upon payment of the same annual registration fee, if applicable. If the surviving spouse remarries, the surviving spouse shall return the special plates to the department and the department shall issue regular registration plates to the surviving spouse. 13. Special plates displaying organization decal. a. (1) The owner of a motor vehicle subject to registration pursuant to section 321.109, subsection 1, autocycle, motor truck, motor home, multipurpose vehicle, motorcycle, trailer, or travel trailer may upon request be issued special registration plates that contain a space reserved for the placement of an organization decal. If the special plates are requested at the time of initial application for registration and certificate of title for the vehicle, no special plate fee is required other than the regular annual registration fee for the vehicle. If the special plates are requested as replacement plates, the owner shall surrender the current regular or special registration plates in exchange for the special plates and shall pay a replacement plate fee of five dollars. The county treasurer shall validate special plates with an organization decal in the same manner as regular plates, upon payment of the annual registration fee. (2) An applicant may obtain a personalized special registration plate with space reserved for an organization decal, subject to the additional fees for a personalized plate as provided in subsection 5. Personalized plates with space reserved for an organization decal shall be limited to no more than five initials, letters, or combinations of numerals and letters. b. (1) An organization may apply to the department for approval to issue a decal to be displayed on vehicle registration plates. To qualify for such approval, an organization shall meet the following requirements: (a) The primary activity or interest of the organization serves the community, contributes to the welfare of others, and is not discriminatory in its purpose, nature, activity, or name. (b) The name and purpose of the organization do not promote any specific product or brand name that is provided for sale. (c) The organization is a nonprofit corporation which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code and is organized under the laws of this state or authorized to do business within this state. (2) The department may accept an application for a decal design from a group of nonprofit organizations with a common purpose, provided that each organization within the group meets the requirements for a qualifying organization established by the department under this subsection. c. An organization desiring to issue a decal shall submit an application to the department on a form to be provided by the department. Along with the application, the organization shall furnish to the department all of the following: (1) A copy of the articles of incorporation for the organization. (2) A copy of the charter or by-laws for the organization. (3) Any Internal Revenue Service rulings concerning the organization's nonprofit tax exemption status. (4) A color copy of the completed decal design. (5) A clear and concise explanation of the purpose of the decal, all eligibility requirements for purchasing the decal, and fees to be charged for the decal. (6) Certification by the person who has legal rights to the decal design allowing use of the design. (7) Any other information required by the department. d. The department shall consider a proposed decal design based upon criteria established by the department, which shall include but not be limited to the following: (1) A decal shall not promote a specific religion, faith, or anti-religious sentiment. (2) A decal shall not have any sexual connotation and shall not be vulgar, prejudiced, hostile, insulting, or racially or ethnically degrading. e. Upon approval by the department of an organization's application to issue a decal and approval of the design of the decal, the organization is responsible for the production, administration, and issuance of the decal. An organization shall not issue a decal that has not been approved by the department or alter the approved design of a decal without the department's approval. f. A person shall not display a decal on a vehicle registration plate other than a decal approved by the department. g. The department may adopt rules pursuant to chapter 17A as necessary to implement this subsection. 14. Persons with disabilities special plates. An owner referred to in subsection 12 or an owner of a trailer used to transport a wheelchair who is a person with a disability, or who is the parent or guardian of a child who resides with the parent or guardian owner and who is a person with a disability, as defined in section 321L.1, may, upon written application to the department, order special registration

plates with a persons with disabilities processed emblem designed by the department bearing the international symbol of accessibility. The special registration plates with a persons with disabilities processed emblem shall only be issued if the application is accompanied with a statement from a physician licensed under chapter 148 or 149, a physician assistant licensed under chapter 148C, an advanced registered nurse practitioner licensed under chapter 152, a chiropractor licensed under chapter 151, an occupational therapist licensed under chapter 148B, or a physical therapist licensed under chapter 148A, written on the physician's, physician assistant's, nurse practitioner's, chiropractor's, occupational therapist's, or physical therapist's stationery, stating the nature of the applicant's or the applicant's child's disability and such additional information as required by rules adopted by the department, including proof of residency of a child who is a person with a disability. If the application is approved by the department, the special registration plates with a persons with disabilities processed emblem shall be issued to the applicant. There shall be no fee in addition to the regular annual registration fee for the special registration plates with a persons with disabilities processed emblem. The authorization for special registration plates with a persons with disabilities processed emblem shall not be renewed without the applicant furnishing evidence to the department that the owner of the vehicle or the owner's child is still a person with a disability as defined in section 321L.1. An owner who has a child who is a person with a disability shall provide satisfactory evidence to the department that the child with a disability continues to reside with the owner. The registration plates with a persons with disabilities processed emblem shall be surrendered in exchange for regular registration plates as provided in subsection 12 when the owner of the vehicle or the owner's child no longer qualifies as a person with a disability as defined in section 321L.1 or when the owner's child who is a person with a disability no longer resides with the owner.

15. Legion of merit special plates. a. The owner of a motor vehicle subject to registration under section 321.109, subsection 1, autocycle, motorcycle, trailer, or motor truck who has been awarded the legion of merit shall be issued one set of special registration plates with a legion of merit processed emblem, upon written application to the department and presentation of satisfactory proof of the award of the legion of merit as established by the Congress of the United States. The emblem shall be designed by the department in cooperation with the adjutant general and shall signify that the owner was awarded the legion of merit. The application is subject to approval by the department, in consultation with the adjutant general. The special plates shall be issued at no charge and are subject to an annual registration fee of fifteen dollars. The county treasurer shall validate the special plates in the same manner as regular registration plates are validated under this section. b. The surviving spouse of a person who was issued special plates under this subsection may continue to use or apply for and use the special plates subject to registration of the special plates in the surviving spouse's name and upon payment of the annual registration fee. If the surviving spouse remarries, the surviving spouse shall return the special plates to the department and the department shall issue regular registration plates to the surviving spouse.

16. National guard special plates. a. An owner referred to in subsection 12 who is a member of the national guard, as defined in chapter 29A, may, upon written application to the department, order special registration plates with a national guard processed emblem with the emblem designed by the department in cooperation with the adjutant general which emblem signifies that the applicant is a member of the national guard. The application shall be approved by the department in consultation with the adjutant general. The special plate fees collected by the director under subsection 12, paragraph "a", from the annual validation of letter-number designated national guard plates, and subsection 12, paragraph "c", from the issuance and annual validation of personalized national guard plates shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall transfer monthly from the statutory allocations fund created under section 321.145, subsection 2, to the veterans license fee fund created in section 35A.11 the amount of the special fees collected under subsection 12, paragraph "a", in the previous month for national guard plates. Special registration plates with a national guard processed emblem shall be surrendered, as provided in subsection 12, in exchange for regular registration plates upon termination of the owner's membership in the active national guard. b. Notwithstanding subsection 12, paragraph "a", an owner who is approved for special registration plates under this subsection shall be issued one set of special registration plates with a national guard processed emblem at no charge. c. The surviving spouse of a person who was issued special plates under this subsection may continue to use or apply for and use the special plates subject to registration of the special plates in the surviving spouse's name and upon payment of the annual five-dollar special plate fee and the regular annual registration fee for the vehicle. If the surviving spouse remarries, the surviving spouse shall return the special plates to the department and the department shall issue regular registration plates to the surviving spouse.

17. Pearl Harbor special plates. a. An owner referred to in subsection 12 who was at Pearl Harbor, Hawaii, as a member of the armed services of the United States on December 7, 1941, may, upon written application to the department, order special registration plates with a Pearl Harbor processed emblem. The emblem shall be designed by the department in consultation with service organizations. The application is subject to approval by the department. The special plate fees collected by the director under subsection 12, paragraph "a", from the annual validation of letter-number designated Pearl Harbor plates, and subsection 12, paragraph "c", from the issuance and annual validation of personalized Pearl Harbor plates shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall transfer monthly from the statutory allocations fund created under section 321.145, subsection 2, to the veterans license fee fund created in section 35A.11 the amount of the special fees collected under subsection 12, paragraph "a", in the previous month for Pearl Harbor plates. b. Notwithstanding subsection 12, paragraph "a", an owner who is approved for special registration plates under this subsection shall be issued one set of special registration plates with a Pearl Harbor processed emblem at no charge. c. The surviving spouse of a person who was issued special plates under this subsection may continue to use or apply for and use the special plates subject to registration of the special plates in the surviving spouse's name and upon payment of the annual five-dollar special plate fee and the regular annual registration fee for the vehicle. If the surviving spouse remarries, the surviving spouse shall return the special plates to the department and the department shall issue regular registration plates to the surviving spouse.

18.

Purple heart special plates. a. An owner referred to in subsection 12 who was awarded a purple heart medal by the United States government for wounds received in military or naval combat against an armed enemy of the United States may, upon written application to the department and presentation of satisfactory proof of the award of the purple heart medal, order special registration plates with a purple heart processed emblem. The design of the emblem shall include a representation of a purple heart medal and ribbon. The application is subject to approval by the department in consultation with the adjutant general. The special plate fees collected by the director under subsection 12, paragraph "a", from the annual validation of letter-number designated purple heart plates, and subsection 12, paragraph "c", from the issuance and annual validation of personalized purple heart plates shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall transfer monthly from the statutory allocations fund created under section 321.145, subsection 2, to the veterans license fee fund created in section 35A.11 the amount of the special fees collected under subsection 12, paragraph "a", in the previous month for purple heart plates. b. Notwithstanding subsection 12, paragraph "a", an owner who is approved for special registration plates under this subsection shall be issued one set of special registration plates with a purple heart processed emblem at no charge. c. The surviving spouse of a person who was issued special plates under this subsection may continue to use or apply for and use the special plates subject to registration of the special plates in the surviving spouse's name and upon payment of the annual five-dollar special plate fee and the regular annual registration fee for the vehicle. If the surviving spouse remarries, the surviving spouse shall return the special plates to the department and the department shall issue regular registration plates to the surviving spouse. 19. United States armed forces retired special plates. a. An owner referred to in subsection 12 who is a retired member of the United States armed forces may, upon written application to the department and upon presentation of satisfactory proof of membership, order special registration plates with a United States armed forces retired processed emblem. The emblem shall be designed by the department in consultation with service organizations. The application is subject to approval by the department. For purposes of this subsection, a person is considered to be retired if the person is recognized by the United States armed forces as retired from the United States armed forces. The special plate fees collected by the director under subsection 12, paragraph "a", from the annual validation of letter-number designated armed forces retired plates, and subsection 12, paragraph "c", from the issuance and annual validation of personalized armed forces retired plates shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall transfer monthly from the statutory allocations fund created under section 321.145, subsection 2, to the veterans license fee fund created in section 35A.11 the amount of the special fees collected under subsection 12, paragraph "a", in the previous month for armed forces retired plates. b. Notwithstanding subsection 12, paragraph "a", an owner who is approved for special registration plates under this subsection shall be issued one set of special registration plates with an armed forces retired processed emblem at no charge. c. The surviving spouse of a person who was issued special plates under this subsection may continue to use or apply for and use the special plates subject to registration of the special plates in the surviving spouse's name and upon payment of the annual five-dollar special plate fee and the regular annual registration fee for the vehicle. If the surviving spouse remarries, the surviving spouse shall return the special plates to the department and the department shall issue regular registration plates to the surviving spouse. 20. Silver or bronze star plates. a. An owner referred to in subsection 12 who was awarded a silver or a bronze star by the United States government, may, upon written application to the department and presentation of satisfactory proof of the award of the silver or bronze star, order special registration plates with a silver or bronze star processed emblem. The emblem shall be designed by the department in consultation with the adjutant general. The special plate fees collected by the director under subsection 12, paragraph "a", from the annual validation of letter-number designated silver star and bronze star plates, and subsection 12, paragraph "c", from the issuance and annual validation of personalized silver star and bronze star plates shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall transfer monthly from the statutory allocations fund created under section 321.145, subsection 2, to the veterans license fee fund created in section 35A.11 the amount of the special fees collected under subsection 12, paragraph "a", in the previous month for silver star and bronze star plates. b. Notwithstanding subsection 12, paragraph "a", an owner who is approved for special registration plates under this subsection shall be issued one set of special registration plates with a silver star or bronze star processed emblem at no charge. c. The surviving spouse of a person who was issued special plates under this subsection may continue to use or apply for and use the special plates subject to registration of the special plates in the surviving spouse's name and upon payment of the annual five-dollar special plate fee and the regular annual registration fee for the vehicle. If the surviving spouse remarries, the surviving spouse shall return the special plates to the department and the department shall issue regular registration plates to the surviving spouse. 20A. Distinguished service, navy, or air force cross plates. a. An owner referred to in subsection 12 who was awarded a distinguished service cross, a navy cross, or an air force cross by the United States government may, upon written application to the department and presentation of satisfactory proof of the award, order special registration plates with a distinguished service cross, navy cross, or air force cross processed emblem. The emblem shall be designed by the department in consultation with the adjutant general. The special plate fees collected by the director under subsection 12, paragraph "a", from the annual validation of letter-number designated distinguished service cross, navy cross, and air force cross plates, and subsection 12, paragraph "c", from the issuance and annual validation of personalized distinguished service cross, navy cross, and air force cross plates shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall transfer monthly from the statutory allocations fund created under section 321.145, subsection 2, to the veterans license fee fund created in section 35A.11 the amount of the special fees collected under subsection 12, paragraph "a", in the previous month for distinguished service cross, navy cross, and air force cross plates. b. Notwithstanding subsection 12, paragraph "a", an owner who is approved for special registration plates under this subsection shall be issued one set of special registration plates with a distinguished service cross, navy cross, or air force cross processed emblem at

no charge. c. The surviving spouse of a person who was issued special plates under this subsection may continue to use or apply for and use the special plates subject to registration of the special plates in the surviving spouse's name and upon payment of the annual five-dollar special plate fee and the regular annual registration fee for the vehicle. If the surviving spouse remarries, the surviving spouse shall return the special plates to the department and the department shall issue regular registration plates to the surviving spouse.

20B. Soldier's, navy and marine corps, or airman's medal plates. a. An owner referred to in subsection 12 who was awarded a soldier's medal, a navy and marine corps medal, or an airman's medal by the United States government may, upon written application to the department and presentation of satisfactory proof of the award, order special registration plates with a soldier's medal, navy and marine corps medal, or airman's medal processed emblem. The emblem shall be designed by the department in consultation with the adjutant general. The special plate fees collected by the director under subsection 12, paragraph "a", from the annual validation of letter-number designated soldier's medal, navy and marine corps medal, and airman's medal plates, and subsection 12, paragraph "c", from the issuance and annual validation of personalized soldier's medal, navy and marine corps medal, and airman's medal plates shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall transfer monthly from the statutory allocations fund created under section 321.145, subsection 2, to the veterans license fee fund created in section 35A.11 the amount of the special fees collected under subsection 12, paragraph "a", in the previous month for soldier's medal, navy and marine corps medal, and airman's medal plates. b. Notwithstanding subsection 12, paragraph "a", an owner who is approved for special registration plates under this subsection shall be issued one set of special registration plates with a soldier's medal, navy and marine corps medal, or airman's medal processed emblem at no charge. c. The surviving spouse of a person who was issued special plates under this subsection may continue to use or apply for and use the special plates subject to registration of the special plates in the surviving spouse's name and upon payment of the annual five-dollar special plate fee and the regular annual registration fee for the vehicle. If the surviving spouse remarries, the surviving spouse shall return the special plates to the department and the department shall issue regular registration plates to the surviving spouse.

20C. Combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, and combat medical badge plates. a. The department, in consultation with the adjutant general, shall design combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, and combat medical badge distinguishing processed emblems. Upon receipt of two hundred fifty orders for combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, or combat medical badge special registration plates, accompanied by a start-up fee of twenty dollars per order, the department shall begin issuing special registration plates with the applicable distinguishing processed emblem as provided in paragraphs "b", "c", and "d". The minimum order requirement shall apply separately to each of the special registration plates created under this subsection. b. An owner referred to in subsection 12 who was awarded a combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, or combat medical badge by the United States government may, upon written application to the department and presentation of satisfactory proof of the award, order special registration plates with a combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, or combat medical badge processed emblem. The special plate fees collected by the director under subsection 12, paragraph "a", from the annual validation of letter-number designated combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, and combat medical badge plates, and subsection 12, paragraph "c", from the issuance and annual validation of personalized combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, and combat medical badge plates shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall transfer monthly from the statutory allocations fund created under section 321.145, subsection 2, to the veterans license fee fund created in section 35A.11 the amount of the special fees collected under subsection 12, paragraph "a", in the previous month for combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, and combat medical badge plates. c. Notwithstanding subsection 12, paragraph "a", an owner who is approved for special registration plates under this subsection shall be issued one set of special registration plates with a combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, or combat medical badge distinguishing processed emblem at no charge. d. The surviving spouse of a person who was issued special plates under this subsection may continue to use or apply for and use the special plates subject to registration of the special plates in the surviving spouse's name and upon payment of the annual five-dollar special plate fee and the regular annual registration fee for the vehicle. If the surviving spouse remarries, the surviving spouse shall return the special plates to the department and the department shall issue regular registration plates to the surviving spouse.

21. Iowa heritage special plates. a. An owner referred to in subsection 12 may, upon written application to the department, order special registration plates with an Iowa heritage emblem. The emblem shall contain a picture of the American gothic house and the words "Iowa Heritage" and shall be designed by the department in consultation with the state historical society of Iowa. b. The special Iowa heritage fee for letter-number designated plates is thirty-five dollars. The special fee for personalized Iowa heritage plates is twenty-five dollars which shall be paid in addition to the special fee of thirty-five dollars. The annual special Iowa heritage fee is ten dollars for letter-number designated registration plates and is fifteen dollars for personalized registration plates which shall be paid in addition to the regular annual registration fee. c. The special fees collected by the director under this subsection shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall credit monthly from the statutory allocations fund created under section 321.145, subsection 2, to the Iowa heritage fund created under section 8A.709 the amount of the special fees collected in the previous month for the Iowa heritage plates.

22. Education plates. a. An owner referred to in subsection 12, upon written application to the department, may order special registration plates with an education emblem. The education emblem shall be designed by the department in cooperation with the department of education. b. The special school transportation fee for letter-number designated

education plates is thirty-five dollars. The fee for personalized education plates is twenty-five dollars, which shall be paid in addition to the special school transportation fee of thirty-five dollars. The annual special school transportation fee is ten dollars for letter-number designated registration plates and is fifteen dollars for personalized registration plates which shall be paid in addition to the regular annual registration fee. The fees collected by the director under this subsection shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall transfer monthly from the statutory allocations fund created under section 321.145, subsection 2, to the school budget review committee in accordance with section 257.31, subsection 17, the amount of the special school transportation fees collected in the previous month for the education plates.

23. Breast cancer awareness plates. a. Upon application and payment of the proper fees, the director may issue breast cancer awareness plates to an owner of a motor vehicle referred to in subsection 12. b. Breast cancer awareness plates shall contain an image of a pink ribbon and shall be designed by the department in consultation with the Susan G. Komen foundation. c. The special fee for letter-number designated breast cancer awareness plates is thirty-five dollars. The fee for personalized breast cancer awareness plates is twenty-five dollars, which shall be paid in addition to the special breast cancer awareness fee of thirty-five dollars. The fees collected by the director under this subsection shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall transfer monthly from the statutory allocations fund created under section 321.145, subsection 2, to the department of health and human services the amount of the special fees collected in the previous month for the breast cancer awareness plates and such funds are appropriated to the department of health and human services. The department of health and human services shall distribute one hundred percent of the funds received monthly in the form of grants to support breast cancer screenings for both men and women who meet eligibility requirements like those established by the Susan G. Komen foundation. In the awarding of grants, the department of health and human services shall give first consideration to affiliates of the Susan G. Komen foundation and similar nonprofit organizations providing for breast cancer screenings at no cost in Iowa. Notwithstanding section 8.33, moneys transferred under this subsection shall not revert to the general fund of the state. d. Upon receipt of the special registration plates, the applicant shall surrender the current registration plates to the county treasurer. The county treasurer shall validate the special registration plates in the same manner as regular registration plates are validated under this section. The annual special breast cancer awareness fee for letter-number designated plates is ten dollars, which shall be paid in addition to the regular annual registration fee. The annual special fee for personalized breast cancer awareness plates is five dollars, which shall be paid in addition to the annual special breast cancer awareness fee and the regular annual registration fee. The annual special breast cancer awareness fee shall be credited and transferred as provided under paragraph “c”.

24. Gold star plates. a. An owner referred to in subsection 12 who is the surviving spouse, parent, child, or sibling of a deceased member of the United States armed forces who died while serving on active duty during a time of military conflict or who died as a result of such service may order special registration plates bearing a gold star emblem upon written application to the department accompanied by satisfactory supporting documentation as determined by the department. The gold star emblem shall be designed by the department in cooperation with the commission of veterans affairs. The special plate fees collected by the director under subsection 12, paragraph “a”, from the annual validation of letter-number designated gold star plates, and subsection 12, paragraph “c”, from the issuance and annual validation of personalized gold star plates shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall transfer monthly from the statutory allocations fund created under section 321.145, subsection 2, to the veterans license fee fund created in section 35A.11 the amount of the special fees collected under subsection 12, paragraph “a”, in the previous month for gold star plates. b. Notwithstanding subsection 12, paragraph “a”, an owner who is approved for special registration plates under this subsection shall be issued one set of special registration plates bearing a gold star emblem at no charge.

25. Civil war sesquicentennial plates. a. The department, in consultation with the adjutant general, shall design a civil war sesquicentennial distinguishing processed emblem. Upon receipt of two hundred fifty orders for civil war sesquicentennial special registration plates, accompanied by a start-up fee of twenty dollars per order, the department shall begin issuing special registration plates with a civil war sesquicentennial processed emblem as provided in paragraph “b”. b. An owner referred to in subsection 12, upon written application to the department, may order special registration plates with a civil war sesquicentennial processed emblem. The special plate fees collected by the director under subsection 12, paragraphs “a” and “c”, from the issuance and annual validation of letter-number designated and personalized civil war sesquicentennial plates shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall transfer monthly from the statutory allocations fund created under section 321.145, subsection 2, to the department of administrative services the amount of the special fees collected under subsection 12, paragraph “a”, in the previous month for civil war sesquicentennial plates, and such funds are appropriated to the department of administrative services to be used for the Iowa battle flag project.

26. Fallen peace officers plates. a. The department, in consultation with the department of public safety and concerns of police survivors, inc., shall design a fallen peace officers distinguishing processed emblem. Upon receipt of two hundred fifty orders for fallen peace officers special registration plates, accompanied by a start-up fee of twenty dollars per order, the department shall begin issuing special registration plates with a fallen peace officers processed emblem as provided in paragraphs “b” and “c”. b. An owner of a motor vehicle referred to in subsection 12, upon written application to the department, may order special registration plates with a fallen peace officers processed emblem. The special fee for letter-number designated fallen peace officers plates is thirty-five dollars. The fee for personalized fallen peace officers plates is twenty-five dollars, which shall be paid in addition to the special fallen peace officers fee of thirty-five dollars. The fees collected by the director under this paragraph shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall transfer monthly from the statutory allocations fund created under section 321.145, subsection 2, to the department of public safety the amount of the special fees collected in the previous month for the fallen peace officers plates and such funds are

appropriated to the department of public safety. The department of public safety shall distribute one hundred percent of the funds received monthly in the form of grants to nonprofit organizations that provide resources to assist in the rebuilding of the lives of surviving families and affected coworkers of law enforcement officers killed in the line of duty. In the awarding of grants, the department of public safety shall give first consideration to concerns of police survivors, inc., and similar nonprofit organizations providing such resources. Notwithstanding section 8.33, moneys transferred under this subsection shall not revert to the general fund of the state. c. Upon receipt of the special registration plates, the applicant shall surrender the current registration plates to the county treasurer. The county treasurer shall validate the special registration plates in the same manner as regular registration plates are validated under this section. The annual special fallen peace officers fee for letter-number designated plates is ten dollars, which shall be paid in addition to the regular annual registration fee. The annual special fee for personalized fallen peace officers plates is five dollars, which shall be paid in addition to the annual special fallen peace officers fee and the regular annual registration fee. The annual special fallen peace officers fee shall be credited and transferred as provided under paragraph “b”. 27. United States veteran plates. a. An owner referred to in subsection 12 who served in the armed forces of the United States and was discharged under honorable conditions may, upon written application to the department and upon presentation of satisfactory proof of military service and discharge under honorable conditions, order special registration plates bearing a distinguishing processed emblem depicting the word “veteran” below an image of the American flag. The application is subject to approval by the department. The special plate fees collected by the director under subsection 12, paragraph “a”, from the annual validation of letter-number designated United States veteran plates, and subsection 12, paragraph “c”, from the issuance and annual validation of personalized United States veteran plates, shall be paid monthly to the treasurer of state and deposited in the road use tax fund. The treasurer of state shall transfer monthly from the statutory allocations fund created under section 321.145, subsection 2, to the veterans license fee fund created in section 35A.11 the amount of the special fees collected under subsection 12, paragraph “a”, in the previous month for United States veteran plates. b. Notwithstanding subsection 12, paragraph “a”, an owner who is approved for a special registration plate under this subsection shall be issued one set of special registration plates bearing a distinguishing processed emblem depicting the word “veteran” below an image of the American flag at no charge. [SS15, §1571-m5; C24, 27, 31, 35, §4874; C39, §5001.18; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.34] 82 Acts, ch 1032, §2, 4; 82 Acts, ch 1062, §4, 38; 84 Acts, ch 1027, §1; 84 Acts, ch 1250, §1; 84 Acts, ch 1305, §49; 85 Acts, ch 67, §35; 85 Acts, ch 87, §1; 86 Acts, ch 1182, §1; 86 Acts, ch 1225, §1; 87 Acts, ch 77, §1; 88 Acts, ch 1215, §1 – 4; 88 Acts, ch 1222, §1; 89 Acts, ch 17, §1; 89 Acts, ch 27, §1; 89 Acts, ch 247, §4; 89 Acts, ch 296, §27; 89 Acts, ch 317, §31; 90 Acts, ch 1128, §1; 90 Acts, ch 1151, §1; 91 Acts, ch 49, §1, 2; 91 Acts, ch 58, §1; 91 Acts, ch 259, §3; 92 Acts, ch 1175, §29 ; 92 Acts, 2nd Ex, ch 1001, §204, 205 ; 93 Acts, ch 2, §1; 94 Acts, ch 1104, §1; 95 Acts, ch 118, §7 – 9, 40; 96 Acts, ch 1065, §1; 96 Acts, ch 1088, §3, 4, 8; 96 Acts, ch 1171, §2; 96 Acts, ch 1219, §21 – 24; 97 Acts, ch 2, §1, 2; 97 Acts, ch 70, §3, 15; 97 Acts, ch 104, §8 – 10; 97 Acts, ch 108, §5; 97 Acts, ch 123, §1; 97 Acts, ch 212, §33; 98 Acts, ch 1079, §1 – 3; 99 Acts, ch 7, §1 – 9; 99 Acts, ch 114, §20; 99 Acts, ch 141, §38; 99 Acts, ch 180, §15; 2000 Acts, ch 1154, §21; 2000 Acts, ch 1157, §1; 2000 Acts, ch 1206, §1; 2001 Acts, ch 24, §73, 74; 2001 Acts, ch 32, §17; 2001 Acts, ch 144, §2, 3; 2002 Acts, ch 1119, §42; 2003 Acts, ch 3, §1; 2003 Acts, ch 7, §1 – 9; 2003 Acts, ch 105, §2 ; 2003 Acts, 1st Ex, ch 2, §165 – 171, 205 ; 2004 Acts, ch 1013, §7 – 10, 35; 2004 Acts, ch 1175, §333, 347; 2005 Acts, ch 8, §9; 2007 Acts, ch 143, §9; 2007 Acts, ch 178, §2, 3; 2007 Acts, ch 184, §2 – 5, 7; 2007 Acts, ch 215, §106, 107, 130; 2008 Acts, ch 1018, §9 – 16; 2008 Acts, ch 1088, §118; 2008 Acts, ch 1113, §58 – 77; 2008 Acts, ch 1124, §4, 5; 2008 Acts, ch 1130, §8, 10; 2010 Acts, ch 1061, §180; 2010 Acts, ch 1069, §142; 2011 Acts, ch 68, §1, 5; 2011 Acts, ch 114, §2; 2011 Acts, ch 131, §59, 60, 158; 2012 Acts, ch 1093, §4; 2014 Acts, ch 1116, §11 – 28; 2015 Acts, ch 30, §98, 99, 205, 209; 2016 Acts, ch 1068, §1, 4; 2016 Acts, ch 1098, §3 – 11; 2017 Acts, ch 29, §91; 2019 Acts, ch 89, §35; 2020 Acts, ch 1118, §155; 2021 Acts, ch 38, §2; 2022 Acts, ch 1080, §1; 2023 Acts, ch 19, §1057, 1058, 1418; 2023 Acts, ch 144, §1 Referred to in §8A.709, 35A.11, 100B.12, 257.31, 321.105, 321.145, 321.166, 321.231C, 321L.1, 321L.2, 321L.2A, 331.557, 364.3, 805.8A(2)(e) For applicable scheduled fines, see §805.8A, subsection 2 Subsection 11A, paragraphs b and c amended Subsection 11D, paragraph c, subparagraph (2) amended Subsection 23, paragraph c amended Subsection 25, paragraph b amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.340 - Driving through safety zone.

321.340 Driving through safety zone. No vehicle shall at any time be driven through or within a safety zone. [C39, §5028.06; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.340] Referred to in §805.8A(6)(t) For applicable scheduled fine, see §805.8A, subsection 6

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.341 - Obedience to signal indicating approach of railroad train or railroad track equipment.

321.341 Obedience to signal indicating approach of railroad train or railroad track equipment. 1. When a person driving a vehicle approaches a railroad grade crossing and warning is given by automatic signal, crossing gates, a flag person, or otherwise of the immediate approach of a railroad train or railroad track equipment, the driver of the vehicle shall stop the vehicle within fifty feet but not less than fifteen feet from the nearest rail and shall not proceed until the driver can do so safely. 2. The driver of a vehicle shall stop the vehicle and the vehicle shall remain standing and not traverse such a grade crossing when a crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train or railroad track equipment. [C39, §5029.01; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.341] 87 Acts, ch 170, §9; 2012 Acts, ch 1044, §1; 2013 Acts,

ch 90, §82 Referred to in §321.208, 321.343A, 321.344A, 321.344B, 321.484, 805.8A(14)(h) For applicable scheduled fines, see §805.8A, subsection 14, paragraph h

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.342 - Stop at certain railroad crossings — posting warning.

321.342 Stop at certain railroad crossings — posting warning. 1. The driver of any vehicle approaching a railroad grade crossing across which traffic is regulated by a stop sign, a railroad sign directing traffic to stop, or an official traffic control signal displaying a flashing red or steady circular red colored light shall stop prior to driving across the railroad grade crossing at the first opportunity at either the clearly marked stop line or at a point near the crossing where the driver has a clear view of the approaching railroad train or railroad track equipment. 2. The department, city or county shall be required to post the standard sign as prescribed by the manual on uniform traffic-control devices adopted by the department pursuant to section 321.252 in advance of each railroad grade crossing to warn the motorist that the motorist is approaching a railroad grade crossing. Upon properly posting all railroad grade crossings within its jurisdiction and upon implementing the standards established in accordance with section 307.26, the department, city, or county shall not have any other affirmative duty to warn a motor vehicle operator approaching or at the railroad grade crossing. [C39, §5029.02; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.342] 2012 Acts, ch 1044, §2 Referred to in §321.344A, 321.344B, 321.484, 805.8A(14)(h) For applicable scheduled fines, see §805.8A, subsection 14, paragraph h

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.343 - Certain vehicles must stop.

321.343 Certain vehicles must stop. 1. The driver of a motor vehicle carrying passengers for hire, a school bus, or a vehicle carrying hazardous material and required to stop before driving across a railroad track by motor carrier safety rules adopted under section 321.449, before driving across at grade any track of a railroad, shall stop the vehicle within fifty feet but not less than fifteen feet from the nearest rail. While stopped, the driver shall listen and look in both directions for an approaching railroad train or railroad track equipment, and for signals indicating the approach of a railroad train or railroad track equipment, and shall not proceed until the driver can do so safely. 2. The driver of a commercial motor vehicle shall comply with all of the following provisions that apply to the driver: a. If the driver is not always required to stop at a railroad crossing, slow down when approaching the crossing and check that the railroad tracks are clear of an approaching railroad train or railroad track equipment before proceeding. b. If the driver is not always required to stop at a railroad crossing, stop before reaching the crossing if the railroad tracks are not clear. c. Refrain from proceeding through a railroad crossing if sufficient space is not available to drive completely through the crossing without stopping. d. Obey a traffic-control device or the directions of an enforcement official at a railroad crossing. e. Have sufficient undercarriage clearance before negotiating a railroad crossing. 3. No stop need be made at a crossing where a peace officer or a traffic-control device directs traffic to proceed. No stop need be made at a crossing designated by an “exempt” sign. An “exempt” sign shall be posted only where the tracks have been partially removed on either side of the roadway. [C27, 31, 35, §5105-a33; C39, §5029.03; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.343; 82 Acts, ch 1200, §1] 87 Acts, ch 170, §10; 2001 Acts, ch 132, §10; 2012 Acts, ch 1044, §3, 4 Referred to in §321.208, 321.343A, 321.344A, 321.344B, 321.484, 805.8A(14)(h) For applicable scheduled fines, see §805.8A, subsection 14, paragraph h

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.343A - Employer violations — penalty.

321.343A Employer violations — penalty. 49 C.F.R. pt. 386, Appendix B(b)(3) . 2008 Acts, ch 1021, §11; 2023 Acts, ch 126, §5 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.344 - Heavy equipment at crossing.

321.344 Heavy equipment at crossing. 1. No person shall operate or move any caterpillar tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of six or less miles per hour or a vertical body or load clearance of less than nine inches above the level surface of a roadway upon or across any tracks at a railroad grade crossing without first complying with this section. 2. Notice of the intended crossing shall be given to a superintendent of the railroad, and a reasonable time shall be given to the railroad to provide proper protection at the crossing. 3. Before making the crossing, the person operating or moving the vehicle or equipment shall first stop the vehicle or equipment not less than ten feet nor more than fifty feet from the nearest rail of the railroad and, while stopped, shall listen and look in both directions along the track for any approaching railroad train or railroad track equipment and for signals indicating the approach of a railroad train or railroad track equipment, and shall not proceed until the crossing can be made safely. 4. No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or railroad track equipment. [C39, §5029.04; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.344] 2012 Acts, ch 1044, §5 Referred to in §321.344A, 321.344B, 321.484, 805.8A(14)(h) For applicable scheduled fines, see §805.8A, subsection 14, paragraph h

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.344A - Reported violations for failure to stop at a railroad crossing — citations.

321.344A Reported violations for failure to stop at a railroad crossing — citations. 1. The employee of a railroad who observes a violation of section 321.341, 321.342, 321.343, or 321.344 may prepare a written report on a form provided by the department of public safety indicating that a violation has occurred. The railroad employee may deliver the report not more than seventy-two hours after the violation occurred to a peace officer of the state or a peace officer of the county or municipality in which the violation occurred. The report shall state the time and the location at which the violation occurred and shall include the registration plate number and a description of the vehicle involved in the violation. 2. A peace officer may initiate an investigation not more than seven calendar days after receiving a report of a violation pursuant to this section. The peace officer may request that the owner of the vehicle supply information identifying the driver of the vehicle in accordance with section 321.484, or in the case of a commercial motor vehicle, the peace officer may request that the employer of the driver provide information identifying the driver of the vehicle. a. If from the investigation, the peace officer is able to identify the driver of the vehicle and has reasonable cause to believe a violation has occurred, the peace officer shall prepare a uniform traffic citation for the violation and shall serve it personally or by certified mail on the driver of the vehicle. b. If, from the investigation, the peace officer has reasonable cause to believe that a violation occurred but is unable to identify the driver, the peace officer shall serve a uniform traffic citation for the violation on the owner of the motor vehicle or, in the case of a commercial motor vehicle, on the employer of the driver. Notwithstanding section 321.484, in a proceeding where the peace officer who conducted the investigation was not able to identify the driver of the motor vehicle, proof that the motor vehicle described in the uniform traffic citation was used to commit the violation of section 321.341, 321.342, 321.343, or 321.344, together with proof that the defendant named in the citation was the owner of the motor vehicle or, in the case of a commercial motor vehicle, the employer of the driver, at the time the violation occurred, constitutes a permissible inference that the owner or employer was the person who committed the violation. c. For purposes of this subsection, “owner” means a person who holds the legal title to a motor vehicle; however, if the motor vehicle is the subject of a security agreement with a right of possession in the debtor, the debtor shall be deemed the owner for purposes of this subsection, or if the motor vehicle is leased as defined in section 321.493, the lessee shall be deemed the owner for purposes of this subsection. 92 Acts, ch 1152, §1; 2005 Acts, ch 92, §1; 2008 Acts, ch 1021, §12

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.344B - Immediate safety threat — penalty.

321.344B Immediate safety threat — penalty. A violation of section 321.341, 321.342, 321.343, or 321.344 which creates an immediate threat to the safety of a person or property is a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 14, paragraph “h”. 2000 Acts, ch 1134, §2; 2001 Acts, ch 137, §5 Referred to in §805.8A(14)(h)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.345 - Stop or yield at highways.

321.345 Stop or yield at highways. The department, based on an engineering study, with reference to primary highways, and local authorities with reference to other highways under their jurisdiction may designate through highways and erect stop signs or yield signs, in accordance with specifications established by the department at specified entrances to the highway or may designate any intersection as a stop intersection or as a yield intersection and erect like signs at one or more entrances to such intersection. [C27, §5079-b3, -b4; C31, 35, §5079-b3, -b4, -d3, -d4; C39, §5029.05; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.345] Referred to in §321.347 Analogous provision, §321.253

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.346 - Cost of signs.

321.346 Cost of signs. The cost of the signs on primary highways shall be paid out of the primary road fund. The cost of the signs on secondary roads shall be paid by the county. [C27, §5079-b4; C31, 35, §5079-b4, -d4; C39, §5029.06; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.346] 83 Acts, ch 123, §128, 209

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.347 - Exceptions.

321.347 Exceptions. Notwithstanding section 321.345, at intersections of through highways with boulevards or heavy traffic streets in cities, the city council, subject to the approval of the department, may determine that the through highway traffic shall come to a stop, may erect traffic-control signals, or may adopt such other means of handling the traffic as may be deemed practical and proper. [C31, 35, §5079-c1; C39, §5029.07; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.347] 2019 Acts, ch 59, §96 Referred to in §321.349

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.348 - Limitations on cities.

321.348 Limitations on cities. It shall be unlawful for any city to close or obstruct any street or highway which is used as the extension of a primary road within such city, except at times of fires or for the purpose of doing construction or repair work on such street or highway, or for other reasons with the consent of the department, and it shall also be unlawful for any city to erect or cause

to be erected or maintained any traffic sign or signal inconsistent with the provisions of this chapter. [C31, 35, §5079-c2; C39, §5029.08; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.348] Referred to in §321.349

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.349 - Exceptions.

321.349 Exceptions. The provisions of sections 321.347 and 321.348 as concerns the erection and maintenance of “stop” and “go” signals shall not apply to cities with a population of four thousand or over where said signals are situated within business districts of said city. [C31, 35, §5079-c3; C39, §5029.09; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.349]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.35 - Plates — reflective material — bidding procedures.

321.35 Plates — reflective material — bidding procedures. 1. All motor vehicle registration plates shall be treated with a reflective material according to specifications proposed by the director and approved by the commission. 2. The department shall not enter into any contract requiring an expenditure of at least five hundred thousand dollars for the manufacture of motor vehicle registration plates to be reissued to owners under this chapter unless competitive bidding procedures as provided in chapter 8A, subchapter III, are followed. [C62, 66, 71, 73, 75, 77, 79, 81, §321.35] 95 Acts, ch 118, §10; 2003 Acts, ch 145, §247 Referred to in §331.557

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.350 - Primary roads as through highways.

321.350 Primary roads as through highways. Primary roads, and extensions of primary roads within cities are hereby designated as through highways. [C27, 31, 35, §5079-b1; C39, §5029.10; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.350]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.352 - Additional signs — cost.

321.352 Additional signs — cost. The county board of supervisors shall, at places deemed by them unusually dangerous on the local county roads, furnish and erect suitable warning signs. The cost of the signs shall be paid by the county. [C31, 35, §5079-d5; C39, §5029.12; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.352] 83 Acts, ch 123, §129, 209 Referred to in §331.362

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.353 - Stop before crossing sidewalk — right-of-way.

321.353 Stop before crossing sidewalk — right-of-way. 1. The driver of a vehicle emerging from a private roadway, alley, driveway, or building shall stop such vehicle immediately prior to driving onto the sidewalk area and thereafter the driver shall proceed into the sidewalk area only when the driver can do so without danger to pedestrian traffic and the driver shall yield the right-of-way to any vehicular traffic on the street into which the driver’s vehicle is entering. 2. The driver of a vehicle about to enter or cross a highway from a private road or driveway shall stop such vehicle immediately prior to driving on said highway and shall yield the right-of-way to all vehicles approaching on said highway. [S13, §1571-m18; C24, 27, 31, 35, §5035; C39, §5026.05, 5029.13; C46, §321.323, 321.353; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.353] Referred to in §805.8A(6)(u) For applicable scheduled fine, see §805.8A, subsection 6

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.354 - Stopping on traveled way.

321.354 Stopping on traveled way. 1. A person shall not stop, park, or leave standing an attended or unattended vehicle upon any highway outside of a business district, rural residence district, or residence district as follows: a. Upon the paved part of the highway when it is practical to stop, park, or leave the vehicle off that part of the highway, however, a clear and unobstructed width of at least twenty feet of the paved part of the highway opposite the standing vehicle shall be left for the free passage of other vehicles. As used in this subsection, “paved highway” includes an asphalt surfaced highway. b. Upon the main traveled part of a highway other than a paved highway when it is practical to stop, park, or leave the vehicle off that part of the highway. However, a clear and unobstructed width of that part of the highway opposite the standing vehicle shall be left to allow for the free passage of other vehicles. 2. A clear view of the stopped vehicle shall be available from a distance of two hundred feet in each direction upon the highway. However, school buses may stop on the highway for receiving and discharging pupils and all other vehicles shall stop for school buses which are stopped to receive or discharge pupils, as provided in section 321.372. This section does not apply to a vehicle making a turn as provided in section 321.311. This section also does not apply to the stopping or parking of a maintenance vehicle operated by a highway authority on the main traveled way of any roadway when necessary to the function being performed and when early warning devices are properly displayed. [C24, 27, 31, 35, §5066; C39, §5030.01; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.354] 84 Acts, ch 1022, §2; 86 Acts, ch 1056, §4; 98 Acts, ch 1075, §23; 2013 Acts, ch 90, §83 Referred to in §321.210, 321.355, 321.356, 805.8A(6)(v) For applicable scheduled fine, see §805.8A, subsection 6

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section

321.355 - Disabled vehicle.

321.355 Disabled vehicle. Section 321.354 shall not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position. [C39, §5030.02; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.355] Referred to in §321.210, 321.356

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.356 - Officers authorized to remove.

321.356 Officers authorized to remove. Whenever any peace officer finds a vehicle standing upon a highway in violation of any of the provisions of sections 321.354 and 321.355, such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or improved or main traveled part of such highway. [C39, §5030.03; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.356] 2009 Acts, ch 41, §117 Referred to in §321.210

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.357 - Removed from bridge.

321.357 Removed from bridge. Whenever any peace officer finds a vehicle unattended upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety. [C39, §5030.04; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.357] Referred to in §321.210

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.358 - Stopping, standing, or parking.

321.358 Stopping, standing, or parking. No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places: 1. On a sidewalk, except a bicycle may stop, stand, or park on a sidewalk if not prohibited by a local jurisdiction. 2. In front of a public or private driveway. 3. Within an intersection. 4. Within five feet of a fire hydrant. 5. On a crosswalk. 6. Within ten feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway. 7. Between a safety zone and the adjacent curb or within ten feet of points on the curb immediately opposite the ends of a safety zone, unless any city indicates a different length by signs or markings. 8. Within fifty feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light. 9. Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of said entrance when properly signposted. 10. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic. 11. On the roadway side of any vehicle stopped or parked at the edge or curb of a street. 12. Upon any bridge or other elevated structure upon a highway outside of cities or within a highway tunnel. 13. At any place where official signs prohibit stopping or parking. 14. Upon any street within the corporate limits of a city when the same is prohibited by a general ordinance of uniform application relating to removal of snow or ice from the streets. 15. In front of a curb cut or ramp which is located on public or private property in a manner which blocks access to the curb cut or ramp. [S13, §1571-m18; C24, 27, 31, 35, §5057, 5058, 5060; C39, §5030.05; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.358] 85 Acts, ch 40, §4; 89 Acts, ch 247, §7 Referred to in §321.210, 321.359, 602.8103, 602.8106, 805.8A(1)(a) For fines applicable to offenses charged as scheduled violations, see §805.8A, subsection 1, paragraph a

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.359 - Moving other vehicle.

321.359 Moving other vehicle. A person shall not move a vehicle not owned by that person into any prohibited area described in section 321.358 or to a place that is an unlawful distance from a curb. [C39, §5030.06; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.359] 2021 Acts, ch 80, §174 Referred to in §321.210

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.360 - Theaters, hotels, and auditoriums.

321.360 Theaters, hotels, and auditoriums. A space of not to exceed fifty feet is hereby reserved at the side of the street in front of any theater, auditorium, hotel having more than twenty-five sleeping rooms, or other buildings where large assemblages of people are being held, within which space, when clearly marked as such, no motor vehicle shall be left standing, parked, or stopped except in taking on or discharging passengers or freight, and then only for such length of time as is necessary for such purpose. [S13, §1571-m18; C24, 27, 31, 35, §5059; C39, §5030.07; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.360] Referred to in §321.210, 602.8103, 602.8106, 805.8A(1)(a) For applicable scheduled fine, see §805.8A, subsection 1, paragraph a

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.361 - Additional parking regulations.

321.361 Additional parking regulations. 1. Except as otherwise provided in this section every vehicle stopped or parked upon a

roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within eighteen inches of the right-hand curb. 2. Local authorities may by ordinance permit parking of vehicles with the left-hand wheels adjacent to and within eighteen inches of the left-hand curb of a one-way roadway. 3. Local authorities may by ordinance permit angle or center parking on any roadway under their jurisdiction. [S13, §1571-m18; C24, 27, 31, 35, §4997, 5056; C39, §5030.08; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.361] Referred to in §321.210, 602.8103, 602.8106, 805.8A(1)(a) For fines applicable to offenses charged as scheduled violations, see §805.8A, subsection 1, paragraph a

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.362 - Unattended motor vehicle.

321.362 Unattended motor vehicle. A person driving or in charge of a motor vehicle shall not permit the vehicle to stand unattended upon any perceptible grade without effectively setting the brake and turning the front wheels to the curb or side of the highway. [S13, §1571-m18; C24, 27, 31, 35, §5038; C39, §5031.01; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.362] 2017 Acts, ch 8, §1 Referred to in §805.8A(1)(a) For applicable scheduled fine, see §805.8A, subsection 1, paragraph a

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.363 - Obstruction to driver's view.

321.363 Obstruction to driver's view. 1. No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle. 2. No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with the driver's control over the driving mechanism of the vehicle. [C39, §5031.02; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.363] Referred to in §805.8A(6)(w) For applicable scheduled fine, see §805.8A, subsection 6

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.364 - Preventing contamination of food by hazardous material.

321.364 Preventing contamination of food by hazardous material. Food intended for human consumption shall not be shipped in a vehicle or container which has been used to transport a hazardous material unless the vehicle or container has been purged of any hazardous material or the transportation is made in a manner that prevents any contact between the food and the hazardous material. [S13, §1571-m18; C24, 27, 31, 35, §5031, 5043; C39, §5031.03; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.364] 87 Acts, ch 170, §11 Referred to in §805.8A(13)(c) For applicable scheduled fine, see §805.8A, subsection 13, paragraph c

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.365 - Coasting prohibited.

321.365 Coasting prohibited. The driver of a motor vehicle shall not drive with the source of motive power disengaged from the driving wheels except when disengagement is necessary to stop or to shift gears. [C39, §5031.04, 5031.05; C46, 50, 54, 58, 62, §321.365, 321.366; C66, 71, 73, 75, 77, 79, 81, §321.365] 87 Acts, ch 170, §12 Referred to in §805.8A(6)(x) For applicable scheduled fine, see §805.8A, subsection 6

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.366 - Acts prohibited on fully controlled-access facilities.

321.366 Acts prohibited on fully controlled-access facilities. 1. It is unlawful for a person, except a person operating highway maintenance equipment or an authorized emergency vehicle, to do any of the following on a fully controlled-access facility: a. Drive a vehicle over, upon, or across a curb, central dividing section, or other separation or dividing line. b. Make a left turn or a semicircular or U-turn at a maintenance cross-over where an official sign prohibits the turn. c. Drive a vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation, section, or line. d. Drive a vehicle into the facility from a local service road. e. Stop, park, or leave standing a vehicle, whether attended or unattended, upon the paved portion. f. Stop, park, or leave standing a vehicle, whether attended or unattended, upon the shoulders, or the right-of-way except at designated rest areas or in case of an emergency or other dire necessity. g. Operate a bicycle, skateboard, or other pedestrian conveyance or be a pedestrian anywhere on a fully controlled-access facility. For purposes of this paragraph, "pedestrian conveyance" means any human-powered device by which a pedestrian may move other than by walking or by which a walking person may move another pedestrian, including but not limited to strollers and wheelchairs. 2. For the purpose of this section, "fully controlled-access facility" is a highway which gives preference to through traffic by providing access connections at interchanges with selected public roads only and by prohibiting crossings at grade or direct access at driveway connections. 3. Violations of this section are punishable as a scheduled violation under section 805.8A, subsection 6. [C58, 62, §306A.9; C66, 71, 73, 75, 77, 79, 81, §321.366] 84 Acts, ch 1022, §8; 84 Acts, ch 1219, §27; 2000 Acts, ch 1203, §14; 2001 Acts, ch 137, §5; 2010 Acts, ch 1061, §116; 2010 Acts, ch 1190, §49; 2021 Acts, ch 183, §50, 52 Referred to in §321.210, 805.8A(6)(y)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.366A - Immunity from civil liability for certain vehicle operators.

321.366A Immunity from civil liability for certain vehicle operators. 1. The driver of a vehicle who is exercising due care and who injures another person who is participating in a protest, demonstration, riot, or unlawful assembly or who is engaging in disorderly conduct and is blocking traffic in a public street or highway shall be immune from civil liability for the injury caused by the driver of the vehicle. 2. The driver of a vehicle who injures another person who is participating in a protest, demonstration, riot, or unlawful assembly or who is engaging in disorderly conduct and is blocking traffic in a public street or highway shall not be immune from civil liability if the actions leading to the injury caused by the driver of a vehicle constitute reckless or willful misconduct. 3. Subsection 1 shall not apply if the injured person participating in a protest or demonstration was doing so with a valid permit allowing persons to protest or demonstrate on the public street or highway where the injury occurred. 2021 Acts, ch 183, §51, 52

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.367 - Following fire apparatus.

321.367 Following fire apparatus. The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. [C39, §5031.06; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.367] Referred to in §805.8A(11)(a) For applicable scheduled fine, see §805.8A, subsection 11

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.368 - Crossing fire hose.

321.368 Crossing fire hose. No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private driveway, or streetcar track, to be used at any fire or alarm of fire, without the consent of the fire department official in command. [C39, §5031.07; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.368] Referred to in §805.8A(11)(a) For applicable scheduled fine, see §805.8A, subsection 11

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.369 - Putting debris on highway.

321.369 Putting debris on highway. A person shall not throw or deposit upon a highway any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris. A person shall not throw or deposit upon a highway a substance likely to injure any person, animal, or vehicle upon the highway. A person who violates this section or section 321.370 commits a misdemeanor punishable as a scheduled violation under section 805.8A, subsection 14, paragraph “d”. [S13, §4808-a, -b; C24, 27, 31, 35, §13118; C39, §5031.08; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.369] 97 Acts, ch 147, §3; 2001 Acts, ch 137, §5 Referred to in §321.370, 602.8108, 805.8A(14)(d) See §455B.363

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.37 - Display of plates.

321.37 Display of plates. 1. Registration plates issued for a motor vehicle other than an autocycle, motorcycle, motorized bicycle, or truck tractor shall be attached to the motor vehicle, one in the front and the other in the rear. The registration plate issued for an autocycle, motorcycle, or other vehicle required to be registered hereunder shall be attached to the rear of the vehicle. The registration plate issued for a truck tractor shall be attached to the front of the truck tractor. The special plate issued to a dealer shall be attached on the rear of the vehicle when operated on the highways of this state. 2. Registration plates issued for a motor vehicle which is model year 1948 or older, and reconstructed or specially constructed vehicles built to resemble a model year 1948 vehicle or older, other than a truck registered for more than five tons, autocycle, motorcycle, or truck tractor, may display one registration plate on the rear of the vehicle if the other registration plate issued to the vehicle is carried in the vehicle at all times when the vehicle is operated on a public highway. 3. It is unlawful for the owner of a vehicle to place any frame around or over the registration plate which does not permit full view of all numerals and letters printed on the registration plate. [S13, §1571-m11; C24, 27, 31, 35, §4877; C39, §5001.21; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.37] 84 Acts, ch 1305, §50; 90 Acts, ch 1233, §16; 97 Acts, ch 104, §11; 2016 Acts, ch 1098, §12 Referred to in §321.57, 331.557, 805.8A(2)(f) For applicable scheduled fine, see §805.8A, subsection 2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.370 - Removing injurious material.

321.370 Removing injurious material. Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material and other material as defined in section 321.369 shall immediately remove the same or cause it to be removed. [C39, §5031.09; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.370] Referred to in §321.369, 602.8108, 805.8A(14)(d) For applicable scheduled fines, see §805.8A, subsection 14, paragraph d

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.371 - Clearing up wrecks.

321.371 Clearing up wrecks. 1. Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle. 2. A person who violates this section commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 14, paragraph “p”. [C39, §5031.10; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.371] 2010 Acts, ch 1140, §9; 2020 Acts, ch 1074, §37, 93 Referred to in §805.8A(14)(p)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.372 - Discharging pupils — stopping requirements — penalties.

321.372 Discharging pupils — stopping requirements — penalties. This section shall be known and may be cited as the “Keep Aware Driving — Youth Need School Safety Act”. 1. a. The driver of a school bus used to transport children to and from a public or private school shall, when stopping to receive or discharge pupils, turn on flashing warning lamps at a distance of not less than three hundred feet nor more than five hundred feet from the point where the pupils are to be received or discharged from the bus if the speed limit at that point is forty-five miles per hour or greater and shall turn on flashing warning lamps at a distance of not less than one hundred fifty feet from the point where the pupils are to be received or discharged from the bus if the speed limit at that point is less than forty-five miles per hour. At the point of receiving or discharging pupils the driver of the bus shall bring the bus to a stop, turn off the amber flashing warning lamps, turn on the red flashing warning lamps, and extend the stop arm. After receiving or discharging pupils, the bus driver shall turn off all flashing warning lamps, retract the stop arm and proceed on the route. Except to the extent that reduced visibility is caused by fog, snow, or other weather conditions, a school bus shall not stop to receive or discharge pupils unless there is at least three hundred feet of unobstructed vision in each direction. However, the driver of a school bus is not required to use flashing warning lamps and the stop arm when receiving or discharging pupils at a designated loading and unloading zone at a school attendance center or at extracurricular or educational activity locations where students exiting the bus do not have to cross the street or highway. b. If a school district contracts with an urban transit system to transport children to and from a public or private school, the school bus which is provided by the urban transit system shall not be required to be equipped with flashing warning lights and a stop arm. If the school bus provided by an urban transit system is equipped with flashing warning lights and a stop arm, the driver of the school bus shall use the flashing warning light and stop arm as required by law. c. A school bus, when operating on a highway with four or more lanes shall not stop to load or unload pupils who must cross the highway, except at designated stops where pupils who must cross the highway may do so at points where there are official traffic control devices or police officers. d. A school bus shall, while carrying passengers, have its headlights turned on. 2. All pupils shall be received and discharged from the right front entrance of every school bus and if said pupils must cross the highway, they shall be required to pass in front of the bus, look in both directions, and proceed to cross the highway only on signal from the bus driver. 3. a. The driver of a vehicle, including the driver of a vehicle operating on a private road or driveway, when meeting a school bus with flashing amber warning lamps shall reduce the vehicle’s speed to not more than twenty miles per hour, and shall bring the vehicle to a complete stop when the school bus stops and the stop signal arm is extended. The vehicle shall remain stopped until the stop signal arm is retracted after which time the driver may proceed with due caution. b. The driver of a vehicle, including the driver of a vehicle operating on a private road or driveway, overtaking a school bus shall not pass a school bus when red or amber warning signal lights are flashing. The driver shall bring the vehicle to a complete stop no closer than fifteen feet from the school bus when it is stopped and the stop arm is extended, and the vehicle shall remain stopped until the stop arm is retracted and the school bus resumes motion. 4. The driver of a vehicle upon a highway providing two or more lanes in each direction need not stop upon meeting a school bus which is traveling in the opposite direction even though the school bus is stopped. 5. a. The driver of a school bus who commits a violation of subsection 1 or 2 is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 10. b. A person convicted of a violation of subsection 3 is subject to the following: (1) For a first offense under subsection 3, the person is guilty of a simple misdemeanor punishable by a fine of at least three hundred forty-five dollars but not more than nine hundred thirty dollars or by imprisonment for not more than thirty days, or by both. The department may require the person to attend and successfully complete, at the person’s own expense, a driver improvement program approved by the department in lieu of driver’s license suspension for the offense pursuant to section 321.210. (2) For a second or subsequent offense under subsection 3, the person is guilty of a serious misdemeanor. [C31, 35, §5079-c8, -c10, -c11; C39, §5032.01, 5032.03; C46, §321.372, 321.374; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.372; 81 Acts, ch 108, §2, 3] 91 Acts, ch 70, §1; 95 Acts, ch 118, §24; 2010 Acts, ch 1061, §180; 2012 Acts, ch 1015, §1, 2; 2020 Acts, ch 1074, §38, 93 Referred to in §321.354, 321.372A, 321.373, 321.378, 321.380, 321.423, 321.482A, 321.484, 331.653, 805.8A(10)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.372A - Prompt investigation of reported violation of failing to obey school bus warning devices — citation issued to driver or owner.

321.372A Prompt investigation of reported violation of failing to obey school bus warning devices — citation issued to driver or owner. 1. The driver of a school bus who observes a violation of section 321.372, subsection 3, may prepare a written report on a form provided by the department of public safety indicating that a violation has occurred. The school bus driver or a school official may deliver the report not more than seventy-two hours after the violation occurred to a peace officer of the state or a peace officer of the county or municipality in which the violation occurred. The report shall state the time and the location at which the violation occurred and shall include the registration plate number and a description of the vehicle involved in the violation. 2. Not more than seven calendar days after receiving a report of a violation of section 321.372, subsection 3, from a school bus driver or a school

official, the peace officer shall initiate an investigation of the reported violation and contact the owner of the motor vehicle involved in the reported violation and request that the owner supply information identifying the driver in accordance with section 321.484. a. If, from the investigation, the peace officer is able to identify the driver and has reasonable cause to believe a violation of section 321.372, subsection 3, has occurred, the peace officer shall prepare a uniform traffic citation for the violation and shall serve it personally or by certified mail to the driver of the vehicle. b. If, from the investigation, the peace officer has reasonable cause to believe that a violation of section 321.372, subsection 3, occurred but is unable to identify the driver, the peace officer shall serve a uniform traffic citation for the violation to the owner of the motor vehicle. Notwithstanding section 321.484, in a proceeding where the peace officer who conducted the investigation was not able to identify the driver of the motor vehicle, proof that the motor vehicle described in the uniform traffic citation was used to commit the violation of section 321.372, subsection 3, together with proof that the defendant named in the citation was the owner of the motor vehicle at the time the violation occurred, constitutes a permissible inference that the owner was the driver who committed the violation. c. For purposes of this subsection, “owner” means a person who holds the legal title to a motor vehicle; however, if the motor vehicle is the subject of a security agreement with a right of possession in the debtor, the debtor shall be deemed the owner for purposes of this subsection, or if the motor vehicle is leased as defined in section 321.493, the lessee shall be deemed the owner for purposes of this subsection. 88 Acts, ch 1203, §1; 90 Acts, ch 1101, §1; 2004 Acts, ch 1164, §1; 2005 Acts, ch 92, §2, 3 Referred to in §321.378, 321.380, 331.653

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.373 - Required construction — rules adopted.

321.373 Required construction — rules adopted. 1. Every school bus except private passenger vehicles used as school buses shall be constructed and equipped to meet safety standards prescribed in rules adopted by the state board of education. Such rules shall conform to safety standards set forth in federal laws and regulations and shall conform, insofar as practicable, to the minimum standards for school buses recommended by the national conference on school transportation administered by the national commission on safety education and published by the national education association. 2. Rules prescribed for school buses shall provide standards for structural strength, materials, and insulation of the school bus body; color; seat and aisle arrangement; dimension and construction of service door; control of the front door or doors; emergency door and its location and construction; windows; roof ventilators; heaters; location, filling, and draining of the fuel tank; bumpers and how they shall be attached to the bus; lettering and identification of the bus; stop signal arm; warning lights and flashing lights. 3. a. The rules prescribed for school buses shall include special rules for passenger automobiles, and other vehicles designed to carry ten or fewer persons, including the driver, when used as school buses. b. The rules shall allow pickups designed to carry nine passengers or less, including the driver, and weighing ten thousand pounds or less, to be used as school buses if the pickup does not carry more passengers than there are safety belts or safety harnesses in the pickup as installed by the manufacturer and if the pickup is not operated while any passenger is present in the bed of the pickup. The operator of the pickup shall comply with the qualification, licensing, and instruction requirements set forth in sections 321.375 and 321.376, other than the requirement to obtain a commercial driver’s license. However, the rules shall allow the board of directors of a school district to prohibit the use of pickups as school buses by the school district. c. The rules shall allow used passenger vans designed to carry twelve or fewer passengers, including the driver, and weighing ten thousand pounds or less, to be used as school buses if the van does not carry more passengers than there are safety belts or safety harnesses in the van as installed by the manufacturer. The operator of the van shall comply with the qualification, licensing, and instruction requirements set forth in sections 321.375 and 321.376. d. A pickup or passenger van operated pursuant to rules described in paragraph “b” or “c” is subject to the limitations set forth in section 321.1, subsection 69, paragraph “d”. 4. Every school bus shall be equipped with a comfortable seat for each child. 5. Vehicles owned by private parties and used as school buses shall have reversed or covered the words “school bus” wherever they appear on the vehicle when the vehicle is not in use as a school bus. It shall be unlawful to operate flashing stop warning signals on such privately owned vehicles except as provided in section 321.372. 6. No vehicle except a school bus shall be operated on a public highway if the vehicle is painted the color known as national school bus glossy yellow. A school bus which has been permanently converted for a purpose other than transporting pupils to or from school shall be painted a color other than national school bus glossy yellow, and shall have the “school bus” signs, stop arm, and the special signal lamps removed. 7. A school bus may be equipped with a white flashing strobe light mounted on the roof of the bus to afford optimum visibility during periods of inclement weather. The light shall be installed and operated in accordance with rules promulgated by the department of education. Each new school bus put into initial service after January 1, 1977, shall be equipped with such a light. 8. A person who violates this section commits a simple misdemeanor. [C31, 35, §5079-c9, -c10, -c11; C39, §5032.02; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.373] 97 Acts, ch 108, §19; 2010 Acts, ch 1140, §10; 2019 Acts, ch 146, §2 Referred to in §282.8, 321.378, 321.379, 321.380, 321.423, 331.653

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.374 - Inspection — seal of approval.

321.374 Inspection — seal of approval. No vehicle shall be put into service as a school bus until it is given an original inspection to determine if it meets all legal and established uniform standards of construction for the protection of the health and safety of children to be transported. Vehicles which are approved shall be issued a seal of approval by the director of the department of education. All vehicles used as school buses shall be given a safety inspection at least once a year. Buses passing the inspection shall be issued an inspection seal of approval by the director of the department of education. The seal of original inspection and the

annual seal of inspection shall be affixed to the lower right hand corner of the windshield. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.374] 92 Acts, ch 1082, §1, 2 Referred to in §321.378, 321.380, 331.653

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.375 - School bus drivers — qualifications — grounds for suspension.

321.375 School bus drivers — qualifications — grounds for suspension. 1. A driver of a school bus must meet all of the following requirements: a. Be at least eighteen years of age. b. Be physically and mentally competent. c. Not possess personal or moral habits which would be detrimental to the best interests of the safety and welfare of the children transported. d. Possess a current certificate of qualification for operation of a commercial motor vehicle issued by a physician licensed pursuant to chapter 148, physician assistant, advanced registered nurse practitioner, or chiropractor or any other person identified by federal and state law as authorized to perform physical examinations. 2. Prior to hiring an applicant for a school bus driver position, including a contract position, an employer shall have access to and shall review the information in the Iowa court information system available to the general public, the sex offender registry information under section 692A.121 available to the general public, the central registry for child abuse information established under section 235A.14, and the central registry for dependent adult abuse information established under section 235B.5 for information regarding the applicant. An employer shall follow the same procedure upon the renewal of an employee's or contract employee's school bus driver's license issued by the department of transportation valid for the operation of a school bus. An employer shall pay for the cost of the registry checks conducted pursuant to this subsection. An employer shall maintain documentation demonstrating compliance with this subsection. 3. Any of the following shall constitute grounds for the immediate suspension from duties of a school bus driver, including a part-time or substitute bus driver, pending a termination hearing by the board of directors of a public school district or the authorities in charge in a nonpublic school, or pending confirmation of the grounds by the employer of the school bus driver if the employer is not a school district or accredited nonpublic school: a. Use of nonprescription controlled substances or alcoholic beverages during working hours. b. Operating a school bus while under the influence of nonprescription controlled substances or alcoholic beverages. c. Fraud in the procurement or renewal of a school bus driver's authorization to operate a school bus. d. The commission of or conviction for a public offense as defined by the Iowa criminal code, if the offense is relevant to and affects driving ability, or if the offense includes sexual involvement with a minor student with the intent to commit acts and practices proscribed under sections 709.2 through 709.4, section 709.8, and sections 725.1 through 725.3, or is a violation of the rules of the department of education adopted to implement section 280.17. e. The school bus driver is listed in the sex offender registry established under chapter 692A, the central registry for child abuse information established under section 235A.14, or the central registry for dependent adult abuse information established under section 235B.5. A termination hearing conducted pursuant to this paragraph shall be limited to the question of whether the school bus driver was incorrectly listed in the registry. f. A change in circumstances indicating that the driver is no longer physically or mentally competent. For the purpose of an insulin-dependent diabetic, a change in circumstances includes the following: (1) Results of a glycosylated hemoglobin test indicating values less than 6.0 percent or greater than 9.5 percent unless accompanied by the required medical opinion that the event was incidental and not an indication of failure to control glucose levels. (2) Results of self-monitoring indicate glucose levels less than one hundred milligrams per deciliter or greater than three hundred milligrams per deciliter, until self-monitoring indicates compliance with specifications. (3) Experiencing a loss of consciousness or control relating to diabetes. (4) Failing to maintain or falsifying the required reports. 4. a. Notwithstanding any provision to the contrary, an insulin-dependent diabetic may qualify under subsection 1, paragraph "d", for purposes of operating a school bus under this section if a person identified by federal or state law as authorized to perform physical examinations annually provides a signed statement indicating that based upon an annual physical examination the individual is physically able to perform the required functions despite insulin dependency. The insulin-dependent diabetic shall not qualify to operate a school bus if, at minimum, the individual results of a glycosylated hemoglobin test indicate values less than 6.0 percent or greater than 9.5 percent on other than an incidental basis and not as a result of failure to control glucose levels. The statement shall also indicate that within the past three years the insulin-dependent diabetic has completed instruction to address diabetes management and driving safety, signs and symptoms of hypoglycemia and hyperglycemia, and what procedures must be followed if complications arise. b. A school district or authorities in charge of the nonpublic school that employs or otherwise secures the services of an individual with an authorization who is an insulin-dependent diabetic shall monitor the insulin-dependent diabetic to determine that they are in compliance with all of the following: (1) Self-monitoring blood glucose and demonstrating conformance with requirements, more than one hundred milligrams per deciliter and less than three hundred milligrams per deciliter, within one hour before driving a school bus and approximately every four hours while on duty using a United States food and drug administration approved device. (2) Reporting immediately to the school district or school any failure to comply with specific glucose level requirements as listed in subparagraph (1) or loss of consciousness or control. (3) Carrying a source of readily absorbable, fast-acting glucose while on duty. (4) Maintaining a daily log of all glucose test results for the previous six-month period and providing copies to the school district or school, the examining physician or examining physician assistant, and the department of education upon request. (5) Submitting all required department of education forms within the prescribed timelines. [C31, 35, §4960-d10; C39, §5032.04; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.375] 89 Acts, ch 210, §13; 90 Acts, ch 1230, §70; 93 Acts, ch 127, §8; 2002 Acts, ch 1140, §34, 35, 48; 2003 Acts, ch 180, §57 – 59; 2006 Acts, ch 1152, §50; 2008 Acts, ch 1088, §121; 2012 Acts, ch 1047, §3, 4; 2013 Acts, ch 88, §35; 2015 Acts, ch 29, §114; 2022 Acts, ch 1066, §42 Referred to in §279.69, 321.373, 321.376, 321.378, 321.380, 331.653

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.376 - License — authorization — instruction requirement.

321.376 License — authorization — instruction requirement. 1. The driver of a school bus shall hold a driver's license issued by the department of transportation valid for the operation of the school bus and a certificate of qualification for operation of a commercial motor vehicle issued by a physician or osteopathic physician licensed pursuant to chapter 148, physician assistant, advanced registered nurse practitioner, or chiropractor or any other person identified by federal and state law as authorized to perform physical examinations, and shall successfully complete an approved course of instruction in accordance with subsection 3. A person holding a temporary restricted license issued under chapter 321J shall be prohibited from operating a school bus. 2. The department of education shall refuse to issue an authorization to operate a school bus to any person who, after notice and opportunity for hearing, is determined to have met any of the grounds listed under section 321.375, subsection 3. The department of education shall take adverse action against any person who, after notice and opportunity for hearing, is determined to have met any of the grounds listed under section 321.375, subsection 3. Such action may include a reprimand or warning of the person or the suspension or revocation of the person's authorization to operate a school bus. A hearing pursuant to section 321.375, subsection 3, paragraph "e", shall be limited to the question of whether the person was incorrectly listed in the registry. The department of education shall recommend, and the state board of education shall adopt under chapter 17A, rules and procedures for issuing and suspending or revoking authorization to operate a school bus in this state. Rules and procedures adopted shall include but are not limited to provisions for the revocation or suspension of, or refusal to issue, authorization to persons who are determined to have met any of the grounds listed under section 321.375, subsection 3. 3. A person applying for employment or employed as a school bus driver shall successfully complete a department of education approved course of instruction for school bus drivers before or within the first six months of employment and at least every twenty-four months thereafter. If an employee fails to provide an employer with a certificate of completion of the required school bus driver's course, the driver's employer shall report the failure to the department of education and the employee's authorization to operate a school bus shall be revoked. The department of education shall send notice of the revocation to both the employee and the employer. A person whose school bus authorization has been revoked under this section shall not be issued another authorization until certification of the completion of an approved school bus driver's course is received by the department of education. 4. As used in this section and section 321.375, "driver of a school bus" or "school bus driver" does not include a mechanic, delivery driver, or other person operating an empty school bus for purposes other than the transportation of passengers. Such persons must still hold a commercial driver's license valid for the operation of a vehicle of the size and type operated, including a passenger endorsement, but are not required to hold a driver's license with a school bus endorsement. [C39, §5032.05; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.376] 89 Acts, ch 222, §1; 90 Acts, ch 1230, §71; 91 Acts, ch 201, §1; 92 Acts, ch 1163, §76; 93 Acts, ch 127, §9; 2002 Acts, ch 1140, §36; 2006 Acts, ch 1152, §51; 2009 Acts, ch 133, §120; 2011 Acts, ch 38, §18; 2012 Acts, ch 1047, §5; 2015 Acts, ch 29, §114 Referred to in §285.8, 321.373, 321.378, 321.380, 331.653

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.377 - Regional transit system transportation.

321.377 Regional transit system transportation. A vehicle operated by a regional transit system as defined in section 324A.1 may only provide school transportation services pursuant to rules adopted by the state department of transportation in consultation with the department of education. 99 Acts, ch 13, §15 Referred to in §321.378, 321.380, 331.653

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.378 - Applicability.

321.378 Applicability. The provisions of sections 321.372 through 321.377, this section, and sections 321.379 and 321.380, shall apply to all public and nonpublic schools where children are transported to and from school. [C39, §5032.07; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.378] 2020 Acts, ch 1063, §149 Referred to in §321.380, 331.653

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.379 - Violations.

321.379 Violations. A school board, individual, or organization shall not purchase, construct, or contract for use, to transport pupils to or from school, any school bus which does not comply with the minimum requirements of section 321.373 and any individual, or any member or officer of such board or organization who authorizes, the purchase, construction, or contract for any such bus not complying with these minimum requirements commits a simple misdemeanor. [C31, 35, §5079-c9, -c10, -c11; C39, §5032.08; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.379] 2010 Acts, ch 1140, §11 Referred to in §321.378, 321.380, 331.653

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.38 - Plates — method of attaching — imitations prohibited.

321.38 Plates — method of attaching — imitations prohibited. Every registration plate shall at all times be securely fastened in a horizontal position to the vehicle for which it is issued so as to prevent the plate from swinging and at a height of not less than twelve inches from the ground, measuring from the bottom of the plate, in a place and position to be clearly visible and shall be

maintained free from foreign materials and in a condition to be clearly legible. An imitation plate or plates imitating or purporting to imitate the official registration plate of any other state or territory of the United States or of any foreign government shall not be fastened to the vehicle. [S13, §1571-m11; C24, 27, 31, 35, §4877; C39, §5001.22; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.38] 85 Acts, ch 195, §32 Referred to in §321.57, 331.557, 805.8A(2)(g) For applicable scheduled fine, see §805.8A, subsection 2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.380 - Enforcement.

321.380 Enforcement. It shall be the duty of all peace officers and of the state patrol to enforce the provisions of sections 321.372 through 321.379. [C39, §5032.09; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.380] 98 Acts, ch 1074, §24; 2005 Acts, ch 35, §31; 2020 Acts, ch 1063, §150 Referred to in §321.378

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.381 - Movement of unsafe or improperly equipped vehicles.

321.381 Movement of unsafe or improperly equipped vehicles. It is a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 3, for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter, or which is equipped with one or more unsafe tires or which is equipped in any manner in violation of this chapter. [C39, §5033.01; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.381] 2000 Acts, ch 1203, §15; 2001 Acts, ch 137, §5; 2010 Acts, ch 1190, §50 Referred to in §805.8A(3)(d)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.381A - Operation of low-speed vehicles.

321.381A Operation of low-speed vehicles. A low-speed vehicle shall not be operated on a street with a posted speed limit greater than thirty-five miles per hour. This section shall not prohibit a low-speed vehicle from crossing a street with a posted speed limit greater than thirty-five miles per hour. 2000 Acts, ch 1005, §4 Referred to in §805.8A(3)(e) For applicable scheduled fine, see §805.8A, subsection 3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.382 - Upgrade pulls — minimum speed.

321.382 Upgrade pulls — minimum speed. A motor vehicle or combination of vehicles, which cannot proceed up a three percent grade, on dry concrete pavement, at a minimum speed of twenty miles per hour, shall not be operated upon the highways of this state. [C39, §5033.02; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.382] 83 Acts, ch 101, §70 Referred to in §321.23, 805.8A(3)(f) For applicable scheduled fine, see §805.8A, subsection 3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.383 - Exceptions — slow vehicles identified.

321.383 Exceptions — slow vehicles identified. 1. This chapter with respect to equipment on vehicles does not apply to implements of husbandry, road machinery, or bulk spreaders and other fertilizer and chemical equipment defined as special mobile equipment, except as made applicable in this section. However, the movement of implements of husbandry on a roadway is subject to safety rules adopted by the department. The safety rules shall prohibit the movement of any power unit towing more than one implement of husbandry, except implements of husbandry that are not self-propelled and are capable of being towed in tandem, from the manufacturer to the retail seller, from the retail seller to the farm purchaser, or from the manufacturer to the farm purchaser. 2. When operated on a highway in this state at a speed of thirty-five miles per hour or less, every farm tractor, or tractor with towed equipment, self-propelled implement of husbandry, road construction or maintenance vehicle, road grader, horse-drawn vehicle, or any other vehicle principally designed for use off the highway and any such tractor, implement, vehicle, or grader when manufactured for sale or sold at retail after December 31, 1971, shall be identified with a reflective device in accordance with the standards of the American society of agricultural engineers; however, this provision shall not apply to such vehicles when traveling in an escorted parade. If a person operating a vehicle drawn by a horse or mule objects to using a reflective device that complies with the standards of the American society of agricultural engineers for religious reasons, the vehicle may be identified by an alternative reflective device that is in compliance with rules adopted by the department. The reflective device or alternative reflective device shall be visible from the rear. A vehicle other than those specified in this section shall not display a reflective device or an alternative reflective device. On vehicles operating at speeds above thirty-five miles per hour, the reflective device or alternative reflective device shall be removed or hidden from view. 3. Garbage collection vehicles, when operated on the streets or highways of this state at speeds of thirty-five miles per hour or less, may display a reflective device that complies with the standards of the American society of agricultural engineers. At speeds in excess of thirty-five miles per hour the device shall not be visible. 4. Except as provided in subsection 5, any person who violates any provision of this section commits a simple misdemeanor

punishable as a scheduled violation under section 805.8A, subsection 3. 5. A person who operates a self-propelled implement of husbandry at a speed which exceeds the limit of thirty-five miles per hour commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 5. [C39, §5033.03; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.383; 82 Acts, ch 1254, §2] 87 Acts, ch 186, §3; 96 Acts, ch 1152, §18; 97 Acts, ch 108, §20; 98 Acts, ch 1080, §3; 99 Acts, ch 102, §2; 99 Acts, ch 108, §5; 2001 Acts, ch 137, §5; 2010 Acts, ch 1061, §117; 2010 Acts, ch 1069, §96; 2010 Acts, ch 1190, §51; 2016 Acts, ch 1023, §1; 2020 Acts, ch 1074, §39, 40, 93 Referred to in §321.1, 321.288, 321.398, 321.438, 805.8A(3)(g), 805.8A(5)(a) See also §321.423, subsection 6

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.384 - When lighted lamps required.

321.384 When lighted lamps required. 1. Every motor vehicle upon a highway within the state, at any time from sunset to sunrise, and at such other times when conditions such as fog, snow, sleet, or rain provide insufficient lighting to render clearly discernible persons and vehicles on the highway at a distance of five hundred feet ahead, shall display lighted headlamps as provided in section 321.415, subject to exceptions with respect to parked vehicles as provided in this chapter. However, an all-terrain vehicle shall display lighted headlamps as provided in section 321.415 at all times while the vehicle is operated on a highway. 2. Whenever a requirement is established in this chapter as to the distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, that requirement shall apply during the times stated in subsection 1 of this section upon a straight level unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated. [S13, §1571-m17; C24, 27, 31, 35, §5044; C39, §5033.04; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.384] 2019 Acts, ch 59, §97; 2022 Acts, ch 1105, §4 Referred to in §321.1, 321.235A, 321.392, 321.394, 321.395, 321.397, 321.398, 321.405, 321.415, 321.418, 321.419, 321O.6, 456A.12, 805.8A(3)(h) For applicable scheduled fine, see §805.8A, subsection 3 Lamps on parked vehicles, §321.395

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.385 - Headlamps on motor vehicles.

321.385 Headlamps on motor vehicles. Every motor vehicle other than a motorcycle, motorized bicycle, or all-terrain vehicle shall be equipped with at least two headlamps with at least one on each side of the front of the motor vehicle, which headlamps shall comply with the requirements and limitations set forth in this chapter. [S13, §1571-m17; C24, 27, 31, 35, §5044; C39, §5033.05; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.385] 2022 Acts, ch 1105, §5 Referred to in §321.1, 321.385A, 321.404A, 456A.12, 805.8A(3)(i) For applicable scheduled fine, see §805.8A, subsection 3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.385A - Citation for unlighted headlamp, rear lamp, or rear registration plate light.

321.385A Citation for unlighted headlamp, rear lamp, or rear registration plate light. 1. a. A citation issued for failure to have headlamps as required under section 321.385 shall first provide for a seventy-two hour period within which the person charged with the violation shall replace or repair the headlamp. b. A citation issued for failure to have rear lamps as required under section 321.387 or a rear registration plate light as required under section 321.388 shall first provide for a seventy-two hour period within which the person charged with the violation shall replace or repair the lamps or light. 2. If the person complies with the directive to replace or repair the headlamp, rear lamps, or rear registration plate light within the allotted time period, the citation shall be expunged. If the person fails to comply within the allotted time period, the citation shall be processed in the same manner as other citations. 3. A citation issued under this section shall include a written notice of replacement or repair which shall indicate the date of replacement or repair and the manner in which the replacement or repair occurred and which shall be returned to the issuing authority within the seventy-two hour time period. 92 Acts, ch 1175, §34; 2010 Acts, ch 1069, §47 Referred to in §321.1, 321O.6, 456A.12

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.386 - Headlamps on motorcycles, motorized bicycles, and all-terrain vehicles.

321.386 Headlamps on motorcycles, motorized bicycles, and all-terrain vehicles. Every motorcycle, motorized bicycle, and all-terrain vehicle shall be equipped with at least one and not more than two headlamps which shall comply with the requirements and limitations of this chapter. [S13, §1571-m17; C24, 27, 31, 35, §5047; C39, §5033.06; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.386] 2022 Acts, ch 1105, §6 Referred to in §321.1, 321.234A, 321.404A, 456A.12, 805.8A(3)(j) For applicable scheduled fine, see §805.8A, subsection 3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.387 - Rear lamps.

321.387 Rear lamps. Every motor vehicle and every vehicle which is being drawn at the end of a train of vehicles shall be equipped with a lighted rear lamp or lamps, exhibiting a red light plainly visible from a distance of five hundred feet to the rear. All lamps and lighting equipment originally manufactured on a motor vehicle shall be kept in working condition or shall be replaced with

equivalent equipment. [S13, §1571-m17; C24, 27, 31, 35, §5045, 5046; C39, §5033.07; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.387] 92 Acts, ch 1175, §35 Referred to in §321.1, 321.234A, 321.385A, 321.404A, 456A.12, 805.8A(3)(k) For applicable scheduled fine, see §805.8A, subsection 3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.388 - Illuminating plates.

321.388 Illuminating plates. Either the rear lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty feet to the rear. When the rear registration plate is illuminated by an electric lamp other than the required rear lamp, the two lamps shall be turned on or off only by the same control switch at all times when headlamps are lighted. This section does not apply to commercial vehicles engaged exclusively in intrastate commerce that are dump trucks or that are used exclusively for the movement of construction materials and equipment to and from construction projects. [S13, §1571-m17; C24, 27, 31, 35, §5045; C39, §5033.08; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.388] 85 Acts, ch 195, §38; 2015 Acts, ch 35, §1 Referred to in §321.1, 321.385A, 456A.12, 805.8A(3)(l) For applicable scheduled fine, see §805.8A, subsection 3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.389 - Reflector required.

321.389 Reflector required. Every new motor vehicle, trailer, or semitrailer sold and every commercial vehicle operated on a highway shall be equipped at the rear, either as a part of the rear lamp or separately, with a red reflector meeting the requirements of this chapter. [C39, §5033.09; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.389] 2022 Acts, ch 1021, §71 Referred to in §321.1, 456A.12, 805.8A(3)(m) For applicable scheduled fine, see §805.8A, subsection 3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.39 - Expiration of registration.

321.39 Expiration of registration. Except as provided in this chapter every vehicle registration, registration card, and registration plate shall expire as follows: 1. For vehicles registered by the county treasurer, at midnight on the last day of the registration year. A person shall not be considered to be driving a motor vehicle with an expired registration for a period of one month following the expiration date of the vehicle registration. The one-month period shall be the same as the period defined in section 321.134, subsection 1. 2. For vehicles on which the first installment of an annual registration fee has been paid, at midnight on the last day of June or the first business day of July when June 30 falls on Saturday, Sunday, or a holiday; for vehicles on which the second installment of an annual registration fee has been paid, at midnight on the last day of December or the first business day of January when December 31 falls on Saturday, Sunday, or a holiday. 3. For vehicles registered without payment of annual registration fees as provided in section 321.19, when designated by the department. 4. Registration for every vehicle registered by the county treasurer shall expire upon transfer of ownership. [S13, §1571-m16; C24, 27, 31, 35, §4868; C39, §5001.23; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.39] 82 Acts, ch 1062, §5, 38; 89 Acts, ch 83, §42; 2003 Acts, ch 24, §3; 2008 Acts, ch 1113, §78; 2012 Acts, ch 1093, §5 Referred to in §331.557

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.390 - Reflector requirements.

321.390 Reflector requirements. Whenever a red reflector is required or permitted to be used in substitution of lamps upon a vehicle under any one of the provisions of this chapter, such reflector shall be mounted upon the vehicle at a height not to exceed forty-two inches nor less than twenty inches above the ground upon which the vehicle stands, and every such reflector shall be so designed and maintained as to be visible at night from all distances within three hundred feet to fifty feet from such vehicle, except that on a commercial vehicle the reflector shall be visible from all distances within five hundred feet to fifty feet from such vehicle when directly in front of a motor vehicle displaying lawfully lighted headlamps as provided in section 321.409. [C31, 35, §4863; C39, §5033.10; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.390] Referred to in §321.1, 456A.12, 805.8A(3)(n) For applicable scheduled fine, see §805.8A, subsection 3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.392 - Clearance and identification lights.

321.392 Clearance and identification lights. Every motor truck, and every trailer or semitrailer of over three thousand pounds gross weight, shall be equipped with the following lighting devices and reflectors in addition to other requirements of this chapter, and such devices shall be lighted at the times mentioned in section 321.384. 1. Every motor truck, whatever its size shall have the following: a. On each side, one reflector, at or near the rear; and b. On the rear, two reflectors, one at each side. 2. Every motor truck, eighty inches or more in width shall have the following in addition to the requirements of subsection 1: a. If thirty feet or less in overall length: (1) On the front, two clearance lamps, one at each side; and (2) On the rear, two clearance lamps, one at each side. b. If more than thirty feet in overall length: (1) On the front, two clearance lamps, one at each side; (2) On each side, two side-marker lamps, one at or near the front, and one at or near the rear, and an additional reflector at or near the front; and (3) On the

rear, two clearance lamps, one at each side. 3. Every truck tractor or road tractor shall have the following: a. On the front, two clearance lamps, one at each side if the tractor cab is as wide as, or wider than, the widest part of the vehicle or vehicles towed; b. On each side, one side-marker lamp at or near the front; and c. On the rear, one tail lamp. 4. Every trailer or semitrailer having a gross weight in excess of three thousand pounds shall have the following: a. On the front, two clearance lamps, one at each side, if the trailer is wider in its widest part than the cab of the vehicle towing it; b. On each side, one side-marker lamp at or near the rear; two reflectors, one at or near the front and one at or near the rear; and c. On the rear, two clearance lamps, one at each side; one stop light; one tail lamp; and two reflectors, one at each side. 5. Every motor truck or combination of motor truck and trailer having a length in excess of thirty feet or a width in excess of eighty inches shall be equipped with three identification lights on both front and rear. Each such group shall be evenly spaced not less than six nor more than twelve inches apart along a horizontal line near the top of the vehicle. [C31, 35, §5044-d1, -d2, 5105-c19; C39, §5034.01; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.392] Referred to in §321.1, 456A.12, 805.8A(3)(o) For applicable scheduled fine, see §805.8A, subsection 3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.393 - Color and mounting.

321.393 Color and mounting. 1. A lighting device or reflector, when mounted on or near the front of a motor truck or trailer, except a school bus, shall not display any other color than white, yellow, or amber. 2. No lighting device or reflector, when mounted on or near the rear of any motor truck or trailer, shall display any other color than red, except that the stop light may be red, yellow, or amber. 3. Clearance lamps shall be mounted on the permanent structure of the vehicle in such manner as to indicate the extreme width of the vehicle or its load. 4. The provisions of this section shall not prohibit the use of a lighting device or reflector displaying an amber light when such lighting device or reflector is mounted on a motor truck, trailer, tractor, or motor grader owned by the state, or any political subdivision of the state, including any local authority, while such equipment is being used for snow removal, sanding, maintenance, or repair of the public streets or highways. 5. The provisions of this section shall not prohibit the use of a lighting device or reflector displaying an amber, white, or blue light when the lighting device or reflector is rear-facing and mounted on a motor truck, trailer, tractor, truck-mounted snow blower, or motor grader owned by the state or any political subdivision of the state, including any local authority, while the equipment is being used for snow and ice treatment or removal on the public streets or highways. [C39, §5034.02; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.393] 89 Acts, ch 83, §44; 2015 Acts, ch 81, §2; 2018 Acts, ch 1002, §1; 2021 Acts, ch 97, §1, 9 Referred to in §321.1, 456A.12, 805.8A(3)(p) For applicable scheduled fines, see §805.8A, subsection 3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.394 - Lamp or flag on projecting load.

321.394 Lamp or flag on projecting load. Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle there shall be displayed at the extreme rear end of the load, at the times specified in section 321.384, a red light or lantern plainly visible from a distance of at least five hundred feet to the sides and rear. The red light or lantern required under this section shall be in addition to the red rear light required upon every vehicle. At any other time there shall be displayed at the extreme rear end of such load a red flag or cloth not less than sixteen inches square. [C39, §5034.03; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.394] Referred to in §321.1, 456A.12, 805.8A(12)(a) For applicable scheduled fines, see §805.8A, subsection 12, paragraph a

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.395 - Lamps on parked vehicles.

321.395 Lamps on parked vehicles. Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent to the roadway, outside of a business district whether attended or unattended during the times mentioned in section 321.384, such vehicle shall be equipped with one or more lamps which shall exhibit a white or amber light on the roadway side visible from a distance of five hundred feet to the front of such vehicle and a red light visible from a distance of five hundred feet to the rear, except that local authorities may provide by ordinance or resolution that no lights need be displayed upon any such vehicle when stopped or parked in accordance with local parking regulations upon a highway where there is sufficient light to reveal any person or object within a distance of five hundred feet upon such highway. Any lighted headlamps upon a parked vehicle shall be depressed or dimmed. [C24, 27, 31, 35, §5054; C39, §5034.04; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.395] 98 Acts, ch 1178, §4 Referred to in §321.1, 321.396, 456A.12, 805.8A(6)(z) For applicable scheduled fine, see §805.8A, subsection 6

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.396 - Exception.

321.396 Exception. Section 321.395 shall not apply when an accident extinguishes said light and renders a vehicle incapable of use, and when the person in control of the vehicle erects, at the earliest opportunity after the accident, such proper light at or near the vehicle as will give warning of the presence of said vehicle. [C24, 27, 31, 35, §5055; C39, §5034.05; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.396] Referred to in §321.1, 456A.12

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section

321.397 - Lamps on bicycles.

321.397 Lamps on bicycles. Every bicycle shall be equipped with a lamp on the front exhibiting a white light, at the times specified in section 321.384, visible from a distance of at least three hundred feet to the front and with a lamp on the rear exhibiting a red light visible from a distance of three hundred feet to the rear; except that a red reflector may be used in lieu of a rear light. A peace officer riding a police bicycle is not required to use either front or rear lamps if duty so requires. [C31, 35, §5045-d1; C39, §5034.06; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.397] 97 Acts, ch 71, §3; 97 Acts, ch 108, §21 Referred to in §321.1, 456A.12, 805.8A(9)(j) For applicable scheduled fine, see §805.8A, subsection 9

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.398 - Lamps on other vehicles and equipment.

321.398 Lamps on other vehicles and equipment. All vehicles, including animal-drawn vehicles and including those referred to in section 321.383 not specifically required to be equipped with lamps, shall at the times specified in section 321.384 be equipped with at least one lighted lamp or lantern exhibiting a white light visible from a distance of five hundred feet to the front of such vehicle and, except for animal-drawn vehicles, with a lamp or lantern exhibiting a red light visible from a distance of five hundred feet to the rear. Animal-drawn vehicles shall be equipped with a flashing amber light visible from a distance of five hundred feet to the rear of the vehicle during the time specified in section 321.384. [C31, 35, §5045-d1; C39, §5034.07; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.398] 2021 Acts, ch 80, §175 Referred to in §321.1, 321.423, 456A.12, 805.8A(3)(q) For applicable scheduled fines, see §805.8A, subsection 3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.4 - Rules.

321.4 Rules. The commissioner of public safety is authorized to adopt and promulgate administrative rules governing procedures as may be necessary to carry out the provisions of this chapter; and to carry out any other laws the enforcement of which is vested in the department of public safety. [C24, 27, 31, 35, §5004; C39, §5000.04; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.4]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.40 - Application for renewal — notification — reasons for refusal.

321.40 Application for renewal — notification — reasons for refusal. 1. Application for renewal for a vehicle registered under this chapter shall be made on or after the first day of the month prior to the month of expiration of registration and up to and including the last day of the month following the month of expiration of registration. The registration shall be renewed upon payment of the appropriate annual registration fee. Application for renewal for a vehicle registered under chapter 326 shall be made on or after the first day of the month prior to the month of expiration of registration and up to and including the last day of the month of expiration of registration. 2. On or before the fifteenth day of the eleventh month of a vehicle's registration year, the department shall create an electronic file and the county treasurer shall send a statement of fees due to the appropriate owner of record. After the department has generated the electronic file used to produce statements for a registration month, and before the fifteenth day of the month following expiration of a vehicle's registration year, the department shall create a subsequent electronic file and the county treasurer shall send a statement of fees due to the appropriate owner of record for any vehicle subsequently registered for that registration month. The statement shall be mailed or electronically transmitted to the most current address of record, showing information sufficient to identify the vehicle and a listing of the various fees as appropriate. Failure to receive a statement shall have no effect upon the accrual of penalty at the appropriate date. 3. Registration receipts issued for renewals shall have the word "renewal" imprinted thereon and, if the owner making a renewal application has been issued a certificate of title, the title number shall appear on the registration receipt. All registration receipts for renewals shall be typewritten or printed by other mechanical means. The applicant shall receive a registration receipt. 4. The county treasurer shall refuse to renew the registration of a vehicle registered to a person when notified by the department through the distributed teleprocessing network that the person has not paid restitution as defined under section 910.1, subsection 10, to a clerk of the court located within the state. Each clerk of court shall, on a daily basis, notify the department through the Iowa court information system of the full name and social security number of all persons who owe delinquent restitution and whose restitution obligation has been satisfied or canceled. This subsection does not apply to the transfer of a registration or the issuance of a new registration. 5. The county treasurer shall refuse to renew the registration of a vehicle registered to the applicant for renewal of registration if the applicant has failed to pay any local vehicle taxes due in that county on that vehicle or any other vehicle owned or previously owned by the applicant until such local vehicle taxes are paid. 6. a. The department or the county treasurer shall refuse to renew the registration of a vehicle registered to the applicant if the department or the county treasurer knows that the applicant has a delinquent account, charge, fee, loan, taxes, or other indebtedness owed to or being collected by the state, from information provided pursuant to sections 421.17 and 421.65. An applicant may contest this action by initiating a contested case proceeding with the agency that referred the debt for collection pursuant to section 421.65. The department of revenue and the department of transportation shall notify the county treasurers through the distributed teleprocessing network of persons who owe such a delinquent account, charge, fee, loan, taxes, or other indebtedness. b. A county treasurer, in cooperation with the department of revenue, may collect from a person applying for renewal of a vehicle registration delinquent taxes, including penalties and interest owed to the state, and nontax liabilities being collected by the central collection unit of the

department of revenue pursuant to section 421.17, subsection 27. The applicant may remit full payment of the balance owed including applicable penalties and interest, along with a processing fee of five dollars, to the county treasurer at the time of registration renewal. Upon full payment of the required balance owed including applicable penalties and interest, the processing fee, and the vehicle registration fee, the county treasurer shall issue the registration to the person. A county treasurer collecting on behalf of the department of revenue shall update the vehicle registration records through the distributed teleprocessing network on a daily basis for all persons who have paid taxes or other balances owed pursuant to this subsection. A county treasurer shall forward all funds collected for the department of revenue to the department of revenue. 7. a. The department or the county treasurer shall refuse to renew the registration of a vehicle registered to an applicant if the department or the county treasurer knows that the applicant has not paid a civil penalty imposed on the applicant pursuant to section 321N.3, subsection 3. An applicant may contest this action by initiating a contested case proceeding with the department. The department shall notify the county treasurers through the distributed teleprocessing network of persons who have not paid such civil penalties. b. The county treasurer of the county of an applicant's residence and in which the applicant's vehicle is registered, in cooperation with the department, may collect a civil penalty imposed on the applicant pursuant to section 321N.3, subsection 3, when the applicant applies for renewal of a vehicle registration. The applicant may remit full payment of the civil penalty, along with a processing fee of five dollars, to the county treasurer at the time of registration renewal. Upon full payment of the civil penalty, the processing fee, and the vehicle registration fee, the county treasurer shall issue the registration to the applicant. A county treasurer collecting a civil penalty on behalf of the department pursuant to this subsection shall update the vehicle registration records through the distributed teleprocessing network on a daily basis for all applicants who have paid civil penalties pursuant to this subsection. A county treasurer shall forward all funds collected on behalf of the department to the department. 8. The county treasurer shall refuse to renew the registration of a vehicle registered to an applicant if the county treasurer knows that the applicant has one or more uncontested, delinquent parking tickets issued pursuant to section 321.236, subsection 1, paragraph "b", owing to the county, or owing to a city with which the county has an agreement authorized under section 331.553. However, a county treasurer may renew the registration if the treasurer determines that an error was made by the county or city in identifying the vehicle involved in the parking violation or if the citation has been dismissed as against the owner of the vehicle pursuant to section 321.484. This subsection does not apply to the transfer of a registration or the issuance of a new registration. Notwithstanding section 28E.10, a county treasurer may utilize the department's vehicle registration and titling system to facilitate the purposes of this subsection. 9. When application is made for the renewal of a motor vehicle registration on or after December 1, 1982, the person in whose name the registration is recorded shall notify the county treasurer of the type of fuel used by the vehicle if the type of fuel used is different from that which is shown on the registration receipt. If a motor vehicle registration indicates that the vehicle uses or may use a special fuel as defined in chapter 452A the county treasurer shall issue a special fuel user identification sticker. The person who owns or controls the vehicle shall affix the sticker in a prominent place on the vehicle adjacent to the place where the special fuel is delivered into the motor vehicle fuel supply tank. 10. a. The clerk of the district court shall notify the county treasurer of any delinquent court debt, as defined in section 602.8107, which is being collected by the department of revenue pursuant to section 602.8107, subsection 3, or the county attorney pursuant to section 602.8107, subsection 4. The county treasurer shall refuse to renew the vehicle registration of the applicant upon such notification from the clerk of the district court in regard to such applicant. b. If the applicant enters into or renews an installment agreement as defined in section 602.8107, that is satisfactory to the department of revenue, the county attorney, or the county attorney's designee, the department of revenue, county attorney, or a county attorney's designee shall provide the county treasurer with written or electronic notice of the installment agreement within five days of entering into the installment agreement. The county treasurer shall temporarily lift the registration hold on an applicant for a period of ten days if the treasurer receives such notice in order to allow the applicant to register a vehicle for the year. If the applicant remains in compliance with the installment agreement entered into with the department of revenue or the county attorney or the county attorney's designee, subsequent lifts of registration holds shall be granted without additional restrictions. [S13, §1571-m6; C24, 27, 31, 35, §4875; C39, §5001.24; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.40; 82 Acts, ch 1218, §1] 82 Acts, ch 1062, §6, 7, 38; 85 Acts, ch 32, §78; 85 Acts, ch 77, §1; 85 Acts, ch 87, §2; 95 Acts, ch 57, §1; 95 Acts, ch 169, §1, 10; 95 Acts, ch 194, §4, 12; 97 Acts, ch 104, §12, 61; 2000 Acts, ch 1028, §2, 4; 2002 Acts, ch 1043, §1; 2003 Acts, ch 145, §248; 2005 Acts, ch 54, §1, 12; 2007 Acts, ch 126, §54; 2008 Acts, ch 1113, §79; 2008 Acts, ch 1172, §18; 2009 Acts, ch 41, §250; 2010 Acts, ch 1146, §2, 3, 26; 2012 Acts, ch 1093, §6; 2015 Acts, ch 138, §89, 161, 162; 2016 Acts, ch 1101, §2, 24; 2017 Acts, ch 29, §92, 93; 2020 Acts, ch 1064, §15, 28; 2020 Acts, ch 1074, §84, 92; 2020 Acts, ch 1118, §73, 74; 2021 Acts, ch 86, §33 Referred to in §321.34, 321.152, 321.153, 321.236, 331.553, 331.557, 364.2, 421.17, 422.20, 422.72, 423B.2 2020 amendment to subsection 6, paragraph a, is effective on the date of rules adopted by the department of revenue to implement 2020 Acts, ch 1064 2020 Acts, ch 1064, see 2020 Acts, ch 1064, §28 ; 2020 Acts, ch 1118, §73, 74 ; the Code editor received notice that the system designed to implement the setoff procedures established in 2020 Acts, ch 1064 2020 Acts, ch 1064, and the accompanying rules, will be operational on November 13, 2023; rules governing transition, see 2020 Acts, ch 1118, §72 Subsection 6, paragraph a amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.402 - Spot lamps.

321.402 Spot lamps. Any motor vehicle may be equipped with not to exceed one spot lamp and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle nor more than one hundred feet ahead of the vehicle. [C24, 27, 31, 35, §5051;

C39, §5034.11; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.402] Referred to in §321.1, 456A.12, 805.8A(3)(r) For applicable scheduled fine, see §805.8A, subsection 3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.403 - Auxiliary driving lamps.

321.403 Auxiliary driving lamps. Any motor vehicle may be equipped with not to exceed three auxiliary driving lamps mounted on the front at a height not less than twelve inches nor more than forty-two inches above the level surface upon which the vehicle stands, and every such auxiliary driving lamp or lamps shall meet the requirements and limitations set forth in this chapter. [C24, 27, 31, 35, §5050; C39, §5034.12; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.403] Referred to in §321.1, 456A.12, 805.8A(3)(s) For applicable scheduled fine, see §805.8A, subsection 3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.404 - Signal lamps and signal devices.

321.404 Signal lamps and signal devices. Every motor vehicle shall be equipped with a signal lamp or signal device which is so constructed and located on the vehicle as to give a signal of intention to stop, which shall be red or yellow in color, which signal shall be plainly visible and understandable in normal sunlight and at night from a distance of one hundred feet to the rear but shall not project a glaring or dazzling light. [C39, §5034.13; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.404] Referred to in §321.1, 321.234A, 321.404A, 456A.12, 805.8A(3)(t) For applicable scheduled fine, see §805.8A, subsection 3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.404A - Light-restricting devices prohibited.

321.404A Light-restricting devices prohibited. 1. A person shall not operate a motor vehicle, motorcycle, or motorized bicycle on the highways of this state if it is equipped with a device that restricts the light output of a headlamp required under section 321.385 or 321.386, a rear lamp required under section 321.387, a signal lamp or signal device required under section 321.404, or a directional signal device as described in section 321.317. 2. A person who violates this section shall be subject to a scheduled fine under section 805.8A, subsection 3. 99 Acts, ch 13, §16; 2001 Acts, ch 137, §5; 2010 Acts, ch 1190, §52 Referred to in §321.1, 456A.12, 805.8A(3)(u)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.405 - Self-illumination.

321.405 Self-illumination. All mechanical signal devices shall be self-illuminated when in use at the times mentioned in section 321.384. [C39, §5034.14; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.405] Referred to in §321.1, 456A.12

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.408 - Back-up lamps.

321.408 Back-up lamps. 1. A motor vehicle may be equipped with a back-up lamp either separately or in combination with another lamp. 2. A back-up lamp shall not be continuously lighted when the motor vehicle is in forward motion. 3. A person who violates this section commits a simple misdemeanor. [C24, 27, 31, 35, §5050; C39, §5034.17; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.408] 2010 Acts, ch 1140, §13 Referred to in §321.1, 456A.12

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.409 - Mandatory lighting equipment.

321.409 Mandatory lighting equipment. 1. Except as otherwise provided in this chapter, the headlamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles other than motorcycles or motorized bicycles shall be so arranged that the driver may select at will between distributions of light projected to different elevations and the lamps may, in addition, be so arranged that selection can be made automatically, subject to the following limitations: a. There shall be an uppermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least three hundred fifty feet ahead for all conditions. b. There shall be a lowermost distribution of light, or composite beam so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred feet ahead. On a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver. 2. Every new motor vehicle, other than a motorcycle or motorized bicycle which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the headlamps is in use, and shall not otherwise be lighted. The indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle. [C24, 27, 31, 35, §5049, 5052; C39, §5034.18 – 5034.22; C46, 50, 54, §321.409 – 321.413; C58, 62, 66, 71, 73, 75, 77, 79, 81, §321.409] 2010 Acts, ch 1061, §118; 2021 Acts, ch 80, §176 Referred to in §321.1, 321.275, 321.390, 321.415, 321.417, 321.418, 321O.6, 456A.12, 805.8A(3)(v) For applicable scheduled fine, see §805.8A, subsection 3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.41 - Change of address or name or fuel type.

321.41 Change of address or name or fuel type. 1. Whenever any person after making application for or obtaining the registration of a vehicle shall move from the address named in the application or shown upon a registration card such person shall within ten days thereafter notify the county treasurer of the county in which the registration of said vehicle is of record, in writing of the person's old and new addresses. 2. Whenever the name of any person who has made application for or obtained the registration of a vehicle is thereafter legally changed such person shall within ten days notify the county treasurer of the county in which the title of said vehicle is of record, of such former and new name. 3. A person who has registered a vehicle in a county, other than the county designated on the vehicle registration plate, may apply to the county treasurer where the vehicle is registered for new registration plates upon payment of a fee of five dollars and the return of the former county registration plates. 4. When a motor vehicle is modified to use a different fuel type or to use more than one fuel type the person in whose name the vehicle is registered shall within thirty days notify the county treasurer of the county in which the registration of the vehicle is of record of the new fuel type or alternative fuel types. The county treasurer shall make the record of such changes available to the department of revenue. If the vehicle uses or may use a special fuel the county treasurer shall issue a special fuel identification sticker. [C39, §5001.25; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.41; 82 Acts, ch 1218, §2] 2003 Acts, ch 145, §286 Referred to in §331.557, 805.8A(2)(h) For applicable scheduled fine, see §805.8A, subsection 2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.415 - Required usage of lighting devices.

321.415 Required usage of lighting devices. 1. Whenever a motor vehicle is being operated on a roadway or shoulder during the times specified in section 321.384, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations: a. Whenever a driver of a vehicle approaches an oncoming vehicle within one thousand feet, the driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in section 321.409, subsection 1, paragraph "b", shall be deemed to avoid glare at all times, regardless of road contour and loading. b. Whenever the driver of a vehicle follows another vehicle within four hundred feet to the rear, except when engaged in the act of overtaking and passing, the driver shall use a distribution of light permissible under this chapter other than the uppermost distribution of light specified in section 321.409, subsection 1, paragraph "a". 2. The provisions of subsection 1, paragraphs "a" and "b", do not apply to motorcycles or motorized bicycles being operated between sunrise and sunset. [C39, §5034.23 – 5034.25; C46, 50, 54, §321.414 – 321.416; C58, 62, 66, 71, 73, 75, 77, 79, 81, §321.415] 92 Acts, ch 1175, §36; 2010 Acts, ch 1061, §175 Referred to in §321.1, 321.384, 321.418, 456A.12, 805.8A(3)(w) For applicable scheduled fines, see §805.8A, subsection 3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.417 - Single-beam road-lighting equipment.

321.417 Single-beam road-lighting equipment. Headlamps arranged to provide a single distribution of light not supplemented by auxiliary driving lamps shall be permitted on motor vehicles manufactured and sold prior to July 1, 1938, in lieu of multiple-beam road-lighting equipment specified in section 321.409 if the single distribution of light complies with the following requirements and limitations: 1. The headlamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of the light shall at a distance of twenty-five feet ahead project higher than a level of five inches below the level of the center of the lamp from which it comes, and in no case higher than forty-two inches above the level on which the vehicle stands at a distance of seventy-five feet ahead. 2. The intensity of the light shall be sufficient to reveal persons and vehicles at a distance of at least two hundred feet. [C24, 27, 31, 35, §5049; C39, §5034.26; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.417] 2010 Acts, ch 1069, §97 Referred to in §321.1, 321.418

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.418 - Alternate road-lighting equipment.

321.418 Alternate road-lighting equipment. Any motor vehicle may be operated under the conditions specified in section 321.384 when equipped with two lighted lamps upon the front thereof capable of revealing persons and objects seventy-five feet ahead in lieu of lamps required in sections 321.409 and 321.415, or section 321.417, provided, however, that at no time shall it be operated at a speed in excess of twenty miles per hour. [C39, §5034.27; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.418] Referred to in §321.1

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.419 - Number of driving lamps required or permitted.

321.419 Number of driving lamps required or permitted. At all times specified in section 321.384 at least two lighted lamps, except where one only is permitted, shall be displayed, one on each side at the front of every motor vehicle except when such vehicle is parked subject to the regulations governing lights on parked vehicles. [C39, §5034.28; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79,

81, §321.419] Referred to in §321.1, 805.8A(3)(x) For applicable scheduled fine, see §805.8A, subsection 3 Lamps on parked vehicles, §321.395

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.42 - Lost or damaged certificates, cards, and plates — replacements.

321.42 Lost or damaged certificates, cards, and plates — replacements. 1. If a registration card, plate, or pair of plates is lost or becomes illegible, the owner shall immediately apply for replacement. The fee for a replacement registration card is three dollars. The fee for a replacement plate or pair of plates other than a replacement of a special plate issued pursuant to section 321.60 is five dollars. The fee for replacement of a special plate issued pursuant to section 321.60 is forty dollars. When the owner has furnished information required by the department and paid the proper fee, a duplicate, substitute, or new registration card, plate, or pair of plates may be issued. The county treasurer or the department may waive the fee for a replacement plate if the plate is lost during a documented accident. 2. a. If a certificate of title is lost or destroyed, the owner or lienholder shall apply for a replacement copy of the original certificate of title. The owner or lienholder of a motor vehicle may also apply for a replacement copy of the original certificate of title upon surrender of the original certificate of title with the application. The application shall be made to the department or county treasurer who issued the original certificate of title. The application shall be signed by the owner or lienholder and accompanied by a fee of twenty dollars. b. After five days, the department or county treasurer shall issue a replacement copy using the applicant's most recent bona fide address; however, the five-day waiting period does not apply to an applicant who is a lienholder or to an applicant who has surrendered the original certificate of title to the department or county treasurer. The replacement copy shall be clearly marked "replacement" and shall include security interests and liens. When a replacement copy has been issued, the previous certificate is void. The department or county treasurer is not authorized to refund fees collected for a replacement title under this section or section 321.52A. c. If a security interest noted on the face of an original certificate of title was released by the lienholder on a separate form pursuant to section 321.50, subsection 5, and the signature of the lienholder, or the person executing the release on behalf of the lienholder, is notarized, but the lienholder has not delivered the original certificate to the appropriate party as provided in section 321.50, subsection 5, the owner may apply for and receive a replacement certificate of title without the released security interest noted thereon. The lienholder shall return the original certificate of title to the department or to the treasurer of the county where the title was issued. d. A new purchaser or transferee is entitled to receive an original title upon presenting the assigned replacement copy to the treasurer of the county where the new purchaser or transferee resides. At the time of purchase, a purchaser may require the seller to indemnify the purchaser and all future purchasers of the vehicle against any loss which may be suffered due to claims on the original certificate. A person recovering an original certificate of title for which a replacement has been issued shall surrender the original certificate to the county treasurer or the department. 3. If a county treasurer mails vehicle registration documents which become lost or are damaged in transit through the United States postal service, the person to whom the documents were being sent may apply for reissuance without cost. The application shall be made with the county treasurer who originally issued the documents not less than twenty days from the date the documents were placed with the United States postal service. If the original documents are received after reissuance of duplicates, the original documents shall be surrendered to the county treasurer within five days of the time they are received. [SS15, §1571-m5; C24, 27, 31, 35, §4886; C39, §5001.26; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.42; 81 Acts, ch 102, §1] 84 Acts, ch 1305, §51; 85 Acts, ch 209, §1; 99 Acts, ch 13, §6; 2000 Acts, ch 1016, §43, 47; 2004 Acts, ch 1013, §11, 35; 2005 Acts, ch 34, §4, 26; 2006 Acts, ch 1068, §11; 2008 Acts, ch 1113, §16, 21; 2008 Acts, ch 1124, §6 Referred to in §312.2, 321.52A, 331.557, 648.22A Surcharge imposed; §321.52A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.420 - Number of lamps lighted.

321.420 Number of lamps lighted. Whenever a motor vehicle equipped with headlamps as required in this chapter is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front of the vehicle, that projects a beam of an intensity greater than three hundred candlepower, not more than a total of four of any such lamps on the front of the vehicle shall be lighted at any one time when upon a highway. [C39, §5034.29; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.420] 2021 Acts, ch 80, §177; 2022 Acts, ch 1021, §72 Referred to in §321.1, 805.8A(3)(y) For applicable scheduled fine, see §805.8A, subsection 3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.421 - Special restrictions on lamps.

321.421 Special restrictions on lamps. 1. Any lighted lamp or illuminating device upon a motor vehicle other than headlamps, spot lamps, or auxiliary driving lamps which projects a beam of light of an intensity greater than three hundred candlepower shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle. 2. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 3. [C39, §5034.30; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.421] 2000 Acts, ch 1203, §16; 2001 Acts, ch 137, §5; 2010 Acts, ch 1190, §53 Referred to in §321.1, 805.8A(3)(z)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.422 - Red light in front — rear lights.

321.422 Red light in front — rear lights. 1. No person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying or reflecting a red light visible from directly in front thereof. No person shall display any color of light other than red on the rear of any vehicle, except that stop lights and directional signals may be red, yellow, or amber. 2. This section shall not apply to authorized emergency vehicles, or school buses and vehicles as provided in section 321.423, subsection 6. [C39, §5034.31; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.422] 2010 Acts, ch 1069, §98 Referred to in §321.1, 805.8A(3)(aa) See also §321.383 For applicable scheduled fine, see §805.8A, subsection 3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.423 - Flashing lights.

321.423 Flashing lights. 1. Definitions. As used in this section, unless the context otherwise requires: a. “Emergency medical care provider” means as defined in section 147A.1. b. “Fire department” means a paid or volunteer fire protection service provided by a benefited fire district under chapter 357B or by a county, municipality or township, or a private corporate organization that has a valid contract to provide fire protection service for a benefited fire district, county, municipality, township or governmental agency. c. “Member” means a person who is a member in good standing of a fire department or a person who is an emergency medical care provider employed by an ambulance, rescue, or first response service. 2. Prohibited lights. A flashing light on or in a motor vehicle is prohibited except as follows: a. On an authorized emergency vehicle. b. On a vehicle as a means of indicating a right or left turn, a mechanical failure, or an emergency stop or intent to stop. c. On a motor vehicle used by a rural mail carrier when stopping or stopped on or near a highway in the process of delivering mail, if such a light is any shade of color between white and amber and if it is mounted as a dome light on the roof of the vehicle. d. On a vehicle being operated under an excess size permit issued under chapter 321E. e. A flashing blue light on a vehicle upon which a blue light is permitted pursuant to subsection 3 of this section. f. A flashing white light, including a flashing headlamp, is permitted on a vehicle pursuant to subsection 7. g. Flashing red and amber warning lights on a school bus as described in section 321.372, and a white flashing strobe light mounted on a school bus as permitted under section 321.373, subsection 7. h. A flashing amber light is permitted on a towing or recovery vehicle, a utility maintenance vehicle, a municipal maintenance vehicle, a highway maintenance vehicle, a construction vehicle, a solid waste or recycling collection service vehicle, or a vehicle operated in accordance with subsection 6 or section 321.398 or 321.453. i. Modulating headlamps in conformance with 49 C.F.R. §571.108 S7.9.4. are permitted on a motorcycle. j. On a vehicle being operated as an escort vehicle for a funeral procession as provided in section 321.324A. 3. Blue light. a. A blue light shall not be used on any vehicle except for the following: (1) A vehicle owned or exclusively operated by a fire department. (2) A vehicle authorized by the chief of the fire department if the vehicle is owned by a member of the fire department, the request for authorization is made by the member on forms provided by the department, necessity for authorization is demonstrated in the request, and the member has received emergency vehicle operations training. (3) A vehicle authorized by the chief officer of an emergency medical services agency, if the vehicle is owned by a member of the emergency medical services agency, the request for authorization is made by the member on forms provided by the department, and necessity for authorization to respond to an emergency call or fire alarm under section 321.231C is demonstrated in the request. (4) An authorized emergency vehicle, other than a vehicle described in paragraph “a”, subparagraph (1) or (2). (5) A motor truck, trailer, tractor, truck-mounted snow blower, or motor grader owned by the state or any political subdivision of the state, including any local authority, if the blue light is rear-facing and used in conjunction with amber and white lighting devices or reflectors while the equipment is being used for snow and ice treatment or removal on the public streets or highways. b. A person shall not use only a blue light on a vehicle unless the vehicle meets the requirements of paragraph “a”, subparagraph (1), (2), or (3). 4. Expiration of authority. The authorization shall expire at midnight on the thirty-first day of December five years from the year in which it was issued, or when the vehicle is no longer owned by the member, or when the member has ceased to be an active member of the fire department or of an ambulance, rescue, or first response service, or when the member has used the blue or white light beyond the scope of its authorized use. A person issued an authorization under subsection 3, paragraph “a”, subparagraph (2), shall return the authorization to the fire chief upon expiration or upon a determination by the fire chief or the department that the authorization should be revoked. 5. When used. The certificate of authorization shall be carried at all times with the certificate of registration of the authorized vehicle and the operator of the vehicle shall not illuminate the blue or white light except in any of the following circumstances: a. When the member is en route to the scene of a fire or is responding to an emergency in the line of duty requiring the services of the member. b. When the authorized vehicle is transporting a person requiring emergency care. c. When the authorized vehicle is at the scene of an emergency. d. The use of the blue or white light in or on a private motor vehicle shall be for identification purposes only. 6. Amber flashing light. A farm tractor, farm tractor with towed equipment, self-propelled implement of husbandry, road construction or maintenance vehicle, road grader, or other vehicle principally designed for use off the highway which, when operated on a primary or secondary road, is operated at a speed of thirty-five miles per hour or less, shall be equipped with and display an amber flashing light visible from the rear at any time from sunset to sunrise. If the amber flashing light is obstructed by the towed equipment, the towed equipment shall also be equipped with and display an amber flashing light as required under this subsection. All vehicles specified in this subsection which are manufactured for sale or sold in this state shall be equipped with an amber flashing light in accordance with the standards of the American society of agricultural engineers. 7. Flashing white light. a. Except as provided in section 321.373, subsection 7, and subsection 2, paragraphs “c” and “i” of this section, a flashing white light shall only be used on a vehicle in the following circumstances: (1) On a vehicle owned or exclusively operated by an ambulance, rescue, or first response service. (2) On a vehicle authorized by the director of health and human services when all of the following apply: (a) The vehicle is owned by a member of

an ambulance, rescue, or first response service. (b) The request for authorization is made by the member on forms provided by the department of health and human services. (c) Necessity for authorization is demonstrated in the request. (d) The head of an ambulance, rescue, or first response service certifies that the member is in good standing and recommends that the authorization be granted. (3) On an authorized emergency vehicle. (4) On a motor truck, trailer, tractor, truck-mounted snow blower, or motor grader owned by the state or any political subdivision of the state, including any local authority, if the white light is rear-facing and used in conjunction with amber and blue lighting devices or reflectors while the equipment is being used for snow and ice treatment or removal on the public streets or highways. (5) On a motor truck or trailer owned and operated by the department equipped with an impact attenuator and audible warning system, if the flashing white light is rear-facing on the audible warning system and used in conjunction with amber lighting devices or reflectors while the motor truck or trailer is being used for slow-moving maintenance operations. (6) On a vehicle or other equipment not owned and operated by the department when used in road work zones on state or local highways as authorized by the department. The department shall adopt rules pursuant to chapter 17A regarding the vehicles or equipment eligible to use a flashing white light under this subparagraph. b. The department of health and human services shall adopt rules to establish issuance standards, including allowing local emergency medical service providers to issue certificates of authorization, and shall adopt rules to establish certificate of authorization revocation procedures. [C39, §5034.32; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.423] 85 Acts, ch 37, §2; 90 Acts, ch 1225, §1 – 7; 91 Acts, ch 131, §2 – 4; 94 Acts, ch 1087, §2; 95 Acts, ch 41, §25; 95 Acts, ch 118, §25; 96 Acts, ch 1034, §21 – 23; 97 Acts, ch 108, §22; 2000 Acts, ch 1045, §2, 3; 2001 Acts, ch 32, §19; 2005 Acts, ch 8, §29 – 31; 2006 Acts, ch 1070, §14; 2010 Acts, ch 1069, §99; 2015 Acts, ch 81, §3, 4; 2017 Acts, ch 84, §3; 2018 Acts, ch 1002, §2, 3; 2018 Acts, ch 1079, §5; 2019 Acts, ch 24, §44; 2021 Acts, ch 97, §2 – 5, 9; 2022 Acts, ch 1089, §2 – 4; 2023 Acts, ch 19, §1063 – 1065 Referred to in §321.1, 321.231C, 321.323A, 321.422, 805.8A(3)(ab) See also §321.383 For applicable scheduled fines, see §805.8A, subsection 3 Subsection 7, paragraph a, subparagraph (2), unnumbered paragraph 1 amended Subsection 7, paragraph a, subparagraph (2), subparagraph division (b) amended Subsection 7, paragraph b amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.424 - Authorized emergency vehicle lights.

321.424 Authorized emergency vehicle lights. Notwithstanding any provision of law to the contrary: 1. An authorized emergency vehicle may be equipped with a combination of interior and exterior lights, flashing headlamps, and flashing tail lamps as provided in this section and in this chapter. 2. An official law enforcement, fire department, emergency medical services, or emergency management vehicle owned by the state or a municipality, as defined in section 670.1, may be equipped with flashing headlamps. 3. An authorized emergency vehicle owned by the state, a municipality, as defined in section 670.1, or a private emergency medical services company delivering services to the state, a municipality, or a hospital pursuant to a written contract, or a privately owned vehicle designated as an authorized emergency vehicle pursuant to section 321.451, shall be equipped with a combination of operational red and blue lights. 4. An authorized emergency vehicle equipped with an interior or exterior light bar must have the light bar positioned such that front and rear facing red lights are on the driver's side of the vehicle and front and rear facing blue lights are on the passenger's side of the vehicle. 5. An authorized emergency vehicle equipped with an interior or exterior light bar with red and blue flashing lights may be equipped with flashing or solid white lights scattered among or between a clear or colored lens that displays a red or blue flashing light. 6. An authorized emergency vehicle may be equipped with one or more lights capable of emitting a split red and blue steady or flashing light, which may be mounted on or in the vehicle. 7. An authorized emergency vehicle may be equipped with one or more lights on the side of the vehicle capable of emitting red and blue light, red and white light, or blue and white light. 8. An authorized emergency vehicle may be equipped with one or more lights with a clear or colored lens. 9. An official law enforcement, fire, rescue, emergency medical services, or emergency management vehicle may be equipped with lights or light bars containing one or more rear zone amber lights or amber directional arrows, which shall be in addition to any other required lighting equipment. An authorized emergency vehicle shall not be equipped with an amber light positioned on the front or side of the vehicle. However, an aerial fire apparatus may be equipped with amber flashing lights on the outriggers of the apparatus. 10. An authorized emergency vehicle may be equipped with one or more steady, oscillating, or flashing white lights, flashing headlamps, or flashing reverse lamps, which shall be in addition to any other required lighting equipment. A light bar shall not be equipped or used to display flashing white lights visible from the rear of the vehicle. This subsection shall not be construed to prohibit an authorized emergency vehicle owned by the state or a municipality, as defined in section 670.1, from being equipped with or using a spotlight or exterior light bar capable of displaying a steady white light for use as a work light, alley light, search light, or take down light. 11. An authorized emergency vehicle owned by a state or a municipality, as defined in section 670.1, that is primarily used as an incident command vehicle may be equipped with one or more steady or flashing green lights, which shall be in addition to any other required lighting equipment. A steady or flashing green light equipped pursuant to this subsection shall not be activated unless the vehicle is being used as a stationary incident command post at the location of an emergency incident, an official training exercise, or for maintenance or demonstration purposes. 12. An official fire department or emergency medical services vehicle purchased, delivered, or refurbished on or after July 1, 2021, shall be equipped with a master warning switch to activate all emergency lights on the vehicle, in addition to one or more switches to separately activate or isolate the front, side, and rear warning lights. 2021 Acts, ch 97, §6, 9 Referred to in §805.8A(3)(ac)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.43 - New identifying numbers.

321.43 New identifying numbers. The department may assign a distinguishing number to a vehicle when the vehicle identification number on the vehicle is destroyed or obliterated and issue to the owner a special plate bearing the distinguishing number which shall be affixed to the vehicle in a position to be determined by the director. The vehicle shall be registered and titled under the distinguishing number in lieu of the former vehicle identification number within thirty days of issuance of the distinguishing number. [C27, 31, 35, §5083-b4; C39, §5001.27; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.43] 84 Acts, ch 1067, §31; 2005 Acts, ch 8, §10; 2005 Acts, ch 179, §126 Referred to in §331.557

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.430 - Brake, hitch, and control requirements.

321.430 Brake, hitch, and control requirements. 1. Every motor vehicle, other than a motorcycle, or motorized bicycle, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels. 2. Every motorcycle and motorized bicycle, when operated upon a highway, shall be equipped with at least one brake, which may be operated by hand or foot. 3. Every trailer, semitrailer, or travel trailer of a gross weight of three thousand pounds or more shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle when operated on the highways of this state. Every trailer, semitrailer, or travel trailer with a gross weight of three thousand pounds or more shall be equipped with a separate, auxiliary means of applying the brakes on the trailer, semitrailer, or travel trailer from the cab of the towing vehicle, or with self-actuating brakes, and shall also be equipped with a weight equalizing hitch with a sway control. Trailers or semitrailers with a truck or truck tractor need only comply with the brake requirements. 4. Except as otherwise provided in this chapter, every new motor vehicle, trailer, or semitrailer hereafter sold in this state and operated upon the highways shall be equipped with service brakes upon all wheels of every such vehicle with the following exceptions: a. Any motorcycle or motorized bicycle. b. Any trailer or semitrailer of less than three thousand pounds gross weight need not be equipped with brakes. c. Trucks and truck tractors equipped with three or more axles and manufactured before July 25, 1980, need not have brakes on the front wheels, except that such vehicles equipped with two or more front axles shall be equipped with brakes on at least one of the axles; however, the service brakes of the vehicle shall comply with the performance requirements of section 321.431. d. Only such brakes on the vehicle or vehicles being towed in a driveaway-towaway operation need be operative as may be necessary to insure compliance by the combination of vehicles with the performance requirements of section 321.431. The term “driveaway-towaway” operation as used in this subsection means any operation in which any motor vehicle or motor vehicles, new or used, constitute the commodity being transported, when one set or more of wheels of any such motor vehicle or motor vehicles are on the roadway during the course of transportation, whether or not any such motor vehicle furnishes the motive power. [S13, §1571-m17; C24, 27, 31, 35, §5039; C39, §5034.39; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.430] 88 Acts, ch 1044, §1; 97 Acts, ch 108, §24; 2006 Acts, ch 1068, §29 Referred to in §321.189, 321.464, 805.8A(3)(ad) For applicable scheduled fine, see §805.8A, subsection 3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.431 - Performance ability.

321.431 Performance ability. 1. The service brakes upon any motor vehicle or combination of motor vehicles, when upon dry asphalt or concrete pavement surface free from loose material where the grade does not exceed one percent, when traveling twenty miles per hour shall be adequate: a. To stop such vehicle or vehicles having a gross weight of less than five thousand pounds within a distance of thirty feet. b. To stop such vehicle or vehicles having a gross weight in excess of five thousand pounds within a distance of forty-five feet. 2. Under the conditions specified in subsection 1, the hand brake shall be adequate to hold the vehicle or vehicles stationary on any grade upon which operated. 3. Under the conditions specified in subsection 1, the service brakes upon a motor vehicle equipped with two-wheel brakes only, and when permitted under this section, shall be adequate to stop the vehicle within a distance of forty-five feet and the hand brake adequate to stop the vehicle within a distance of fifty-five feet. 4. All braking distances specified in this section shall apply to all vehicles mentioned, whether such vehicles are not loaded or are loaded to the maximum capacity permitted under this chapter. 5. All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle. 6. A person who violates this section commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 3, paragraph “ae”. [S13, §1571-m17; C24, 27, 31, 35, §5039; C39, §5034.40; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.431] 2010 Acts, ch 1140, §14; 2019 Acts, ch 24, §45; 2020 Acts, ch 1063, §151; 2020 Acts, ch 1074, §41, 93 Referred to in §321.189, 321.430, 321.464, 805.8A(3)(ae)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.432 - Horns and warning devices.

321.432 Horns and warning devices. Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to insure safe operation give audible warning with the horn but shall not otherwise use such horn when

upon a highway. [S13, §1571-m17; C24, 27, 31, 35, §5040, 5041; C39, §5034.41; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.432] Referred to in §321.234A, 805.8A(3)(af) For applicable scheduled fine, see §805.8A, subsection 3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.433 - Sirens, whistles, air horns, and bells prohibited.

321.433 Sirens, whistles, air horns, and bells prohibited. 1. A vehicle shall not be equipped with and a person shall not use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this section or any other provision of law. 2. It is permissible but not required that any commercial vehicle be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal. 3. Any authorized emergency vehicle may be equipped with a siren, whistle, air horn, or bell capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet. 4. An authorized emergency medical services program, fire department, or law enforcement agency may equip one or more vehicles with an air horn or a low-frequency siren. 5. An official fire department vehicle, emergency medical services program vehicle, or law enforcement vehicle owned by the state, a municipality, as defined in section 670.1, or a corporation providing emergency medical services, that was purchased, delivered, or refurbished on or after July 1, 2022, excluding an all-terrain vehicle or a special service vehicle, shall be equipped with an electric or electronic siren capable of emitting at least two distinct siren tones, and one or more compatible siren speakers. 6. An authorized emergency vehicle's siren, whistle, air horn, or bell shall not be used except when the vehicle is operated in response to an emergency call, an incident dangerous to the public, an official training exercise, in a parade or designated public service event, for maintenance or demonstration purposes, or in the immediate pursuit of an actual or suspected violator of the law, and the driver of the vehicle shall sound the siren, whistle, air horn, or bell when the driver reasonably believes necessary to warn pedestrians and other drivers of the approach of the vehicle. 7. A towing or recovery vehicle, unless owned by the state or a municipality, as defined in section 670.1, shall not be equipped with a siren. 8. For purposes of this section: a. "Electric siren" means an audible warning device that produces sound using an electric motor with an attached rotating slotted or perforated disc. b. "Electronic siren" means an audible warning device that produces sound electronically using amplifiers and electromagnetic speakers. c. "Low-frequency siren" means a siren that produces low-frequency sound waves and is used in addition to an electric or electronic siren. [C39, §5034.42; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.433] 98 Acts, ch 1080, §4; 2021 Acts, ch 97, §7, 9; 2022 Acts, ch 1087, §8, 11 Referred to in §321.231, 321.231B, 805.8A(3)(ag) For applicable scheduled fine, see §805.8A, subsection 3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.434 - Bicycle sirens or whistles.

321.434 Bicycle sirens or whistles. A bicycle shall not be equipped with and a person shall not use upon a bicycle any siren or whistle. This section shall not apply to bicycles ridden by peace officers in the line of duty. [C39, §5034.43; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.434] 97 Acts, ch 71, §4 Referred to in §805.8A(9)(k) For applicable scheduled fine, see §805.8A, subsection 9

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.435 - Motorcycles equipped with detachable stabilizing wheels.

321.435 Motorcycles equipped with detachable stabilizing wheels. Notwithstanding any other provision of law, a motor vehicle that is originally designed as a two-wheeled motorcycle and is modified using conversion hardware which allows for the attachment and detachment of two stabilizing rear wheels may be operated on a highway with the stabilizing wheels attached in accordance with the provisions of this chapter applicable to motorcycles. A motorcycle shall not be determined to be reconstructed based on the sole fact that two stabilizing wheels have been added as described in this section. 2011 Acts, ch 15, §1

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.436 - Mufflers, prevention of noise.

321.436 Mufflers, prevention of noise. Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person shall use a muffler cutout, bypass or similar device upon a motor vehicle on a highway. [S13, §1571-m18; C24, 27, 31, 35, §5061 – 5063; C39, §5034.45; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.436] Referred to in §805.8A(3)(ah) For applicable scheduled fine, see §805.8A, subsection 3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.437 - Mirrors.

321.437 Mirrors. 1. Every motor vehicle shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of such vehicle. Any motor vehicle so loaded, or towing another vehicle in such manner, as to obstruct the view in a rear view mirror located in the driver's compartment shall be equipped with a side mirror so located that the view to the rear will not be obstructed; however, when such vehicle is not loaded or towing another vehicle the side mirrors shall be retracted or removed. All van or van type motor vehicles shall be equipped with outside mirrors of unit magnification, each with not less than nineteen point five square inches of reflective surface, installed with stable supports on both

sides of the vehicle, located so as to provide the driver a view to the rear along both sides of the vehicle, and adjustable in both the horizontal and vertical directions to view the rearward scene. 2. Notwithstanding this chapter or chapter 321E, a combination of vehicles coupled together which is used exclusively for the transportation of passenger vehicles, light delivery trucks, panel delivery trucks, pickups, boats, and recreational chassis, may permanently attach a convex-type mirror on either or both of the vertical supports, forward of the steering axle of the power unit, provided that the mirror shall not extend beyond the limit of any other rearview mirror on the vehicle. [C31, 35, §5105-c20; C39, §5034.46; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.437] 86 Acts, ch 1210, §5 Referred to in §321.234A, 805.8A(12)(b) For applicable scheduled fines, see §805.8A, subsection 12, paragraph b

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.438 - Windshields and windows.

321.438 Windshields and windows. 1. A person shall not drive a motor vehicle equipped with a windshield, side wings, or side or rear windows which do not permit clear vision. 2. A person shall not operate on the highway a motor vehicle equipped with a front windshield, a side window to the immediate right or left of the driver, or a side wing forward of and to the left or right of the driver which is excessively dark or reflective so that it is difficult for a person outside the motor vehicle to see into the motor vehicle through the windshield, window, or side wing. a. The department shall adopt rules establishing a minimum measurable standard of transparency which shall apply to violations of this subsection. b. This subsection does not apply to a person who operates a motor vehicle owned or leased by a federal, state, or local law enforcement agency if the operation is part of the person's official duties. 3. Every motor vehicle except a motorcycle, or a vehicle included in the provisions of section 321.383 or section 321.115 shall be equipped with a windshield in accordance with section 321.444. [C39, §5034.47; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.438] 83 Acts, ch 125, §5; 2021 Acts, ch 183, §53 Referred to in §805.8A(3)(ai) For applicable scheduled fine, see §805.8A, subsection 3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.439 - Windshield wipers.

321.439 Windshield wipers. The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle. [C39, §5034.48; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.439] Referred to in §805.8A(3)(aj) For applicable scheduled fine, see §805.8A, subsection 3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.44 - Rules governing change of engines, drivetrain assemblies, and related parts.

321.44 Rules governing change of engines, drivetrain assemblies, and related parts. The director shall adopt and enforce rules governing registration and titling of motor vehicles as deemed necessary by the director and compatible with the public interest with respect to the change or substitution of engines, drivetrain assemblies or related parts in any motor vehicle. [C39, §5001.28; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.44] 88 Acts, ch 1278, §32 Referred to in §331.557

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.440 - Restrictions as to tire equipment.

321.440 Restrictions as to tire equipment. 1. Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery. Any pneumatic tire on a vehicle shall be considered unsafe if it has: a. Any part of the ply or cord exposed. b. Any bump, bulge or separation. c. A tread design depth of less than one-sixteenth 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 two tread grooves. d. A marking "not for highway use", "for racing purposes only", "unsafe for highway use". e. Tread or sidewall cracks, cuts or snags deep enough to expose the body cord. f. Such other conditions as may be reasonably demonstrated to render it unsafe. g. Been regrooved or recut below the original tread design depth, excepting special tires which have extra under tread rubber and are identified as such, or if a pneumatic tire was originally designed without grooves or tread. 2. A vehicle, except an implement of husbandry, equipped with either solid rubber or pneumatic tires shall not be operated where the weight per inch of tire width is greater than five hundred seventy-five pounds per inch of tire width based on the tire width rating, except on a steering axle, in which case six hundred pounds per inch of tire width is permitted based on the tire width rating. [C31, 35, §5065-c1; C39, §5034.49; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.440] 97 Acts, ch 100, §2, 3, 12; 2014 Acts, ch 1026, §78 Referred to in §805.8A(3)(ak) For applicable scheduled fine, see §805.8A, subsection 3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.441 - Metal tires prohibited.

321.441 Metal tires prohibited. No person shall operate or move on a paved highway any motor vehicle, trailer, or semitrailer having any metal tire or metal track in contact with the roadway. [C24, 27, 31, 35, §4918, 4919; C39, §5034.50; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.441] Referred to in §805.8A(3)(al) For applicable scheduled fine, see §805.8A, subsection 3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section

321.442 - Projections on wheels.

321.442 Projections on wheels. No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat, or spike or any other protuberances of any material other than rubber which projects beyond the tread of the traction surface of the tire except that it shall be permissible to use: 1. Farm machinery with tires having protuberances which will not injure the highway. 2. Tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid. 3. Pneumatic tires with inserted ice grips or tire studs projecting not more than one-sixteenth inch beyond the tread of the traction surface of the tire upon any vehicle from November 1 of each year to April 1 of the following year, except that a school bus and fire department emergency apparatus may use such tires at any time. [S13, §1571-1a; C24, 27, 31, 35, §5068, 5070; C39, §5034.51; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.442] Referred to in §805.8A(3)(am) For applicable scheduled fine, see §805.8A, subsection 3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.443 - Exceptions.

321.443 Exceptions. The department and local authorities in their respective jurisdictions shall review any application for a special permit and may, with good cause being shown, issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this chapter. [C24, 27, 31, 35, §5069; C39, §5034.52; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.443]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.444 - Safety glass.

321.444 Safety glass. 49 C.F.R. §571.205. [C35, §4991-f1, -f4; C39, §5034.53, 5034.54, 5034.55; C46, 50, 54, 58, 62, §321.444, 321.445, 321.446; C66, 71, 73, 75, 77, 79, 81, §321.444] 97 Acts, ch 108, §25; 98 Acts, ch 1080, §5 Referred to in §321.438, 805.8A(3)(an) For applicable scheduled fine, see §805.8A, subsection 3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.445 - Safety belts and safety harnesses — use required.

321.445 Safety belts and safety harnesses — use required. 1. Except for motorcycles or motorized bicycles, 1966 model year or newer motor vehicles subject to registration in Iowa shall be equipped with safety belts and safety harnesses which conform with federal motor vehicle safety standard numbers 209 and 210 as published in 49 C.F.R. §571.209 – 571.210 and with prior federal motor vehicle safety standards for seat belt assemblies and seat belt assembly anchorages applicable for the motor vehicle's model year. 2. a. The driver and front seat occupants of a type of motor vehicle that is subject to registration in Iowa, except a motorcycle or a motorized bicycle, shall each wear a properly adjusted and fastened safety belt or safety harness any time the vehicle is in forward motion on a street or highway in this state except that a child under eighteen years of age shall be secured as required under section 321.446. b. This subsection does not apply to: (1) The driver or front seat occupants of a motor vehicle which is not required to be equipped with safety belts or safety harnesses. (2) The driver and front seat occupants of a motor vehicle who are actively engaged in work which requires them to alight from and reenter the vehicle at frequent intervals, providing the vehicle does not exceed twenty-five miles per hour between stops. (3) The driver of a motor vehicle while performing duties as a rural letter carrier for the United States postal service. This exemption applies only between the first delivery point after leaving the post office and the last delivery point before returning to the post office. (4) Passengers on a bus. (5) A person possessing a written certification from a health care provider licensed under chapter 148 or 151 on a form provided by the department that the person is unable to wear a safety belt or safety harness due to physical or medical reasons. The certification shall specify the time period for which the exemption applies. The time period shall not exceed twelve months, at which time a new certification may be issued unless the certifying health care provider is from a United States military facility, in which case the certificate may specify a longer period of time or a permanent exemption. (6) Front seat occupants of an authorized emergency vehicle while they are being transported in an emergency. However, this exemption does not apply to the driver of the authorized emergency vehicle. c. The department, in cooperation with the department of public safety and the department of education, shall establish educational programs to foster compliance with the safety belt and safety harness usage requirements of this subsection. 3. The driver and front seat passengers may be each charged separately for improperly used or nonused equipment under subsection 2. However, the driver shall not be charged for a violation committed by a passenger who is fourteen years of age or older unless the passenger is unable to properly fasten a seat belt due to a temporary or permanent disability. The owner of the motor vehicle may be charged for equipment violations under subsection 1. 4. a. The nonuse of a safety belt or safety harness by a person is not admissible or material as evidence in a civil action brought for damages in a cause of action arising prior to July 1, 1986. b. In a cause of action arising on or after July 1, 1986, brought to recover damages arising out of the ownership or operation of a motor vehicle, the failure to wear a safety belt or safety harness in violation of this section shall not be considered evidence of comparative fault under section 668.3, subsection 1. However, except as provided in section 321.446, subsection 6, the failure to wear a safety belt or safety harness in violation of this section may be admitted to mitigate damages, but only under the following circumstances: (1) Parties seeking to introduce evidence of the failure to wear a safety belt or safety harness in violation of this section must first introduce substantial

evidence that the failure to wear a safety belt or safety harness contributed to the injury or injuries claimed by the plaintiff. (2) If the evidence supports such a finding, the trier of fact may find that the plaintiff's failure to wear a safety belt or safety harness in violation of this section contributed to the plaintiff's claimed injury or injuries, and may reduce the amount of the plaintiff's recovery by an amount not to exceed twenty-five percent of the damages awarded after any reductions for comparative fault. 5. The department shall adopt rules pursuant to chapter 17A providing exceptions from application of subsections 1 and 2 for front seats and front seat passengers of motor vehicles owned, leased, rented, or primarily used by persons with disabilities who use collapsible wheelchairs. [C66, 71, 73, 75, 77, 79, 81, §321.445] 84 Acts, ch 1016, §3; 86 Acts, ch 1009, §2; 86 Acts, ch 1211, §43; 87 Acts, ch 120, §5; 92 Acts, ch 1175, §37; 96 Acts, ch 1129, §79; 97 Acts, ch 104, §21; 97 Acts, ch 108, §26; 98 Acts, ch 1080, §6, 7; 2002 Acts, ch 1119, §50; 2004 Acts, ch 1113, §1; 2008 Acts, ch 1088, §122; 2010 Acts, ch 1061, §180; 2010 Acts, ch 1079, §10; 2010 Acts, ch 1186, §6, 7; 2018 Acts, ch 1009, §1 Referred to in §321.210, 321.446, 321.555, 805.8A(14)(c) For applicable scheduled fines, see §805.8A, subsection 14, paragraph c

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.446 - Child restraint devices.

321.446 Child restraint devices. 49 C.F.R. §571.213 . 84 Acts, ch 1016, §1; 86 Acts, ch 1069, §1; 2000 Acts, ch 1133, §11; 2001 Acts, ch 132, §11; 2001 Acts, ch 137, §5; 2004 Acts, ch 1113, §2, 3; 2005 Acts, ch 8, §32; 2008 Acts, ch 1088, §123; 2010 Acts, ch 1186, §8, 9; 2014 Acts, ch 1127, §11; 2016 Acts, ch 1101, §5, 24; 2022 Acts, ch 1066, §43 Referred to in §321.210, 321.445, 321.555, 805.8A(14)(c)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.449 - Motor carrier safety rules.

321.449 Motor carrier safety rules. 49 C.F.R. pts. 385, 390 – 399 . A peace officer of the department of public safety is authorized to inspect and copy motor carrier records required by 49 C.F.R. pts. 105 – 185, 382, 383, 385, and 390 – 399 . [C39, §5034.58; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.449] 87 Acts, ch 170, §13; 88 Acts, ch 1083, §3 – 7; 88 Acts, ch 1278, §50; 92 Acts, ch 1175, §38; 93 Acts, ch 47, §15; 95 Acts, ch 171, §1; 96 Acts, ch 1063, §1; 99 Acts, ch 13, §17, 29; 99 Acts, ch 96, §34; 2000 Acts, ch 1134, §3; 2001 Acts, ch 132, §12; 2003 Acts, ch 8, §17, 18; 2005 Acts, ch 8, §33; 2009 Acts, ch 130, §40, 41; 2010 Acts, ch 1069, §48; 2019 Acts, ch 41, §4; 2023 Acts, ch 85, §12 – 14 Referred to in §321.288, 321.343, 321.449B, 321.450, 325A.2, 805.8A(13)(b) For applicable scheduled fines, see §805.8A, subsection 13, paragraph b Subsection 1, paragraphs a and b amended Subsection 4, paragraph c amended Subsection 8 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.449A - Rail crew transport drivers.

321.449A Rail crew transport drivers. 1. A driver of a motor vehicle operated for hire which is designed to transport seven or more persons but fewer than sixteen persons including the driver and is used to transport railroad workers to or from their places of employment or during the course of their employment is subject to the following limitations: a. The driver shall not drive such a vehicle more than ten hours following eight consecutive hours of uninterrupted rest. b. The driver shall not drive such a vehicle for any period after having been on duty for fifteen hours following eight consecutive hours of uninterrupted rest. c. The driver shall not accept a call for service from the driver's employer during a period of uninterrupted rest. 2. For purposes of this section, the following definitions apply: a. "Employer" means a railroad worker transportation company, as defined in section 327F.39, for whom the driver performs a service, either for wages or as an independent contractor. b. "On duty" means all time from the time a driver begins work or is required to be ready to work until the time the driver is relieved from work and all responsibility for performing work, whether or not the driver is compensated for all of the time. A driver may drive more than one assigned trip, as long as the trip falls within the on-duty period. A driver "begins work" when the driver enters a transport vehicle to begin a trip assignment and is not "relieved from work" until the driver has exited the transport vehicle for the final time. c. "Uninterrupted rest" means that the employer shall not communicate with the driver by telephone, pager, or in any other manner that could reasonably be expected to disrupt the driver's rest. 3. A person who violates this section commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 13, paragraph "b". 2013 Acts, ch 47, §1 Referred to in §327F.39, 805.8A(13)(b)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.449B - Texting or using a mobile telephone while operating a commercial motor vehicle.

321.449B Texting or using a mobile telephone while operating a commercial motor vehicle. 49 C.F.R. §392.80 . b. A person subject to rules adopted by the department of public safety pursuant to section 321.449 shall not operate a commercial motor vehicle while using a hand-held mobile telephone as prohibited by 49 C.F.R. §392.82 , except in an emergency or as otherwise permitted under 49 C.F.R. §392.82 . 2. a. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 13, paragraph "b". b. A violation of this section shall be considered a moving violation for the purposes of this chapter and rules adopted pursuant to this chapter. c. A conviction for a violation of this section shall be in lieu of a conviction for a violation of section 321.276 if the violations are based on the same facts and circumstances. 2018 Acts, ch 1017, §2; 2023 Acts, ch 85, §15 Referred to in §321.482A, 805.8A(13)(b) Additional penalties for violations causing injury or

death, see §321.482A Subsection 1 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.44A - Voluntary contribution — anatomical gift public awareness and transplantation fund — amount retained by county treasurer.

321.44A Voluntary contribution — anatomical gift public awareness and transplantation fund — amount retained by county treasurer. For each application for registration or renewal, the county treasurer or the department shall request through use of a written form, and, if the application is made in person, through verbal communication, that an applicant make a voluntary contribution of one dollar or more to the anatomical gift public awareness and transplantation fund established pursuant to section 142C.15. One hundred percent of the moneys collected by the county and one hundred percent of the moneys collected by the department in the form of contributions shall be remitted to the treasurer of state for deposit in the fund to be used for the purposes specified for the fund. However, up to five percent of the moneys collected by the county may be retained by the county treasurer for deposit in the general fund of the county. The director shall adopt rules to administer this section. 96 Acts, ch 1076, §3; 97 Acts, ch 121, §1; 98 Acts, ch 1107, §8 Referred to in §142C.15, 331.557

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.45 - Title must be transferred with vehicle.

321.45 Title must be transferred with vehicle. 1. a. No manufacturer, importer, dealer, or other person shall sell or otherwise dispose of a new vehicle subject to registration under the provisions of this chapter to a dealer to be used by such dealer for purposes of display and lease or resale without delivering to such dealer a manufacturer's or importer's certificate duly executed and with such assignments thereon as may be necessary to show title in the purchaser thereof; nor shall such dealer purchase or acquire a new vehicle that is subject to registration without obtaining from the seller thereof such manufacturer's or importer's certificate. In addition to the assignments stated herein, such manufacturer's or importer's certificate shall contain thereon the identification and description of the vehicle delivered and the name and address of the dealer to whom said vehicle was originally sold over the signature of an authorized official of the manufacturer or importer who made the original delivery. b. For each new mobile home, manufactured home, travel trailer, and camping trailer said manufacturer's or importer's certificate shall also contain thereon the exterior length and exterior width of said vehicle not including any area occupied by any hitching device, and the manufacturer's shipping weight. c. Completed motor vehicles, other than class "B" motor homes, which are converted, modified, or altered shall retain the identity and model year of the original manufacturer of the vehicle. Motor homes and all other motor vehicles manufactured from chassis or incomplete motor vehicles manufactured by another may have the identity and model year assigned by the final manufacturer. d. Notwithstanding paragraph "c", a glider kit vehicle shall take the identity of the new cab and the new frame used in the assembly of the glider kit vehicle. 2. a. A person shall not acquire any right, title, claim, or interest in or to any vehicle subject to registration under this chapter from the owner thereof except by virtue of a certificate of title issued or assigned to the person for such vehicle or by virtue of a manufacturer's or importer's certificate delivered to the person for such vehicle and waiver or estoppel shall not operate in favor of any person claiming title to or interest in any vehicle against a person having possession of the certificate of title or manufacturer's or importer's certificate for such vehicle for a valuable consideration except in the following cases: (1) The perfection of a lien or security interest as provided in section 321.50. (2) The perfection of a security interest in new or used vehicles held as inventory for sale as provided in uniform commercial code, chapter 554, article 9. (3) A dispute between a buyer and the selling dealer who has failed to deliver or procure the certificate of title as promised. (4) Except for the purposes of section 321.493. (5) The vehicle is disposed of pursuant to section 321.52, subsection 2, paragraph "b". (6) An insurer obtains a salvage certificate of title for a vehicle pursuant to section 321.52, subsection 4, paragraph "a". b. Except in the cases enumerated in paragraph "a", no court in any case at law or equity shall recognize the right, title, claim, or interest of any person in or to any vehicle subject to registration sold or disposed of, or mortgaged or encumbered, unless evidenced by a certificate of title or manufacturer's or importer's certificate duly issued or assigned in accordance with the provisions of this chapter. 3. Upon the transfer of any registered vehicle, the owner, except as otherwise provided in this chapter, shall endorse an assignment and warranty of title upon the certificate of title for such vehicle with a statement of all liens and encumbrances thereon, and the owner shall deliver the certificate of title to the purchaser or transferee at the time of delivering the vehicle except as otherwise provided in this chapter. The owner shall indicate to the transferee the name of the county in which the vehicle was last registered and the registration expiration date. 4. After acquiring a used mobile home or manufactured home to be titled in Iowa, a manufactured or mobile home retailer, as defined in section 103A.51, shall within thirty days apply for and obtain from the county treasurer of the county where the mobile home or manufactured home is located a new certificate of title for the mobile home or manufactured home. In the event that there is a prior lien or encumbrance to be released, as required by section 321.50, subsection 5, the thirty-day time period in this subsection does not begin to run until the lien or encumbrance is released. [S13, §1571-m9; C24, 27, 31, 35, §4961; C39, §5002.01; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.45; 82 Acts, ch 1251, §10] 87 Acts, ch 130, §2; 88 Acts, ch 1215, §5; 95 Acts, ch 57, §2; 99 Acts, ch 188, §6, 7; 2000 Acts, ch 1085, §1; 2001 Acts, ch 153, §17; 2002 Acts, ch 1119, §43; 2004 Acts, ch 1013, §12, 35; 2006 Acts, ch 1090, §17, 26; 2010 Acts, ch 1069, §90; 2013 Acts, ch 96, §1; 2013 Acts, ch 103, §8, 21; 2015 Acts, ch 52, §1, 14; 2017 Acts, ch 31, §1 Referred to in §103A.55, 321.20, 321.46, 321.49, 321.67, 321.104, 321.493, 331.557, 805.8A(2)(i) For applicable scheduled fines, see §805.8A, subsection 2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.450 - Hazardous materials transportation regulations.

321.450 Hazardous materials transportation regulations. 49 C.F.R. pts. 107, 171 to 173, 177, 178, and 180 . 2. Notwithstanding other provisions of this section, rules adopted under this section concerning physical and medical qualifications for drivers of commercial vehicles engaged in intrastate commerce shall not be construed as disqualifying any individual who was employed as a driver of commercial vehicles engaged in intrastate commerce, and whose physical or medical condition existed, prior to July 29, 1996. 3. Notwithstanding other provisions of this section, or the age requirements under section 321.449, the age requirements under section 321.449 and the rules adopted under this section pertaining to compliance with regulations adopted under United States Code, Tit. 49, and found in 49 C.F.R. §177.804 , shall not apply to retail dealers of fertilizers, petroleum products, and pesticides and their employees while delivering fertilizers, petroleum products, and pesticides to farm customers within a one-hundred-mile radius of their retail place of business. 4. Notwithstanding other provisions of this section, rules adopted under this section shall not apply to a farmer or employees of a farmer when transporting an agricultural hazardous material, except class 2 material, between the sites in the farmer's agricultural operations unless the material is being transported on the interstate highway system. As used in this subsection, "farmer" means a person engaged in the production or raising of crops, poultry, or livestock; "farmer" does not include a person who is a commercial applicator of agricultural chemicals or fertilizers. 5. Notwithstanding other provisions of this section to the contrary, a driver who is engaged exclusively in intrastate commerce and who operates a truck or truck tractor exclusively for the movement of refined oil products may drive twelve hours, be on duty sixteen hours in a twenty-four-hour period, and be on duty seventy hours in seven consecutive days, or eighty hours in eight consecutive days. 6. Notwithstanding other provisions of this section, rules adopted under this section applicable to the transportation of any fuel used in race car engines shall not apply to the transportation of such fuel if the fuel is contained in the fuel cells of a race car being transported in a trailer and the fuel cells are certified by SFI foundation, inc. [C39, §5034.59; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.450] 87 Acts, ch 170, §14; 88 Acts, ch 1083, §8; 89 Acts, ch 70, §1, 2; 89 Acts, ch 186, §1; 91 Acts, ch 127, §1; 97 Acts, ch 108, §27, 28; 98 Acts, ch 1178, §5, 17; 2001 Acts, ch 32, §20; 2003 Acts, ch 8, §19; 2010 Acts, ch 1061, §180; 2014 Acts, ch 1092, §177; 2014 Acts, ch 1127, §12; 2023 Acts, ch 85, §16 Referred to in §321O.4, 325A.2, 805.8A(13)(c) For applicable scheduled fines, see §805.8A, subsection 13, paragraph c Subsection 1 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.451 - Emergency vehicles — certificate of designation.

321.451 Emergency vehicles — certificate of designation. 1. The director or the director's designee may designate a privately owned vehicle as an authorized emergency vehicle and issue a certificate of designation for the vehicle, upon written request being made on forms provided by the department and showing necessity for the designation. A certificate of designation may be issued for the following privately owned vehicles: a. An ambulance or fire or rescue vehicle. b. A state or county medical examiner vehicle. c. A vehicle owned by a sheriff or full-time paid deputy sheriff if the authorized emergency vehicle designation is requested by the sheriff. d. A vehicle owned by a chief of police or any officer of the police department if the authorized emergency vehicle designation is requested by the chief of police. e. A vehicle owned by a chief of a full-time paid fire department if the authorized emergency vehicle designation is requested by the chief of the fire department. f. A towing or recovery vehicle, subject to rules adopted by the department. g. A vehicle owned by a certified chief or certified fire officer of a volunteer fire department, a fire department comprised of a combination of volunteer and paid members, or a nonprofit corporation that delivers emergency services on behalf of a municipality, as defined in section 670.1, pursuant to a written contract, if the application for a certificate of designation is requested by the certified chief or certified fire officer of the fire department. However, the department shall not approve an application received pursuant to this paragraph unless the owner of the vehicle has completed an emergency vehicle operations course approved by the fire service training bureau, as described in section 100B.6, provided proof of certification as a fire officer, and provided proof of financial liability coverage or risk pool coverage. h. A vehicle owned by a chief, medical director, or certified medical provider of an authorized emergency medical service, if the application for a certificate of designation is requested by the chief, medical officer, or medical director of the authorized emergency medical service. However, the department shall not approve an application received pursuant to this paragraph unless the owner of the vehicle has completed an emergency vehicle operations course approved by the department of health and human services, and provided proof of financial liability coverage or risk pool coverage. 2. The application for a certificate of designation must include the name of the owner of the vehicle, vehicle identification information, a description of the vehicle's equipment, and a description of how the vehicle will be used as an authorized emergency vehicle. 3. The certificate of designation shall at all times be carried with the registration receipt for the vehicle to which the certificate refers. The certificate may be revoked by the director upon a showing of abuse. 4. A public or private entity shall not require an employee or volunteer to apply for or maintain a certificate of designation pursuant to this section as a condition of employment or of permitting the person to continue to volunteer. A person shall not be required to operate or use a vehicle designated as an authorized emergency vehicle pursuant to this section. 5. This section shall not be construed to exempt the state or a municipality, as defined in section 670.1, from any duty to purchase, equip, maintain, or otherwise provide authorized emergency vehicles to meet any requirement to provide public services, including law enforcement, fire protection, rescue, emergency medical services, or emergency management. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.451] 85 Acts, ch 37, §3; 2000 Acts, ch 1133, §12; 2005 Acts, ch 8, §34, 35; 2022 Acts, ch 1087, §9 – 11; 2023 Acts, ch 19, §1066 Referred to in §321.1,

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.452 - Scope and effect.

321.452 Scope and effect. 1. A person shall not drive or move, and the owner of such vehicle shall not cause or knowingly permit to be driven or moved, on any highway any vehicle or vehicles of a size or weight exceeding the limitations stated in this chapter, and the maximum size and weight of vehicles herein specified shall be lawful throughout this state, and local authorities shall have no power or authority to alter said limitations except as express authority is granted in this chapter. 2. A person who violates this section commits a simple misdemeanor. [C39, §5035.01; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.452] 2010 Acts, ch 1140, §15 Referred to in §321E.2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.453 - Exceptions.

321.453 Exceptions. 1. Except as provided in sections 321.463, 321.471, and 321.474, the provisions of this chapter governing size, weight, and load and the permit requirements of chapter 321E do not apply to any of the following: a. Fire apparatus. b. Road maintenance equipment owned by, under lease to, or used in the performance of a contract with any state or local authority. c. Implements of husbandry when moved or moving upon a highway that is not a portion of the interstate. d. Equipment used primarily for construction of permanent conservation practices on agricultural land when moved or moving upon a highway that is not a portion of the interstate, so long as the equipment is without payload and the movement does not violate posted weight limitations on bridges. e. Hydroexcavation equipment used primarily for digging and excavation when moved or moving upon a highway that is not a portion of the interstate. 2. A vehicle that is carrying an implement of husbandry or equipment used primarily for construction of permanent conservation practices and is exempted from the permit requirements under this section shall be equipped with an amber flashing light visible from the rear. If the amber flashing light is obstructed by the loaded implement or equipment, the loaded implement or equipment shall also be equipped with and display an amber flashing light. The vehicle shall also be equipped with warning flags on that portion of the vehicle which protrudes into oncoming traffic, and shall only operate from thirty minutes prior to sunrise to thirty minutes following sunset. 3. A motor vehicle that is operated by a farmer and that is carrying an implement of husbandry between fields, locations for repair, or locations for storage of the implement of husbandry shall be exempt from any requirement to obtain a permit under section 321.463, 321.471, or 321.474. Nothing in this subsection shall be construed to exempt such a vehicle from any requirement or restriction other than a requirement to obtain a permit, including but not limited to requirements or restrictions relating to size, weight, load, lighting, flags, equipment, or manner of operation. For the purposes of this subsection, “farmer” means as defined in section 142D.2. [C39, §5035.02; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.453; 82 Acts, ch 1154, §3, ch 1254, §3] 86 Acts, ch 1210, §6; 87 Acts, ch 186, §4; 94 Acts, ch 1087, §3; 94 Acts, ch 1198, §45; 98 Acts, ch 1003, §1; 98 Acts, ch 1223, §26; 99 Acts, ch 13, §18; 99 Acts, ch 108, §6; 2014 Acts, ch 1087, §1, 2; 2015 Acts, ch 30, §104; 2017 Acts, ch 81, §1; 2023 Acts, ch 6, §1 Referred to in §321.423, 321E.2 Subsection 1, NEW paragraph e

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.454 - Width of vehicles.

321.454 Width of vehicles. 1. The total outside width of a vehicle or the load on the vehicle shall not exceed eight feet six inches. 2. Notwithstanding subsection 1, the total outside width of a vehicle or combination of vehicles transporting a divisible load of hay, straw, stover, or bagged livestock bedding shall not exceed twelve feet five inches. However, if hay, straw, stover, or bagged livestock bedding is moved on an implement of husbandry and the total width of load of the implement of husbandry exceeds twelve feet five inches, the implement of husbandry is not subject to the permit requirements of chapter 321E. If a divisible load of hay, straw, stover, or bagged livestock bedding is moved on any other vehicle or combination of vehicles subject to registration, the moves are subject to the permit requirements for transporting loads exceeding twelve feet five inches in width as required under chapter 321E. 3. The limitations on the total outside width of a vehicle, the load on the vehicle, or a combination of vehicles set forth in this section do not include safety equipment on a vehicle or incidental appurtenances or retracted awnings on motor homes, motorsports recreational vehicles, travel trailers, or fifth-wheel travel trailers if the incidental appurtenance or retracted awning is less than six inches in width. [C24, §5067, 5104; C27, §5067, 5105-a32; C31, 35, §5067, 5105-a32, 5105-c18; C39, §5035.03; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.454] 83 Acts, ch 9, §5, 8; 87 Acts, ch 186, §5; 87 Acts, ch 189, §2; 94 Acts, ch 1087, §4, 5; 95 Acts, ch 67, §26; 2000 Acts, ch 1016, §15; 2014 Acts, ch 1127, §13; 2020 Acts, ch 1054, §1 Referred to in §321E.2, 321E.8, 321E.9, 321E.10, 321E.17, 321E.26, 321E.29B, 805.8A(12)(c) For applicable scheduled fines, see §805.8A, subsection 12, paragraph c

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.455 - Projecting loads on passenger vehicles.

321.455 Projecting loads on passenger vehicles. No passenger-type vehicle shall be operated on any highway with any load carried thereon extending beyond the line of the fenders on the left side of such vehicle nor extending more than six inches beyond the line of the fenders on the right side thereof. Passengers shall not ride on any part of any vehicle unless it is expressly designed either for

passenger use or designed for carrying livestock, merchandise, or freight. [C31, 35, §5067-d1; C39, §5035.04; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.455] Referred to in §321E.2, 321E.9, 321E.26, 321E.29B, 805.8A(12)(c) For applicable scheduled fines, see §805.8A, subsection 12, paragraph c

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.456 - Height of vehicles.

321.456 Height of vehicles. 1. A vehicle unladen or with load shall not exceed a height of thirteen feet six inches. 2. Notwithstanding subsection 1, a vehicle or combination of vehicles coupled together and used exclusively for the transportation of passenger vehicles, light delivery trucks, panel delivery trucks, pickup trucks, or recreational vehicle chassis may operate with a height not to exceed fourteen feet. 3. Notwithstanding subsection 1, a vehicle or combination of vehicles transporting a divisible load of hay, straw, stover, or bagged livestock bedding may operate with a height not to exceed fourteen feet six inches. 4. This section shall not be construed to require any railroad or public authorities to provide sufficient vertical clearance to permit the operation of such vehicle upon the highways of this state. Any damage to highways, highway or railroad structures, or underpasses caused by the height of any vehicle provided for by this section shall be borne by the operator or owner of the vehicle. [C31, 35, §5067-d2; C39, §5035.05; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.456] 86 Acts, ch 1182, §4; 97 Acts, ch 100, §4; 2005 Acts, ch 8, §36; 2020 Acts, ch 1054, §2 Referred to in §321E.2, 321E.8, 321E.9, 321E.17, 321E.26, 321E.29B, 805.8A(12)(c) For applicable scheduled fines, see §805.8A, subsection 12, paragraph c

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.457 - Maximum length.

321.457 Maximum length. 49 C.F.R. §1048.101, and to the interstate system as provided in 23 U.S.C. §127 and 49 U.S.C. §31112(c), as amended by Pub. L. No. 104-59. . This subparagraph does not prohibit operation on any segment of the interstate system or part of the national network of highways that is permitted under paragraph “e”. (4) For purposes of this paragraph “n”, “full trailer” means as defined in 49 C.F.R. §390.5 . o. Notwithstanding any other provision of this chapter, and to the extent allowed under federal law, a combination of two vehicles coupled together, one of which is a motorsports recreational vehicle, shall not have an overall length in excess of eighty-five feet. p. Notwithstanding any other provision of this chapter, and to the extent allowed under federal law, a vehicle or combination of vehicles transporting a divisible load of hay, straw, stover, or bagged livestock bedding shall not have an overall length in excess of seventy-five feet. 3. Fire fighting apparatus and vehicles operated during daylight hours when transporting poles, pipe, machinery, or other objects of a structural nature which cannot be readily disassembled when required for emergency repair of public service facilities or properties are not subject to the limitations on overall length of vehicles and combinations of vehicles imposed under this section. However, for operation during nighttime hours, these vehicles and the load being transported shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps at the extreme ends of the projecting load to clearly mark the dimensions of the load. A member of the state patrol shall also be notified prior to the operation of the vehicle. [C31, 35, §5067-d4; C39, §5035.06; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.457; 82 Acts, ch 1056, §2, 3] 83 Acts, ch 9, §6 – 8; 83 Acts, ch 116, §2; 84 Acts, ch 1077, §1; 87 Acts, ch 186, §6 – 10; 88 Acts, ch 1208, §1; 89 Acts, ch 34, §2 – 5; 91 Acts, ch 31, §1, 2; 93 Acts, ch 87, §7; 94 Acts, ch 1087, §6, 7; 94 Acts, ch 1199, §78; 96 Acts, ch 1004, §1; 96 Acts, ch 1089, §2, 3; 96 Acts, ch 1219, §26; 98 Acts, ch 1074, §25; 98 Acts, ch 1075, §24; 2000 Acts, ch 1016, §16, 29; 2001 Acts, ch 32, §21, 22; 2001 Acts, ch 153, §15; 2001 Acts, ch 176, §80; 2005 Acts, ch 35, §31; 2006 Acts, ch 1068, §30, 31; 2007 Acts, ch 143, §16, 35; 2012 Acts, ch 1090, §1; 2012 Acts, ch 1138, §64; 2014 Acts, ch 1127, §14, 15; 2017 Acts, ch 46, §1; 2019 Acts, ch 23, §1; 2020 Acts, ch 1054, §3 Referred to in §321E.2, 321E.8, 321E.9, 321E.10, 321E.11, 321E.17, 321E.26, 321E.29B, 805.8A(12)(c) For applicable scheduled fines, see §805.8A, subsection 12, paragraph c

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.458 - Loading beyond front.

321.458 Loading beyond front. The load upon any vehicle operated alone, or the load upon the front vehicle of a combination of vehicles, shall not extend more than three feet beyond the front wheels of such vehicle or the front bumper of such vehicle if it is equipped with such a bumper. [C39, §5035.07; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.458] Referred to in §321E.2, 805.8A(12)(c) For applicable scheduled fine, see §805.8A, subsection 12, paragraph c

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.459 - Dual axle requirement.

321.459 Dual axle requirement. Axles of a motor vehicle, trailer, or semitrailer which are less than forty inches apart center to center shall be considered as a single axle for the purpose of determining permissible gross weight under section 321.463. [C31, 35, §5067-d3; C39, §5035.08; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.459] Referred to in §321E.2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.46 - New title and registration upon transfer of ownership — credit.

321.46 New title and registration upon transfer of ownership — credit. 1. The transferee shall, within thirty calendar days after

purchase or transfer, apply for and obtain from the county treasurer of the person's residence, or if a nonresident, the county treasurer of the county where the primary users of the vehicle are located or the county where all other vehicles owned by the nonresident are registered, or in the case of a mobile home or manufactured home, the county treasurer of the county where the mobile home or manufactured home is located, or if a firm, association, or corporation with vehicles in multiple counties, the transferee may apply for and obtain from the county treasurer of the county where the primary user of the vehicle is located, a new registration and a new certificate of title for the vehicle, except as provided in section 321.25, 321.48, or 322G.12, or when the transferee obtains the vehicle pursuant to section 321.52, subsection 2, paragraph "b". The transferee shall present with the application the certificate of title endorsed and assigned by the previous owner and shall indicate the name of the county in which the vehicle was last registered and the registration expiration date. 2. Upon filing the application for a new registration and a new title, the applicant shall pay a title fee of twenty dollars, an annual registration fee prorated for the remaining unexpired months of the registration year, and a fee for new registration if applicable. A manufacturer applying for a certificate of title pursuant to section 322G.12 shall pay a title fee of ten dollars. However, a title fee shall not be charged to a manufactured or mobile home retailer applying for a certificate of title for a used mobile home or manufactured home, titled in Iowa, as required under section 321.45, subsection 4. The county treasurer, if satisfied of the genuineness and regularity of the application, and in the case of a mobile home or manufactured home, that taxes are not owing under chapter 435, and that applicant has complied with all the requirements of this chapter, shall issue a new certificate of title and, except for a mobile home, manufactured home, or a vehicle returned to and accepted by a manufacturer as described in section 322G.12, a registration card to the purchaser or transferee, shall cancel the prior registration for the vehicle, and shall forward the necessary copies to the department on the date of issuance, as prescribed in section 321.24. Mobile homes or manufactured homes titled under chapter 448 that have been subject under section 446.18 to a public bidder sale in a county shall be titled in the county's name, with no fee, and the county treasurer shall issue the title. 3. The applicant shall be entitled to a credit for that portion of the annual registration fee of the vehicle sold, traded, transferred, or junked which had not expired prior to the transfer of ownership of the vehicle. The annual registration fee for the new registration for the vehicle acquired shall be reduced by the amount of the credit. The credit shall be computed on the basis of the number of months remaining in the registration year, rounded to the nearest whole dollar. The credit shall be subject to the following limitations: a. The credit shall be claimed within six months from the date the vehicle for which credit is granted was sold, traded, transferred, or junked. After six months, all credits shall be disallowed. b. Any credit granted to the owner of a vehicle which has been sold, traded, transferred, or junked may only be claimed by that person toward the annual registration fee for another vehicle purchased and the credit may not be sold, transferred, or assigned to any other person. c. When the amount of the credit is computed to be an amount of less than ten dollars, a credit shall be disallowed. d. To claim a credit for the unexpired annual registration fee on a junked vehicle, the county treasurer shall disallow any claim for credit unless the owner presents a junking certificate or other evidence as required by the department to the county treasurer. e. A credit shall not be allowed to any person who has made claim to receive a refund under section 321.126. f. If the credit allowed exceeds the amount of the annual registration fee for the vehicle acquired, the owner may claim a refund under section 321.126, subsection 1, paragraph "f", for the balance of the credit. g. The credit shall be computed on the unexpired number of months computed from the date of purchase of the vehicle acquired. 4. If the annual registration fee upon application is delinquent, the applicant shall be required to pay the delinquent fee from the first day the annual registration fee was due prorated to the month of application for new title. 5. The seller or transferor may file an affidavit on forms prescribed and provided by the department with the county treasurer of the county where the vehicle is registered certifying the sale or transfer of ownership of the vehicle and the assignment and delivery of the certificate of title for the vehicle. Upon receipt of the affidavit, the county treasurer shall file the affidavit with the copy of the registration receipt for the vehicle on file in the treasurer's office and on that day the treasurer shall note receipt of the affidavit in the vehicle registration and titling system. Upon filing the affidavit, it shall be presumed that the seller or transferor has assigned and delivered the certificate of title for the vehicle. For a leased vehicle, the lessor licensed pursuant to chapter 321F or the lessee may file an affidavit as provided in this subsection certifying that the lease has expired or been terminated and the date that the leased vehicle was surrendered to the lessor. 6. An applicant for a new registration for a vehicle transferred to the applicant by a spouse, parent, or child of the applicant, or by operation of law upon inheritance, devise or bequest, from the applicant's spouse, parent, or child, or by a former spouse pursuant to a decree of dissolution of marriage, is entitled to a credit to be applied to the annual registration fee for the transferred vehicle. A credit shall not be allowed unless the vehicle to which the credit applies is registered within the time specified under subsection 1. The credit shall be computed on the basis of the number of unexpired months remaining in the registration year of the former owner computed from the date the vehicle was transferred, computed to the nearest whole dollar. The credit may exceed the amount of the annual registration fee for the transferred vehicle. When the amount of the credit is computed to be an amount of less than ten dollars, the credit shall be disallowed. The credit shall not be sold, transferred, or assigned to any other person. 7. If a motor vehicle is leased and the lessee purchases the vehicle upon termination of the lease, the lessor shall, upon claim by the lessee with the lessor within six months of the purchase, assign the annual registration fee credit and registration plates for the leased motor vehicle to the lessee. Credit shall be applied as provided in subsection 3. [S13, §1571-m9; C24, 27, 31, 35, §4962; C39, §5002.02; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.46; 82 Acts, ch 1251, §11] 82 Acts, ch 1062, §8, 38; 83 Acts, ch 24, §2 – 4, 12; 83 Acts, ch 82, §2; 84 Acts, ch 1305, §52; 85 Acts, ch 87, §3; 87 Acts, ch 130, §3; 88 Acts, ch 1215, §6; 90 Acts, ch 1154, §1 – 5; 91 Acts, ch 191, §6; 93 Acts, ch 87, §3; 98 Acts, ch 1073, §9; 99 Acts, ch 188, §8; 2000 Acts, ch 1016, §6; 2000 Acts, ch 1047, §2, 4; 2001 Acts, ch 153, §17, 18; 2002 Acts, ch 1119, §44; 2004 Acts, ch 1013, §13, 14, 35; 2005 Acts, ch 34, §5, 26; 2006 Acts, ch 1068, §12, 13; 2006 Acts, ch 1070, §6; 2008 Acts, ch 1113, §17, 21, 80; 2010 Acts, ch 1069, §143; 2013 Acts, ch 22, §1 – 3; 2014 Acts, ch 1110, §1, 2; 2015 Acts, ch 52,

§2, 14 Referred to in §312.2, 321.34, 321.47, 321.48, 321.52, 321.52A, 321.105, 321.109, 321.113, 321.121, 321.122, 321.126, 322G.12, 331.557, 805.8A(2)(j) Surcharge imposed; §321.52A For applicable scheduled fines, see §805.8A, subsection 2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.460 - Spilling loads on highways.

321.460 Spilling loads on highways. A vehicle shall not be driven or moved on any highway by any person unless such vehicle is so constructed or loaded or the load securely covered as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping or its load covering from dropping from the vehicle, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway. The provisions of this section shall not apply to vehicles loaded with hay or stover or the products listed in section 321.466, subsections 4 and 5. [C39, §5035.09; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.460] Referred to in §321E.2, 805.8A(13)(c) For applicable scheduled fine, see §805.8A, subsection 13, paragraph c

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.461 - Trailers and towed vehicles.

321.461 Trailers and towed vehicles. 1. When one vehicle is towing another the drawbar or other connection shall not exceed fifteen feet from one vehicle to the other except the connection between any two vehicles transporting poles, pipe, machinery, or other objects of structural nature which cannot readily be dismembered. 2. If the towing vehicle is a motor truck and the towed vehicle is a single trailer with a single point of articulation at the hitch connection, the drawbar or other connection shall not exceed twenty-one feet. The length of the drawbar or other connection shall be measured from the centerline of the hitch assembly on the towing vehicle to the front of the body of the towed vehicle. A vehicle which has a drawbar or other connection which measures between fifteen and twenty-one feet in length shall have at least one yellow reflector visible on each vertical face of the drawbar or other connection, located near the midpoint between the towing and the towed vehicle. A vehicle which has a drawbar or other connection which measures between fifteen and twenty-one feet in length shall have affixed to the rear of the towed vehicle a sign indicating that the vehicle is a towed vehicle. [C39, §5035.10; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.461] 91 Acts, ch 31, §3 Referred to in §321E.2, 805.8A(12)(a) For applicable scheduled fines, see §805.8A, subsection 12, paragraph a

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.462 - Drawbars and safety chains.

321.462 Drawbars and safety chains. When one vehicle is towing or pulling another vehicle the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby and shall be fastened to the frame of the towing vehicle in such manner as to prevent sidesway, and in addition to such principal connection there shall be a safety chain which shall be so fastened as to be capable of holding the towed vehicle should the principal connection for any reason fail. [C39, §5035.11; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.462] 88 Acts, ch 1278, §33; 97 Acts, ch 108, §29 Referred to in §321E.2, 805.8A(12)(a) For applicable scheduled fines, see §805.8A, subsection 12, paragraph a

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.463 - Maximum gross weight — exceptions — penalties.

321.463 Maximum gross weight — exceptions — penalties. 1. An axle may be divided into two or more parts, except that all parts in the same vertical transverse plane shall be considered as one axle. 2. The gross weight on any one axle of a vehicle, or of a combination of vehicles, operated on the highways of this state, shall not exceed twenty thousand pounds on an axle equipped with pneumatic tires, and shall not exceed fourteen thousand pounds on an axle equipped with solid rubber tires. The gross weight on any tandem axle of a vehicle, or any combination of vehicles, shall not exceed thirty-four thousand pounds on an axle equipped with pneumatic tires. This subsection does not apply to implements of husbandry. 3. Notwithstanding other provisions of this chapter to the contrary, indivisible loads operating under the permit requirements of sections 321E.7, 321E.8, 321E.9, 321E.29A, and 321E.29B, and divisible loads operating under the permit requirements of section 321E.26, shall be allowed a maximum of twenty thousand pounds per axle. 4. a. (1) Notwithstanding any provision of this section to the contrary, the weight on any one axle of a self-propelled implement of husbandry used exclusively for the application of organic or inorganic plant food materials, agricultural limestone, or agricultural chemicals operated on the highways of this state shall not exceed twenty-five thousand pounds. (2) A self-propelled implement of husbandry used exclusively for the application of organic or inorganic plant food materials, agricultural limestone, or agricultural chemicals shall comply with the other provisions of this section and chapter when operated over a bridge in this state, other than any provision limiting the weight on any one axle to less than twenty-five thousand pounds. A local authority may issue a special permit, based on a statewide standard developed by the department, allowing the operation over a bridge within its jurisdiction of such a self-propelled implement of husbandry with a weight in excess of the weights allowed under this chapter. b. (1) Notwithstanding any provision of this section to the contrary, the weight on any one axle of a fence-line feeder, grain cart, or tank wagon operated on the highways of this state shall not exceed twenty-four thousand pounds from February 1 through May 31 or twenty-eight thousand pounds from June 1 through January 31, provided, however, that the maximum gross vehicle weight of the fence-line feeder, grain cart, or tank wagon shall not exceed ninety-six thousand pounds. (2) Notwithstanding any provision of this

section to the contrary, a tracked implement of husbandry operated on the highways of this state shall not have a maximum gross weight in excess of ninety-six thousand pounds. (3) A fence-line feeder, grain cart, tank wagon, or tracked implement of husbandry shall comply with the other provisions of this section and chapter when operated over a bridge in this state. A local authority may issue a special permit, based on a statewide standard developed by the department, allowing the operation over a bridge within its jurisdiction of a fence-line feeder, grain cart, tank wagon, or tracked implement of husbandry with a weight in excess of the weights allowed under this chapter. (4) For purposes of this paragraph “b”: (a) “Highway” does not include a bridge. (b) “Fence-line feeder, grain cart, or tank wagon” means any fence-line feeder, grain cart, or tank wagon. 5. a. Notwithstanding any provision of law to the contrary, a motor vehicle equipped with an engine fueled primarily by natural gas may exceed any applicable maximum gross weight limit under this chapter, up to a maximum gross weight of eighty-two thousand pounds, by an amount equal to the difference between the weight of the vehicle attributable to the natural gas tank and fueling system installed in the vehicle and the weight of a comparable diesel fuel tank and fueling system. b. Notwithstanding any provision of law to the contrary, a motor vehicle described in paragraph “a” equipped with an auxiliary power or idle reduction technology unit that reduces fuel use and emissions during engine idling may exceed any applicable maximum gross weight limit under this chapter by five hundred fifty pounds or the weight of the auxiliary power or idle reduction technology unit, whichever is less. This paragraph “b” does not apply unless the operator of the vehicle provides to the department of public safety a written certification of the weight of the auxiliary power or idle reduction technology unit, demonstrates or certifies to the department of public safety that the idle reduction technology unit is fully functional at all times, and carries with the operator the written certification of the weight of the auxiliary power or idle reduction technology unit in the vehicle at all times to present to law enforcement in the event the vehicle is suspected of violating any applicable weight restrictions. 6. a. The maximum gross weight allowed to be carried on a vehicle or combination of vehicles on highways which are part of the primary road system is as follows: **MAXIMUM GROSS WEIGHT TABLE — PRIMARY HIGHWAYS**

Distance in feet	2 Axles	3 Axles	4 Axles	5 Axles	6 Axles	7 Axles
4	34,000	5	34,000	6	34,000	7
5	34,000	6	34,000	7	34,000	8
6	34,000	7	34,000	8	34,000	9
7	34,000	8	34,000	9	34,000	10
8	34,000	9	34,000	10	34,000	11
9	34,000	10	34,000	11	34,000	12
10	34,000	11	34,000	12	34,000	13
11	34,000	12	34,000	13	34,000	14
12	34,000	13	34,000	14	34,000	15
13	34,000	14	34,000	15	34,000	16
14	34,000	15	34,000	16	34,000	17
15	34,000	16	34,000	17	34,000	18
16	34,000	17	34,000	18	34,000	19
17	34,000	18	34,000	19	34,000	20
18	34,000	19	34,000	20	34,000	21
19	34,000	20	34,000	21	34,000	22
20	34,000	21	34,000	22	34,000	23
21	34,000	22	34,000	23	34,000	24
22	34,000	23	34,000	24	34,000	25
23	34,000	24	34,000	25	34,000	26
24	34,000	25	34,000	26	34,000	27
25	34,000	26	34,000	27	34,000	28
26	34,000	27	34,000	28	34,000	29
27	34,000	28	34,000	29	34,000	30
28	34,000	29	34,000	30	34,000	31
29	34,000	30	34,000	31	34,000	32
30	34,000	31	34,000	32	34,000	33
31	34,000	32	34,000	33	34,000	34
32	34,000	33	34,000	34	34,000	35
33	34,000	34	34,000	35	34,000	36
34	34,000	35	34,000	36	34,000	37
35	34,000	36	34,000	37	34,000	38
36	34,000	37	34,000	38	34,000	39
37	34,000	38	34,000	39	34,000	40
38	34,000	39	34,000	40	34,000	41
39	34,000	40	34,000	41	34,000	42
40	34,000	41	34,000	42	34,000	43
41	34,000	42	34,000	43	34,000	44
42	34,000	43	34,000	44	34,000	45
43	34,000	44	34,000	45	34,000	46
44	34,000	45	34,000	46	34,000	47
45	34,000	46	34,000	47	34,000	48
46	34,000	47	34,000	48	34,000	49
47	34,000	48	34,000	49	34,000	50
48	34,000	49	34,000	50	34,000	51
49	34,000	50	34,000	51	34,000	52
50	34,000	51	34,000	52	34,000	53
51	34,000	52	34,000	53	34,000	54
52	34,000	53	34,000	54	34,000	55
53	34,000	54	34,000	55	34,000	56
54	34,000	55	34,000	56	34,000	57
55	34,000	56	34,000	57	34,000	58
56	34,000	57	34,000	58	34,000	59
57	34,000	58	34,000	59	34,000	60
58	34,000	59	34,000	60	34,000	61
59	34,000	60	34,000	61	34,000	62
60	34,000	61	34,000	62	34,000	63
61	34,000	62	34,000	63	34,000	64
62	34,000	63	34,000	64	34,000	65
63	34,000	64	34,000	65	34,000	66
64	34,000	65	34,000	66	34,000	67
65	34,000	66	34,000	67	34,000	68
66	34,000	67	34,000	68	34,000	69
67	34,000	68	34,000	69	34,000	70
68	34,000	69	34,000	70	34,000	71
69	34,000	70	34,000	71	34,000	72
70	34,000	71	34,000	72	34,000	73
71	34,000	72	34,000	73	34,000	74
72	34,000	73	34,000	74	34,000	75
73	34,000	74	34,000	75	34,000	76
74	34,000	75	34,000	76	34,000	77
75	34,000	76	34,000	77	34,000	78
76	34,000	77	34,000	78	34,000	79
77	34,000	78	34,000	79	34,000	80
78	34,000	79	34,000	80	34,000	81
79	34,000	80	34,000	81	34,000	82
80	34,000	81	34,000	82	34,000	83
81	34,000	82	34,000	83	34,000	84
82	34,000	83	34,000	84	34,000	85
83	34,000	84	34,000	85	34,000	86
84	34,000	85	34,000	86	34,000	87
85	34,000	86	34,000	87	34,000	88
86	34,000	87	34,000	88	34,000	89
87	34,000	88	34,000	89	34,000	90
88	34,000	89	34,000	90	34,000	91
89	34,000	90	34,000	91	34,000	92
90	34,000	91	34,000	92	34,000	93
91	34,000	92	34,000	93	34,000	94
92	34,000	93	34,000	94	34,000	95
93	34,000	94	34,000	95	34,000	96
94	34,000	95	34,000	96	34,000	97
95	34,000	96	34,000	97	34,000	98
96	34,000	97	34,000	98	34,000	99
97	34,000	98	34,000	99	34,000	100

b. The maximum gross weight allowed to be carried on a vehicle or combination of vehicles on nonprimary highways is as follows: **NONPRIMARY HIGHWAYS — MAXIMUM GROSS WEIGHT TABLE**

Distance in feet	2 Axles	3 Axles	4 Axles	5 Axles	6 Axles	7 Axles
4	34,000	5	34,000	6	34,000	7
5	34,000	6	34,000	7	34,000	8
6	34,000	7	34,000	8	34,000	9
7	34,000	8	34,000	9	34,000	10
8	34,000	9	34,000	10	34,000	11
9	34,000	10	34,000	11	34,000	12
10	34,000	11	34,000	12	34,000	13
11	34,000	12	34,000	13	34,000	14
12	34,000	13	34,000	14	34,000	15
13	34,000	14	34,000	15	34,000	16
14	34,000	15	34,000	16	34,000	17
15	34,000	16	34,000	17	34,000	18
16	34,000	17	34,000	18	34,000	19
17	34,000	18	34,000	19	34,000	20
18	34,000	19	34,000	20	34,000	21
19	34,000	20	34,000	21	34,000	22
20	34,000	21	34,000	22	34,000	23
21	34,000	22	34,000	23	34,000	24
22	34,000	23	34,000	24	34,000	25
23	34,000	24	34,000	25	34,000	26
24	34,000	25	34,000	26	34,000	27
25	34,000	26	34,000	27	34,000	28
26	34,000	27	34,000	28	34,000	29
27	34,000	28	34,000	29	34,000	30
28	34,000	29	34,000	30	34,000	31
29	34,000	30	34,000	31	34,000	32
30	34,000	31	34,000	32	34,000	33
31	34,000	32	34,000	33	34,000	34
32	34,000	33	34,000	34	34,000	35
33	34,000	34	34,000	35	34,000	36
34	34,000	35	34,000	36	34,000	37
35	34,000	36	34,000	37	34,000	38
36	34,000	37	34,000	38	34,000	39
37	34,000	38	34,000	39	34,000	40
38	34,000	39	34,000	40	34,000	41
39	34,000	40	34,000	41	34,000	42
40	34,000	41	34,000	42	34,000	43
41	34,000	42	34,000	43	34,000	44
42	34,000	43	34,000	44	34,000	45
43	34,000	44	34,000	45	34,000	46
44	34,000	45	34,000	46	34,000	47
45	34,000	46	34,000	47	34,000	48
46	34,000	47	34,000	48	34,000	49
47	34,000	48	34,000	49	34,000	50
48	34,000	49	34,000	50	34,000	51
49	34,000	50	34,000	51	34,000	52
50	34,000	51	34,000	52	34,000	53
51	34,000	52	34,000	53	34,000	54
52	34,000	53	34,000	54	34,000	55
53	34,000	54	34,000	55	34,000	56
54	34,000	55	34,000	56	34,000	57
55	34,000	56	34,000	57	34,000	58
56	34,000	57	34,000	58	34,000	59
57	34,000	58	34,000	59	34,000	60
58	34,000	59	34,000	60	34,000	61
59	34,000	60	34,000	61	34,000	62
60	34,000	61	34,000	62	34,000	63
61	34,000	62	34,000	63	34,000	64
62	34,000	63	34,000	64	34,000	65
63	34,000	64	34,000	65	34,000	66
64	34,000	65	34,000	66	34,000	67
65	34,000	66	34,000	67	34,000	68
66	34,000	67	34,000	68	34,000	69
67	34,000	68	34,000	69	34,000	70
68	34,000	69	34,000	70	34,000	71
69	34,000	70	34,000	71	34,000	72
70	34,000	71	34,000	72	34,000	73
71	34,000	72	34,000	73	34,000	74
72	34,000	73	34,000	74	34,000	75
73	34,000	74	34,000	75	34,000	76
74	34,000	75	34,000	76	34,000	77
75	34,000	76	34,000	77	34,000	78
76	34,000	77	34,000	78	34,000	79
77	34,000	78	34,000	79	34,000	80
78	34,000	79	34,000	80	34,000	81
79	34,000	80	34,000	81	34,000	82
80	34,000	81	34,000	82	34,000	83
81	34,000	82	34,000	83	34,000	84
82	34,000	83	34,000	84	34,000	85
83	34,000	84	34,000	85	34,000	86
84	34,000	85	34,000	86	34,000	87
85	34,000	86	34,000	87	34,000	88
86	34,000	87	34,000	8		

70,000 34 71,000 35 72,000 36 73,000 37 74,000 38 75,000 39 76,000 40 77,000 41 78,000 42 79,000 43 80,000 (2) "Length of track in feet" means the length of track on one side of the tracked implement of husbandry which is in contact with the ground or roadway surface. 7. The weight on any one axle, including a tandem axle, of a vehicle which is transporting livestock on highways not part of the interstate system may exceed the legal maximum weight given in this chapter providing that the gross weight on any particular group of axles on such vehicle does not exceed the gross weight allowable under this chapter for such groups of axles. 8. The weight on any one axle, including a tandem axle, of a vehicle which is transporting raw materials from a designated borrow site to a construction project or transporting raw materials from a construction project, and which is operating on a highway that is not part of the interstate system and along a route of travel approved by the department or the appropriate local authority, may exceed the legal maximum weight otherwise allowed under this chapter by ten percent if the gross weight on any particular group of axles on the vehicle does not exceed the gross weight allowed under this chapter for that group of axles. If the vehicle exceeds the ten percent tolerance allowed under this subsection, the fine shall be computed on the difference between the actual weight and the ten percent tolerance weight allowed for the axle or tandem axle. 9. A vehicle or combination of vehicles transporting materials or equipment on nonprimary highways to or from a construction project or commercial plant site may operate under the maximum gross weight table for primary highways in subsection 6, paragraph "a", or the maximum gross weight table for noninterstate highways in subsection 6, paragraph "c". When crossing a bridge, such a vehicle or combination of vehicles shall comply with any weight restriction imposed for the bridge pursuant to section 321.471 or 321.474, provided signs that conform to the manual of uniform traffic-control devices adopted by the department that give notice of the restriction are posted as required under section 321.472 or 321.474, as applicable. 10. A vehicle designed to tow wrecked or disabled vehicles shall be exempt from the weight limitations in this section while the vehicle is towing a wrecked or disabled vehicle. 11. a. A person who operates a vehicle in violation of this section, and an owner, or any other person, employing or otherwise directing the operator of a vehicle, who requires or knowingly permits the operation of a vehicle in violation of this section shall be fined according to the following schedule:

AXLE, TANDEM AXLE, AND GROUP OF AXLES WEIGHT VIOLATIONS	Pounds Overloaded	Amount of Fine
Up to and including 1,000 pounds	\$12	
Over 1,000 pounds up to and including 2,000 pounds	\$22	
Over 2,000 pounds up to and including 3,000 pounds	\$155	
Over 3,000 pounds up to and including 4,000 pounds	\$240	
Over 4,000 pounds up to and including 5,000 pounds	\$375	
Over 5,000 pounds up to and including 6,000 pounds	\$585	
Over 6,000 pounds up to and including 7,000 pounds	\$850	
Over 7,000 pounds up to and including 8,000 pounds	\$950	
Over 8,000 pounds up to and including 9,000 pounds	\$1,050	
Over 9,000 pounds up to and including 10,000 pounds	\$1,150	
Over 10,000 pounds up to and including 11,000 pounds	\$1,300	
Over 11,000 pounds up to and including 12,000 pounds	\$1,400	
Over 12,000 pounds up to and including 13,000 pounds	\$1,500	
Over 13,000 pounds up to and including 14,000 pounds	\$1,600	
Over 14,000 pounds up to and including 15,000 pounds	\$1,700	
Over 15,000 pounds up to and including 16,000 pounds	\$1,800	
Over 16,000 pounds up to and including 17,000 pounds	\$1,900	
Over 17,000 pounds up to and including 18,000 pounds	\$2,000	
Over 18,000 pounds up to and including 19,000 pounds	\$2,100	
Over 19,000 pounds up to and including 20,000 pounds	\$2,200	
Over 20,000 pounds	\$2,200 plus ten cents per pound in excess of 20,000 pounds	

b. Fines for gross weight violations for vehicles or combinations of vehicles shall be assessed at one-half of the fine rate schedule for axle, tandem axle, and groups of axles weight violations. c. Except as otherwise provided, the amount of the fine to be assessed shall be computed on the difference between the actual weight and the maximum legal weight specified in this section. d. The schedule of fines may be assessed in addition to any other penalties provided for in this chapter. 12. Overloads on axles and tandem axles and overloads on groups of axles or on an entire vehicle or combination of vehicles shall be considered as separate violations of the provisions of this section. 13. A person shall not issue or execute, or cause to be issued or executed, a bill of lading, manifest, or shipping document of any kind which states a false weight of the cargo set forth on such bill, manifest, or document, which is less than the actual weight of the cargo. 14. a. A person operating a vehicle or combination of vehicles equipped with a retractable axle may raise the axle when necessary to negotiate a turn, provided that the retractable axle is lowered within one thousand feet following completion of the turn. This paragraph does not apply to a vehicle or combination of vehicles operated on an interstate highway, including a ramp to or from an interstate highway, or on a bridge. b. A vehicle or combination of vehicles operated with a retractable axle raised as permitted under paragraph "a" is exempt from the weight limitations of this section as long as the vehicle or combination of vehicles is in compliance with the weight limitations of this section when the retractable axle is lowered. c. This subsection does not prohibit the operation of a vehicle or combination of vehicles equipped with a retractable axle with the retractable axle raised when the vehicle or combination of vehicles is in compliance with the weight limitations of this section with the retractable axle raised. 15. A person who violates this section commits a simple misdemeanor. [C24, 27, 31, 35, §5065; C39, §5035.12; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.463; 81 Acts, ch 110, §1, ch 111] 89 Acts, ch 200, §1, 2; 92 Acts, ch 1238, §35; 94 Acts, ch 1199, §79; 95 Acts, ch 118, §26; 96 Acts, ch 1089, §4; 97 Acts, ch 100, §5, 12; 97 Acts, ch 104, §22; 98 Acts, ch 1103, §2; 98 Acts, ch 1178, §6, 7; 99 Acts, ch 108, §7; 2000 Acts, ch 1016, §17; 2000 Acts, ch 1040, §1; 2001 Acts, ch 32, §23 – 25; 2002 Acts, ch 1063, §33, 55; 2005 Acts, ch 20, §5 – 7, 12, 13; 2007 Acts, ch 143, §17; 2009 Acts, ch 133, §121; 2010 Acts, ch 1139, §1; 2010 Acts, ch 1140, §16, 17; 2013 Acts, ch 27, §1; 2013 Acts, ch 140, §62; 2017 Acts, ch 29, §96; 2017 Acts, ch 149, §2; 2018 Acts, ch 1172, §73; 2019 Acts, ch 15, §1; 2019 Acts, ch 138, §3; 2019 Acts, ch 158, §1; 2020 Acts, ch 1063, §152; 2021 Acts, ch 140, §1, 4; 2023 Acts, ch 85, §17 Referred to in §312.2, 321.453, 321.457, 321.459, 321.466, 321.473, 321E.2, 321E.7, 321E.8, 321E.9, 321E.9A, 321E.16, 321E.17, 321E.26, 321E.27, 321E.29, 321E.29A, 321E.29B, 321E.30, 805.8A(12)(e) For scheduled fines listed in subsection 11, violations are charged and fines are applied pursuant to §805.8A, subsection 12, paragraph e Subsection 5, paragraph b amended

321.464 - Investigation as to safety.

321.464 Investigation as to safety. The director upon registering any vehicle under the laws of this state which vehicle is designed and used primarily for the transportation of property or for the transportation of ten or more persons, may require such information and may make such investigation or test as necessary to enable the director to determine whether such vehicle may safely be operated upon the highways in compliance with all the provisions of this chapter. The director shall register every such vehicle for a permissible gross weight not exceeding the limitations set forth in this chapter. Every such vehicle shall meet the following requirements: 1. It shall be equipped with brakes as required in sections 321.430 and 321.431. 2. Every motor vehicle to be operated outside of business and residence districts shall have motive power adequate to propel at a reasonable speed such vehicle and any load thereon or to be drawn thereby. [C39, §5035.13; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.464] Referred to in §321E.2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.465 - Weighing vehicles and removal of excess.

321.465 Weighing vehicles and removal of excess. 1. Any peace officer having reason to believe that the weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a weighing of the same either by means of portable or stationary scales and may require that such vehicle be driven to the nearest public scales. 2. If an officer upon weighing a vehicle and load determines that the weight is unlawful, the officer may require the driver to stop the vehicle in a suitable place until such portion of the load is removed as may be necessary to reduce the gross weight of the vehicle to the limit as permitted under this chapter. All material so unloaded shall be cared for by the owner or operator of the vehicle at the risk of the owner or operator. The owner or operator of an overweight vehicle, designed to transport solid waste and domiciled within the state, which is transporting solid waste, shall not be required to unload any portion of the load, if the load is indivisible, in a place other than a facility which is permitted to handle solid waste disposal, processing, or recycling. For purposes of this section, "solid waste" means waste which is acceptable at a local sanitary landfill and the solid waste shall be considered to be an indivisible load. 3. A driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing, or who fails or refuses when directed by an officer upon a weighing of the vehicle to stop the vehicle and otherwise comply with this section, is guilty of a simple misdemeanor. 4. Upon weighing a vehicle and load, as above provided, if such load is a sealed load, the weight officer shall issue a certificate setting forth the weights as determined by the weight officer and the seal number or numbers, if requested by the operator. [C31, 35, §4921-d1; C39, §5035.14; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.465] 83 Acts, ch 101, §71; 92 Acts, ch 1170, §1; 94 Acts, ch 1087, §8; 2017 Acts, ch 54, §76 Referred to in §321E.2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.466 - Increased loading capacity — reregistration.

321.466 Increased loading capacity — reregistration. 1. The owner of a motor truck, truck tractor, or road tractor, if the owner's operation has not resulted in a conviction or action pending under this section, may increase the gross weight registration of the vehicle to a higher gross weight registration by payment of one-twelfth of the difference between the annual fee for the higher gross weight and the amount of the fee for the gross weight at which the vehicle is registered, multiplied by the number of unexpired months of the registration year. If the owner's operation has resulted in a conviction or action pending under this section, any increase in the gross weight registration shall be obtained by payment of the difference between the annual fee for the higher gross weight and the amount of the fee for the gross weight at which the vehicle is registered. 2. Upon conversion of a truck to a truck tractor or a truck tractor to a truck, an increased gross weight registration of the proper type may be obtained for the vehicle by payment, except as provided in section 321.106, of one-twelfth of the difference between the annual fee for the higher gross weight and the amount of the annual fee for the gross weight at which the vehicle is registered, multiplied by the number of unexpired months of the registration year from the date of the conversion. 3. The registered gross weight of a vehicle or combination of vehicles may also be increased by installing and using an auxiliary axle or axles, and the combined registered gross weight of the vehicle and auxiliary axle or axles shall determine the total registered gross weight. An auxiliary axle shall not be used to convert a single axle to a tandem axle unless equipped with a device to equalize the load carried by the single axle and the auxiliary axle when in tandem and when in motion or when standing, and the load transmitted to the highway by either the single axle or the auxiliary axle shall not exceed that permitted for a single axle, nor shall the load transmitted to the highway when in tandem and when in motion or when standing, exceed that permitted for a tandem axle. 4. A person shall not operate a motor truck, trailer, truck tractor, road tractor, semitrailer, or combination thereof, or any such vehicle equipped with a transferable auxiliary axle or axles, on the public highways with a gross weight exceeding the gross weight for which it is registered by more than five percent; provided, however, that any vehicle or vehicle combination referred to in this subsection, while carrying a load of raw farm products, soil fertilizers including ground limestone, raw dairy products, livestock, live poultry, or eggs, or a special truck, while carrying a load of distillers grains, may be operated with a gross weight of twenty-five percent in excess of the gross weight for which it is registered. However, this subsection shall not be construed to allow the operation of a special truck on the public highways with a gross weight exceeding the maximum gross weight allowed under section 321.463, subsection 6. 5. For the purposes of this section cracked or ground soybeans, sorgo, corn, wheat, rye, oats, or other grain shall be deemed to be raw farm products, provided that such products are being directly delivered to a farm, from the place where the whole grain had been delivered from a farm for the purpose of

cracking or grinding and immediate delivery to the farm to which such cracked or ground products are being delivered. 6. The truck operator shall have in the truck operator's possession a receipt showing place of processing on the return trip. [C24, 27, §4921; C31, 35, §4921-c1, -c2; C39, §5035.15; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.466; 81 Acts, ch 110, §2] 82 Acts, ch 1062, §31, 32, 38; 90 Acts, ch 1233, §18; 2009 Acts, ch 113, §1; 2012 Acts, ch 1093, §14; 2013 Acts, ch 103, §13, 14; 2019 Acts, ch 138, §4 Referred to in §321.123, 321.460, 321E.2, 805.8A(12)(d) Vehicles carrying farm products, see also §321.460 For applicable scheduled fines, see §805.8A, subsection 12, paragraph d

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.467 - Retractable axles.

321.467 Retractable axles. 1. A vehicle which is a model year 1999 or later vehicle shall not operate on a highway of this state with a retractable axle unless the weight on the retractable axle can only be adjusted by means of a manual device located on the vehicle that is not accessible to the operator of the vehicle during operation of the vehicle. However, the controls for raising and lowering the retractable axle may be accessible to the operator of the vehicle while the vehicle is in operation. 2. A person who violates this section commits a simple misdemeanor. 97 Acts, ch 100, §6; 2010 Acts, ch 1140, §18

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.46A - Change from apportioned registration — credit.

321.46A Change from apportioned registration — credit. An owner changing a vehicle's registration from apportioned registration under chapter 326 to registration under this chapter shall be entitled to a credit on the vehicle's annual registration fees under this chapter. The credit may be allowed when the owner surrenders to the county treasurer proof of apportioned registration provided by the department. The amount of the credit shall be calculated based on the unexpired complete calendar months remaining in the registration year from the date the application is filed with the county treasurer. 87 Acts, ch 108, §6; 2008 Acts, ch 1113, §81; 2012 Acts, ch 1093, §7 Referred to in §331.557

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.47 - Transfers by operation of law.

321.47 Transfers by operation of law. 49 C.F.R. pt. 580 . The affiant may submit any required odometer disclosure statement together with the affidavit required by this subsection. 3. Whenever ownership of a vehicle is transferred under the provisions of this section, the registration plates shall be removed and forwarded to a county treasurer, or to the department if the vehicle is owned by a nonresident. Upon transfer the vehicle shall not be operated upon the highways of this state until the person entitled to possession of the vehicle applies for and obtains registration for the vehicle. 4. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 2. [S13, §1571-m9; C24, 27, 31, 35, §4963; C39, §5002.03; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.47] 84 Acts, ch 1243, §1; 84 Acts, ch 1305, §53; 91 Acts, ch 119, §1; 93 Acts, ch 154, §2; 95 Acts, ch 118, §11; 99 Acts, ch 83, §2; 2000 Acts, ch 1149, §165, 187; 2000 Acts, ch 1203, §2; 2001 Acts, ch 137, §5; 2001 Acts, ch 153, §15; 2001 Acts, ch 176, §80; 2004 Acts, ch 1092, §2; 2005 Acts, ch 34, §6, 26; 2008 Acts, ch 1113, §18, 21; 2008 Acts, ch 1119, §5; 2010 Acts, ch 1138, §51; 2010 Acts, ch 1190, §33; 2011 Acts, ch 38, §3; 2014 Acts, ch 1076, §14; 2019 Acts, ch 50, §15; 2021 Acts, ch 38, §3; 2023 Acts, ch 143, §1, 2 Referred to in §312.2, 321.52A, 321.69, 321.104, 321.105A, 321.113, 321.121, 321.122, 331.557, 555C.3, 578A.7, 805.8A(2)(k) Surcharge imposed; §321.52A 2023 amendment to subsection 2 applies retroactively to vehicles transferred on or after July 1, 2022; 2023 Acts, ch 143, §2 Subsection 2 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.471 - Local authorities may restrict.

321.471 Local authorities may restrict. 1. a. Local authorities with respect to a highway under their jurisdiction may by ordinance or resolution prohibit the operation of vehicles upon the highway or impose restrictions as to the weight of vehicles to be operated upon the highway for a total period of not to exceed ninety days in any one calendar year, whenever the highway by reason of deterioration, rain, snow, or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles on the highway is prohibited or the permissible weights reduced. The ordinance or resolution shall not apply to implements of husbandry as defined in section 321.1, implements of husbandry loaded on hauling units for transporting the implements to locations for repair, or fire apparatus and road maintenance equipment owned by, under lease to, or used in the performance of a contract with a state or local authority. b. A person who violates the provisions of the ordinance or resolution shall, upon conviction or a plea of guilty, be subject to a fine determined by dividing the difference between the actual weight and the maximum weight established by the ordinance or resolution by one hundred, and multiplying the quotient by two dollars. c. Local authorities may issue special permits during periods the restrictions are in effect to permit limited operation of vehicles upon specified routes with loads in excess of any restrictions imposed under this subsection, but not in excess of load restrictions imposed by any other provision of this chapter, and the authorities shall issue the permits upon a showing that there is a need to move to market farm produce of the type subject to rapid spoilage or loss of value or to move to any farm feeds or fuel for home heating purposes. 2. a. Upon a finding that a bridge or culvert does not meet established standards set forth by state and federal authorities, local authorities may by ordinance or resolution

impose limitations for an indefinite period of time on the weight of vehicles upon bridges or culverts located on highways under their sole jurisdiction. The limitations shall be effective when signs giving notice of the limitations are erected. The ordinance or resolution shall not apply to implements of husbandry loaded on hauling units for transporting the implements to locations for purposes of repair or to fire apparatus or road maintenance equipment owned by, under lease to, or used in the performance of a contract with a state or local authority. b. A person who violates the ordinance or resolution shall, upon conviction or a guilty plea, be subject to a fine determined by dividing the difference between the actual weight of the vehicle and the maximum weight allowed by the ordinance or resolution by one hundred and multiplying the quotient by two dollars. c. Local authorities may issue or approve special permits allowing the operation over a bridge or culvert of vehicles with weights in excess of restrictions imposed under the ordinance or resolution, but not in excess of load restrictions imposed by any other provision of this chapter. The local authority shall issue such a permit for not to exceed eight weeks upon a showing of agricultural hardship. The operator of a vehicle which is the subject of a permit issued under this paragraph shall carry the permit while operating the vehicle and shall show the permit to any peace officer upon request. [C24, 27, §4996; C31, 35, §4686-c1, 4996; C39, §5035.20; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.471] 87 Acts, ch 162, §1; 99 Acts, ch 108, §8; 99 Acts, ch 208, §52, 53; 2010 Acts, ch 1061, §180; 2010 Acts, ch 1069, §100 Referred to in §321.236, 321.453, 321.463, 321.472, 321E.17, 331.362

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.472 - Signs posted.

321.472 Signs posted. The local authority enacting any ordinance or resolution authorized under section 321.471 shall erect and maintain signs designating the ordinance or resolution at each end of that portion of any highway or at the location of any bridge or culvert affected thereby, and the ordinance or resolution shall not be effective unless and until the signs are erected and maintained. [C31, 35, §4686-c1; C39, §5035.21; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.472] 87 Acts, ch 162, §2 Referred to in §321.236, 321.463, 331.362

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.473 - Limitations on trucks by local authorities.

321.473 Limitations on trucks by local authorities. 1. Local authorities with respect to highways under their jurisdiction may also, by ordinance or resolution, prohibit the operation of trucks or other commercial vehicles, or may impose limitations as to the weight thereof, on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on such highways. 2. Local authorities may issue special permits, during periods such restrictions are in effect, to permit limited operation of vehicles upon specified routes with loads in excess of any restrictions imposed under this section, but not in excess of load restrictions imposed by any other provision of this chapter, and such authorities shall issue such permits upon a showing that there is a need to move to market farm produce or to move to any farm, feeds or fuel for home heating purposes. 3. a. A person who violates the provisions of an ordinance or resolution adopted pursuant to subsection 1 shall, upon conviction or a plea of guilty, be subject to a fine determined by dividing the difference between the actual weight and the maximum weight established by the ordinance or resolution by one hundred, and multiplying the quotient by two dollars. b. The fine for violation of a special permit issued pursuant to subsection 2 shall be based upon the difference between the actual weight of the vehicle and load and the maximum weight allowed by the permit in accordance with section 321.463. [C39, §5035.22; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.473] 83 Acts, ch 131, §1; 98 Acts, ch 1178, §8; 2010 Acts, ch 1061, §180; 2013 Acts, ch 49, §1 Referred to in §321.236, 331.362

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.474 - Department may restrict.

321.474 Department may restrict. 1. The department shall have authority, as granted to local authorities, to determine by resolution and to impose restrictions as to the weight of vehicles, except implements of husbandry as defined in section 321.1, implements of husbandry loaded on hauling units for transporting the implements to locations for repair, and fire apparatus and road maintenance equipment owned by, under lease to, or used in the performance of a contract with a state or local authority, operated upon any highway under the jurisdiction of the department for a definite period of time not to exceed twelve months. The restrictions shall be effective when signs giving notice of the restrictions and the expiration date of the restrictions are erected upon the affected highway or portion of highway. 2. Upon a finding that a bridge or culvert does not meet established standards set forth by state and federal authorities, the department may impose, by resolution, restrictions for an indefinite period of time on the weight of vehicles operated upon bridges or culverts located on highways under its jurisdiction. The restrictions shall be effective when signs giving notice of the restrictions are erected. The restrictions shall not apply to implements of husbandry loaded on hauling units for transporting the implements to locations for purposes of repair or to fire apparatus or road maintenance equipment owned by, under lease to, or used in the performance of a contract with a state or local authority. 3. For the purposes of restrictions imposed under this section, a triple axle is any group of three or more consecutive axles where the centers of any consecutive axles are more than forty inches apart and where the centers of the extreme axles are more than eighty-four inches apart but not more than one hundred sixty-eight inches apart. Where triple axle restrictions are imposed, the signs erected by the department shall give notice of the restrictions. 4. Any person who violates a restriction imposed by resolution pursuant to this section, upon conviction or a plea of guilty, is subject to a fine determined by dividing the difference between the actual weight of the vehicle and the maximum weight allowed by the restriction by one hundred and multiplying the quotient by two dollars. 5. The department may issue special permits, during periods

the restrictions are in effect, to permit limited operation of vehicles upon specified routes with loads in excess of any restrictions imposed under this section, but not in excess of load restrictions imposed by this chapter. The department shall issue a special permit for not to exceed eight weeks upon a showing of agricultural hardship. The department shall issue special permits to trucks moving farm produce, which decays or loses its value if not speedily put to its intended use, to market upon a showing to the department that there is a requirement for trucking the produce, or to trucks moving any farm feeds or fuel necessary for home heating purposes. The operator of a vehicle which is the subject of a permit issued under this subsection shall carry the permit while operating the vehicle and shall show the permit to any peace officer upon request. [C24, 27, 31, 35, §5066; C39, §5035.23; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.474; 81 Acts, ch 110, §3] 99 Acts, ch 108, §9, 10; 99 Acts, ch 208, §54, 55; 2010 Acts, ch 1061, §119 Referred to in §321.453, 321.463, 321E.17

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.475 - Liability for damage — rules.

321.475 Liability for damage — rules. 1. a. Any person driving any vehicle, object, or contrivance upon any highway or highway structure shall be liable for all damage which said highway or structure may sustain as a result of any illegal operation, driving, or moving of such vehicle, object, or contrivance, or as a result of operation, driving, or moving any vehicle, object, or contrivance weighing in excess of the maximum weight in this chapter but authorized by a special permit issued as provided in this chapter. b. Whenever such driver is not the owner of such vehicle, object, or contrivance, but is so operating, driving, or moving the same with the express or implied permission of said owner, then said owner and driver shall be jointly and severally liable for any such damage. Such damage may be recovered in a civil action brought by the authorities in control of such highway or highway structure. 2. The department shall adopt rules pursuant to chapter 17A, stating the department's policy for recovery of damages to highways or highway structures pursuant to this section. The policy shall exclude from recoverable damages the costs of traffic control at the scene of an accident. [C39, §5035.24; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.475] 91 Acts, ch 67, §1; 2010 Acts, ch 1061, §180

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.476 - Stopping, weighing, and inspecting vehicles by state patrol.

321.476 Stopping, weighing, and inspecting vehicles by state patrol. 1. A member of the state patrol of the department of public safety is authorized to do any of the following: a. Stop any motor vehicle or trailer on the highways for the purposes of weighing and inspection, to weigh and inspect the same and to enforce the provisions of the motor vehicle laws relating to the registration, size, weight, and load of motor vehicles and trailers. b. Weigh and inspect vehicles which have moved from a highway onto private property under circumstances which indicate that the load of the vehicle, if any, is substantially the same as the load which the vehicle carried before moving onto the private property. 2. Any person who prevents or in any manner obstructs an officer attempting to carry out the provisions of this section is guilty of a simple misdemeanor. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.476] 2010 Acts, ch 1061, §180; 2023 Acts, ch 85, §18 Referred to in §321.481 Subsection 1 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.477 - Employees as peace officers — maximum age.

321.477 Employees as peace officers — maximum age. 1. The department may designate by resolution certain of its employees upon each of whom there is conferred the authority of a peace officer to investigate and enforce all of the following: a. Laws relating to motor vehicle records, documents, credentials, procedures, and revenues, including but not limited to crimes and abuse of authority associated with fraud, identity theft, vehicle titles and registration, dealer licenses, and authorized vehicle recycler licenses. b. Laws relating to motor vehicle fraud including but not limited to the state and federal odometer laws, including as provided in sections 307.37 and 321.71. 2. Employees designated as peace officers pursuant to this section shall have the same powers conferred by law on peace officers for the use of force in emergent circumstances and the apprehension of violators. 3. Employees designated as peace officers pursuant to this section shall not exercise the powers of a peace officer set forth in this section within the limits of any city, except as follows: a. When so ordered by the direction of the governor. b. When request is made by the mayor of any city, with the approval of the director. c. When request is made by the sheriff or county attorney of any county, with the approval of the director. d. While in the pursuit of law violators or in investigating law violations. e. While making any inspection provided by this chapter, or any additional inspection ordered by the director. 4. The limitations specified in subsection 3 shall in no way be construed as a limitation on the ability of employees designated as peace officers pursuant to this section to use force in defense of life or property. 5. The maximum age for a person employed as a peace officer pursuant to this section is sixty-five years of age. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.477] 98 Acts, ch 1183, §110; 2017 Acts, ch 149, §3, 5; 2023 Acts, ch 85, §19 Referred to in §20.3, 80B.6, 97B.49B, 321.481, 801.4 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.478 - Bond.

321.478 Bond. Prior to entering upon the discharge of the employee's duties as such peace officer, each of said designated employees shall furnish to the department a surety bond to the state in the sum of five hundred dollars, conditioned upon the faithful

discharge of the peace officer's duties. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.478] Referred to in §321.481

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.479 - Badge of authority.

321.479 Badge of authority. The department shall supply each of said employees so designated with a badge of authority, bearing a serial number, which shall be conspicuously displayed by the employee while in the performance of the employee's duties as such peace officer. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.479] Referred to in §321.481

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.48 - Vehicles acquired for resale.

321.48 Vehicles acquired for resale. 1. a. When the transferee of a vehicle is a dealer who holds the vehicle for resale and operates the vehicle only for purposes incident to a resale and displays a dealer plate on the vehicle or does not drive such vehicle or permit it to be driven upon the highways, such transferee shall not be required to obtain a new registration or a new certificate of title but upon transferring title or interest to another person shall execute and acknowledge an assignment and warranty of title upon the certificate of title assigned to the person and deliver the same to the person to whom such transfer is made. b. A dealer licensed pursuant to chapter 322 or chapter 322C who has acquired a vehicle for resale which is subject to a security interest as provided in section 321.50 and who has forwarded to the secured party the sum necessary to discharge the security interest may offer the vehicle for sale prior to the receipt from the county treasurer of the certificate of title for the vehicle with the lien discharged for a period of not more than thirty days from the date the vehicle was acquired and the provisions of section 321.104, subsection 2, shall not apply. 2. A foreign registered vehicle purchased or otherwise acquired by a dealer for the purpose of resale shall be issued a certificate of title for the vehicle by the county treasurer of the dealer's residence upon proper application as provided in this chapter and upon payment of a fee of five dollars and the dealer is exempt from the payment of any and all registration fees for the vehicle. The application for certificate of title shall be made within thirty days after the vehicle comes within the border of the state. However, a dealer acquiring a vehicle registered in another state which permits Iowa dealers to reassign that state's certificates of title shall not be required to obtain a new registration or a new certificate of title and upon transferring title or interest to another person shall execute an assignment upon the certificate of title for the vehicle to the person to whom the transfer is made and deliver the assigned certificate of title to the person. 3. Notwithstanding subsections 1 and 2, requirements in those subsections for obtaining title to a vehicle or acknowledging assignment and warranty of title do not apply to a dealer who sells a motor vehicle to a purchaser in a consignment transaction authorized under section 322.7B. 4. In a transaction in which a vehicle is traded to a dealer as defined in chapter 322 or chapter 322C toward the purchase price of another vehicle and each vehicle is owned in whole or in part by the same person, the person acquiring the vehicle from the dealer shall be entitled to a credit under section 321.46. 5. A transferee of a new completed motor vehicle shall obtain a certificate of title for the vehicle but is not required to pay the annual registration fee for the vehicle, provided all of the following apply: a. The transferee is an equipment dealer licensed as a motor vehicle dealer under chapter 322. b. The transferee purchases the vehicle at retail for the purpose of modifying the vehicle as provided in section 321.105A, subsection 2, paragraph "c", subparagraph (31), prior to selling it as a used vehicle to a business or government entity. c. The transferee operates the vehicle only for purposes incidental to a resale. d. The transferee displays a dealer plate on the vehicle or does not drive the vehicle or permit it to be driven upon the highways. 6. Nothing in this section shall be construed to prohibit a dealer from obtaining a new certificate of title or new registration in the same manner as other purchasers. [C24, 27, 31, 35, §4965; C39, §5002.04; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.48] 82 Acts, ch 1062, §9, 38; 83 Acts, ch 82, §3; 84 Acts, ch 1169, §1; 84 Acts, ch 1305, §54; 88 Acts, ch 1215, §7; 90 Acts, ch 1116, §2; 99 Acts, ch 13, §7; 2003 Acts, ch 8, §11; 2010 Acts, ch 1061, §180; 2014 Acts, ch 1065, §1; 2014 Acts, ch 1123, §26 Referred to in §321.23, 321.25, 321.30, 321.46, 321.49, 321.50, 321.52A, 321.71, 321.104, 331.557, 805.8A(2)(l) Surcharge imposed; §321.52A For applicable scheduled fines, see §805.8A, subsection 2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.481 - No impairment of other authority.

321.481 No impairment of other authority. Nothing in sections 321.476 through 321.479 shall be so construed as to limit or impair the authority or duties of other peace officers in the enforcement of the motor vehicle laws or any portion thereof. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.481] 2020 Acts, ch 1063, §154; 2023 Acts, ch 85, §20 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.482 - Violations — simple misdemeanors unless otherwise provided.

321.482 Violations — simple misdemeanors unless otherwise provided. It is a simple misdemeanor for a person to do an act forbidden or to fail to perform an act required by this chapter unless the violation is by this chapter or other law of this state declared to be a serious or aggravated misdemeanor or a felony. Chapter 232 has no application in the prosecution of offenses committed in violation of this chapter which are simple misdemeanors. [S13, §1569, 1571-2a, -m21, -m22, -m26, -m27, -m29, 4808-b; SS15, §1571-m12a; C24, §4903, 5081, 5089, 13119; C27, §4903, 5055-b4, 5081, 5089, 13119; C31, §4686-c2, 4903, 5055-b4, 5079-d6, 5081, 5089, 13119; C35, §4686-c2, 4903, 4991-f5, 5024-e3, 5055-b4, 5067-e2, 5079-d6, 5081, 5089, 13119; C39, §5036.01; C46,

50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.482] 84 Acts, ch 1067, §33 Referred to in §321.182, 321.482A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.482A - Violations resulting in injury or death — additional penalties.

321.482A Violations resulting in injury or death — additional penalties. Notwithstanding section 321.482, a person who is convicted of operating a motor vehicle in violation of section 321.178, subsection 2, paragraph “a”, subparagraph (2), section 321.180B, subsection 6, section 321.194, subsection 2, paragraph “b”, subparagraph (2), section 321.256, 321.257, section 321.275, subsection 4, section 321.276, 321.297, 321.298, 321.299, 321.302, 321.303, 321.304, 321.305, 321.306, 321.307, 321.311, 321.319, 321.320, 321.321, 321.322, 321.323, 321.324, 321.324A, 321.327, 321.329, 321.333, section 321.372, subsection 3, or section 321.449B, causing serious injury to or the death of another person may be subject to the following penalties in addition to the penalty provided for a scheduled violation in section 805.8A or any other penalty provided by law: 1. For a violation causing serious injury, a fine of five hundred dollars or suspension of the violator’s driver’s license or operating privileges for not more than ninety days, or both. For purposes of this subsection, “serious injury” means the same as defined in section 702.18. 2. For a violation causing death, a fine of one thousand dollars or suspension of the violator’s driver’s license or operating privileges for not more than one hundred eighty days, or both. 2006 Acts, ch 1021, §2; 2010 Acts, ch 1105, §7; 2010 Acts, ch 1193, §123; 2012 Acts, ch 1015, §3; 2012 Acts, ch 1083, §4; 2016 Acts, ch 1098, §34; 2018 Acts, ch 1017, §1; 2019 Acts, ch 79, §2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.483 - Felony penalty — class “D” felony.

321.483 Felony penalty — class “D” felony. Any person who is convicted of a violation of this chapter which constitutes a felony, and for which another punishment is not otherwise provided, is guilty of a class “D” felony. [C24, 27, 31, 35, §5081; C39, §5036.02; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.483] 2022 Acts, ch 1021, §73 Referred to in §321.92

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.484 - Offenses by owners.

321.484 Offenses by owners. 1. It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of such vehicle upon a highway in any manner contrary to law. 2. The owner of a vehicle shall not be held responsible for a violation of a provision regulating the stopping, standing, or parking of a vehicle, whether the provision is contained in this chapter, or chapter 321L, or an ordinance or other regulation or rule, if the owner establishes that at the time of the violation the vehicle was in the custody of an identified person other than the owner pursuant to a lease as defined in chapter 321F or pursuant to a rental agreement as defined in section 516D.3. The furnishing to the county attorney where the charge is pending of a copy of the lease prescribed by section 321F.6 or rental agreement that was in effect for the vehicle at the time of the alleged violation shall be prima facie evidence that the vehicle was in the custody of an identified person other than the owner within the meaning of this subsection. Upon receipt of such evidence, the appropriate authority shall dismiss as against the owner of the vehicle any citation issued for a violation within the meaning of this subsection that occurred while the vehicle was in the custody of the identified person. 3. If a peace officer as defined in section 801.4 has reasonable cause to believe the driver of a motor vehicle has violated section 321.261, 321.262, 321.264, 321.341, 321.342, 321.343, 321.344, or 321.372, the officer may request any owner of the motor vehicle to supply information identifying the driver. When requested, the owner of the vehicle shall identify the driver to the best of the owner’s ability. However, the owner of the vehicle is not required to supply identification information to the officer if the owner believes the information is self-incriminating. 4. A person who violates this section commits a simple misdemeanor. [C24, 27, 31, 35, §5085; C39, §5037.01; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.484; 81 Acts, ch 49, §3; 82 Acts, ch 1144, §1] 89 Acts, ch 247, §8; 92 Acts, ch 1152, §2; 95 Acts, ch 118, §27; 96 Acts, ch 1034, §24; 2000 Acts, ch 1061, §1; 2003 Acts, ch 151, §26; 2005 Acts, ch 54, §5, 12; 2010 Acts, ch 1140, §19 Referred to in §321.40, 321.344A, 321.372A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.485 - Notice to appear — promise to appear.

321.485 Notice to appear — promise to appear. 1. Whenever a peace officer has reasonable cause to believe that a person has violated any provision of this chapter punishable as a simple, serious, or aggravated misdemeanor, such officer may: a. Immediately arrest such person and take the person before a magistrate; or b. Without arresting the person, either (1) Prepare a written citation to appear in court containing the name and address of such person, the driver’s license number, if any, the registration number, if any, of the person’s vehicle, the offense charged, and the time and place the person shall appear in court; or (2) Prepare a memorandum of the alleged traffic violation containing the name and address of such person, the registration number, if any, of the person’s vehicle, the offense alleged to have been committed, and such other information as may be prescribed by the commissioner of public safety with the concurrence of the director of transportation. 2. If the officer prepares either a citation or a memorandum as provided in this section, the alleged offender shall be requested to sign it. If the person signs, the person may be released without arrest. In case a citation is issued, the signing shall constitute a written promise to appear as stated in the citation. A copy of the citation shall be presented to the person named therein. If a memorandum is prepared, the original shall be retained by the officer, and a copy

shall be sent to the department, and a copy shall be presented to the person named therein. 3. For preparing the summons or memorandum referred to in this section, there shall be charged to the person named in the summons or memorandum, upon conviction, a fee of two dollars. The fee shall be assessed as part of the court costs. 4. The number of copies and the form of the citations and memorandums authorized by this section shall be as prescribed by the commissioner of public safety with the concurrence of the director of transportation. 5. This section shall not apply to a traffic offense which must be charged upon a uniform citation and complaint as provided in section 805.6. [C24, 27, 31, 35, §5082; C39, §5037.02, 5037.03; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §321.485, 321.486; C79, 81, §321.485] 83 Acts, ch 123, §130, 209; 90 Acts, ch 1230, §72; 98 Acts, ch 1073, §9 Referred to in §805.15

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.486 - Authorized bond forms.

321.486 Authorized bond forms. When bond or bail is required under section 811.2 to guarantee appearance for any offense charged under this chapter, the following nonexclusive forms shall be permitted subject to the following limitations: 1. A current guaranteed arrest bond certificate as defined in section 321.1, subsection 30, shall be considered sufficient surety if the defendant is charged with an offense where the penalty does not exceed one thousand dollars. 2. A valid credit card, as defined in section 537.1301, subsection 17, may be used and is sufficient surety when the defendant is charged with a scheduled offense under section 805.8A, 805.8B, or 805.8C. The defendant may use a credit card for bail purposes only in accordance with rules of the department of public safety adopted pursuant to chapter 17A. [C39, §5037.03; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.486] 83 Acts, ch 101, §72; 2001 Acts, ch 137, §5; 2003 Acts, ch 6, §3 Referred to in §805.15

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.487 - Violation of promise to appear.

321.487 Violation of promise to appear. 1. Any person willfully violating a citation to appear in court given as provided in this chapter, is guilty of a simple misdemeanor, regardless of the disposition of the charge upon which the person was cited. Venue shall be in the county where the defendant was to appear or in the county where the person resides. 2. An appearance in response to such citation may be made either in person or by counsel. [C39, §5037.04; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.487] 2010 Acts, ch 1140, §20 Referred to in §805.9, 805.15

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.488 - Procedure not exclusive.

321.488 Procedure not exclusive. The provisions of this chapter shall govern all peace officers in making arrests without a warrant for violations of this chapter for offenses committed in their presence, but the procedure prescribed in this chapter shall not be exclusive of any other method prescribed by law for the arrest and prosecution of a person. [C39, §5037.05; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.488] 2009 Acts, ch 133, §122; 2020 Acts, ch 1063, §155

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.489 - Record inadmissible in a civil action.

321.489 Record inadmissible in a civil action. No record of the conviction of any person for any violation of this chapter shall be admissible as evidence in any court in any civil action. [C39, §5037.06; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.489]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.49 - Time limit — penalty — power of attorney.

321.49 Time limit — penalty — power of attorney. 1. Except as provided in section 321.52, if an application for transfer of registration and certificate of title is not submitted to the county treasurer of the residence of the transferee within thirty days of the date of assignment or transfer of title, or within thirty days of the date of delivery to the purchaser if the vehicle is subject to a security interest and was offered for sale pursuant to section 321.48, subsection 1, a penalty of ten dollars shall accrue against the applicant, and no registration card or certificate of title shall be issued to the applicant for the vehicle until the penalty is paid. 2. Certificates of title to vehicles may be assigned by an attorney in fact of the owner under a power of attorney appointed and so empowered on forms provided by the department. Such power of attorney shall be filed by the transferee with the application for title. 3. A manufactured or mobile home retailer who acquires a used mobile home or manufactured home, titled in Iowa, and who does not apply for and obtain a certificate of title from the county treasurer of the county where the manufactured or mobile home is located within thirty days of the date of acquisition, as required under section 321.45, subsection 4, is subject to a penalty of ten dollars. A certificate of title shall not be issued to the manufactured or mobile home retailer until the penalty is paid. [C24, 27, 31, 35, §4966; C39, §5002.05; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.49] 85 Acts, ch 209, §2; 87 Acts, ch 130, §4; 93 Acts, ch 47, §2; 99 Acts, ch 13, §8; 99 Acts, ch 188, §9; 2000 Acts, ch 1154, §22; 2001 Acts, ch 153, §17, 18; 2002 Acts, ch 1119, §45; 2013 Acts, ch 96, §2 Referred to in §331.557

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.490 - Conviction not to affect credibility.

321.490 Conviction not to affect credibility. The conviction of a person upon a charge of violating any provision of this chapter or other traffic regulation less than a felony shall not affect or impair the credibility of such person as a witness in any civil or criminal proceeding. [C39, §5037.07; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.490]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.491 - Convictions and recommendations for suspension to be reported.

321.491 Convictions and recommendations for suspension to be reported. 1. Every district judge, district associate judge, and judicial magistrate shall keep a full record of every case in which a person is charged with any violation of this chapter or of any other law regulating the operation of vehicles on highways. 2. a. Within ten days after the conviction or forfeiture of bail of a person upon a charge of violating any provision of this chapter or other law regulating the operation of vehicles on highways every magistrate of the court or clerk of the district court of record in which the conviction occurred or bail was forfeited shall prepare and immediately forward to the department an abstract of the record of the case. The abstract of the record of the case must be certified by the person preparing it to be true and correct. b. A certified abstract of the record of the case prepared for the department shall only be available to the public from the department. A noncertified record of conviction or forfeiture of bail shall be available to the public from the judicial branch. The clerk of the district court shall collect a fee of fifty cents for each noncertified copy of any record of conviction or forfeiture of bail furnished to any requester except the department or other local, state, or federal government entity. Moneys collected under this section shall be transferred to the department as a repayment receipt, as defined in section 8.2, to enhance the efficiency of the department to process records and information between the department and the Iowa court information system. c. Notwithstanding any other provision in this section or chapter 22, the judicial branch shall be the provider of public electronic access to the clerk's records of convictions and forfeitures of bail through the Iowa court information system and shall, if all such records are provided monthly to a vendor, collect a fee from such vendor for the period beginning on July 1, 1997, and ending on June 30, 1999, which is the greater of three thousand dollars per month or the actual direct cost of providing the records. On and after July 1, 1999, if all such records are provided monthly to a vendor, the judicial branch shall collect a fee from such vendor which is the greater of ten thousand dollars per month or the actual direct cost of providing the records. 3. The abstract must be made upon a form furnished by the department or by copying a uniform citation and complaint or by using an electronic process which accurately reproduces or forms a durable medium for accurately and legibly reproducing an unaltered image or reproduction of the citation, and must include the name and address of the party charged, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, or whether the bail was forfeited, the amount of the fine or forfeiture, and any court recommendation, if any, that the person's driver's license be suspended. The department shall consider and act upon the recommendation. 4. Every clerk of a court of record shall also forward a like report to the department upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used. 5. The failure, refusal, or neglect of an officer to comply with the requirements of this section shall constitute misconduct in office and shall be grounds for removal from office. 6. All abstracts received by the department under this section shall be open to public inspection during reasonable business hours. [S13, §1571-m23; C24, 27, 31, 35, §5076 – 5078; C39, §5037.08; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.491] 90 Acts, ch 1230, §73; 93 Acts, ch 16, §10; 94 Acts, ch 1074, §2; 96 Acts, ch 1218, §66; 97 Acts, ch 104, §23; 98 Acts, ch 1047, §68; 98 Acts, ch 1073, §9; 98 Acts, ch 1178, §9; 99 Acts, ch 96, §35; 99 Acts, ch 207, §13; 2010 Acts, ch 1061, §120 Referred to in §321.206, 321.555, 602.8102(51), 805.6, 805.9

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.492 - Peace officers' authority.

321.492 Peace officers' authority. 1. A peace officer is authorized to stop a vehicle to require exhibition of the driver's license of the driver, to serve a summons or memorandum of traffic violation, to inspect the condition of the vehicle, to inspect the vehicle with reference to size, weight, cargo, log book, bills of lading or other manifest of employment, tires, and safety equipment, or to inspect the registration certificate, the compensation certificate, travel order, or permit of the vehicle. 2. A peace officer having probable cause to stop a vehicle may require exhibition of the proof of financial liability coverage card issued for the vehicle if the vehicle is a motor vehicle registered in this state. 3. a. All peace officers as defined in section 801.4, subsection 11, paragraphs "a", "b", "c", and "h" may, having reasonable grounds that equipment violations exist, conduct spot inspections. b. The department may designate employees under the supervision of the department's administrator of motor vehicles to conduct spot inspections. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.492] 84 Acts, ch 1305, §69; 86 Acts, ch 1245, §1936; 97 Acts, ch 139, §6, 7, 17, 18; 98 Acts, ch 1073, §8, 9; 98 Acts, ch 1100, §48; 98 Acts, ch 1121, §8; 2016 Acts, ch 1011, §51

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.492A - Quotas on citations prohibited.

321.492A Quotas on citations prohibited. A political subdivision or agency of the state shall not order, mandate, require, or in any other manner, directly or indirectly, suggest to a peace officer employed by the political subdivision or agency that the peace officer shall issue a certain number of traffic citations, police citations, memorandums of traffic violations, or memorandums of faulty equipment on a daily, weekly, monthly, quarterly, or yearly basis. 85 Acts, ch 226, §1; 96 Acts, ch 1034, §25

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section

321.492B - Use of unmanned aerial vehicle for traffic law enforcement prohibited.

321.492B Use of unmanned aerial vehicle for traffic law enforcement prohibited. The state or a political subdivision of the state shall not use an unmanned aerial vehicle for traffic law enforcement. 2014 Acts, ch 1111, §1

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.493 - Liability for damages.

321.493 Liability for damages. 1. For purposes of this section: a. “Owner” means the person to whom the certificate of title for the vehicle has been issued or assigned or to whom a manufacturer’s or importer’s certificate of origin for the vehicle has been delivered or assigned. However, if the vehicle is leased, “owner” means the person to whom the vehicle is leased, not the person to whom the certificate of title for the vehicle has been issued or assigned or to whom the manufacturer’s or importer’s certificate of origin for the vehicle has been delivered or assigned. b. “Leased” means the transfer of the possession or right to possession of a vehicle to a lessee for a valuable consideration for a continuous period of twelve months or more, pursuant to a written agreement. 2. a. Subject to paragraph “b”, in all cases where damage is done by any motor vehicle by reason of negligence of the driver, and driven with the consent of the owner, the owner of the motor vehicle shall be liable for such damage. b. The owner of a vehicle with a gross vehicle weight rating of seven thousand five hundred pounds or more who rents the vehicle for less than a year under an agreement which requires an insurance policy covering at least the minimum levels of financial responsibility prescribed by law, shall not be deemed to be the owner of the vehicle for the purpose of determining financial responsibility for the operation of the vehicle or for the acts of the operator in connection with the vehicle’s operation. 3. A person who has made a bona fide sale or transfer of the person’s right, title, or interest in or to a motor vehicle and who has delivered possession of the motor vehicle to the purchaser or transferee shall not be liable for any damage thereafter resulting from negligent operation of the motor vehicle by another, but the purchaser or transferee to whom possession was delivered shall be deemed the owner. The provisions of section 321.45, subsection 2, shall not apply in determining, for the purpose of fixing liability under this subsection, whether such sale or transfer was made. [C24, 27, 31, 35, §4964, 5026; C39, §5002.07, 5037.09; C46, 50, 54, 58, 62, §321.51, 321.493; C66, 71, 73, 75, 77, 79, 81, §321.493] 95 Acts, ch 136, §1; 97 Acts, ch 108, §30; 2010 Acts, ch 1069, §101 Referred to in §321.45, 321.344A, 321.372A, 321A.1 Exemption from execution denied, §627.7

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.498 - Legal effect of use and operation.

321.498 Legal effect of use and operation. 1. The acceptance by any nonresident of this state of the privileges extended by the laws of this state to nonresident operators or owners of operating a motor vehicle, or having the same operated, within this state shall be deemed to be all of the following: a. An agreement by the nonresident that the nonresident shall be subject to the jurisdiction of the district court of this state over all civil actions and proceedings against the nonresident for damages to person or property growing or arising out of such use and operation. b. An appointment by such nonresident of the director of this state as the nonresident’s lawful attorney upon whom may be served all original notices of suit pertaining to such actions and proceedings. c. An agreement by such nonresident that any original notice of suit so served shall be of the same legal force and validity as if personally served on the nonresident in this state. 2. a. “Nonresident” shall include any person who was, at the time of the accident or event, a resident of the state of Iowa but who removed from the state before the commencement of such action or proceedings. b. “Person” shall mean: (1) The owner of the vehicle whether it is being used and operated personally by the owner, or by the owner’s agent. (2) An agent using and operating the vehicle for the agent’s principal. (3) Any person who is in charge of the vehicle and of the use and operation thereof with the express or implied consent of the owner. [C31, 35, §5079-d11; C39, §5038.01; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.498] 2010 Acts, ch 1069, §102; 2013 Acts, ch 90, §84; 2014 Acts, ch 1092, §78 Referred to in §321.507, 321.511, 321.556

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.5 - Duty to obey.

321.5 Duty to obey. All local officials charged with the administration and enforcement of this chapter shall be governed in their official acts by the rules promulgated by the department. [C24, 27, 31, 35, §5005; C39, §5000.05; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.5] Referred to in §331.653

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.50 - Security interest provisions.

321.50 Security interest provisions. 1. A security interest in a vehicle subject to registration under the laws of this state or a mobile home or manufactured home, except trailers whose empty weight is two thousand pounds or less, and except new or used vehicles held by a dealer or manufacturer as inventory for sale, is perfected by the delivery to the county treasurer of the county where the certificate of title was issued or, in the case of a new certificate, to the county treasurer where the certificate will be issued, of an application for certificate of title which lists the security interest, or an application for notation of security interest signed by the owner or by one owner of a vehicle owned jointly by more than one person, or signed through electronic means as determined by the department, or a certificate of title from another jurisdiction which shows the security interest, and payment of a fee of ten

dollars for each security interest shown. The department shall require the federal employer identification number of a secured party who is a firm, association, or corporation or, if a natural person, the social security number. Upon delivery of the application and payment of the fee, the county treasurer shall note the date of delivery on the application. If the delivery is by electronic means and the time is electronically recorded on the application along with the date, the time shall be included with the date on all subsequent documents and records where the date of perfection is required under this chapter. The date of delivery shall be the date of perfection of the security interest in the vehicle, regardless of the date the security interest is noted on the certificate of title. Up to three security interests may be perfected against a vehicle and shown on an Iowa certificate of title. If the owner or secured party is in possession of the certificate of title, it must also be delivered at this time. If a vehicle is subject to a security interest when brought into this state, the validity of the security interest and the date of perfection is determined by section 554.9303. Delivery as provided in this subsection constitutes perfection of a security interest on a certificate of title for purposes of this chapter and chapter 554. 2. Upon receipt of the application and the required fee, if the certificate of title was not delivered to the county treasurer along with the application, the county treasurer shall notify the holder of the certificate of title to deliver to the county treasurer, within five days from the receipt of notice, the certificate of title to permit notation of the security interest. If the holder of the certificate of title fails to deliver it within five days, the holder shall be liable to anyone harmed by the holder's failure. 3. Upon receipt of the application, the certificate of title, if any, and the required fee, the county treasurer shall note the security interest and the date of perfection of the security interest on the certificate of title. The county treasurer shall also note the security interest and the date of perfection of the security interest in the county records system. Upon receipt of a certificate of title issued by a foreign jurisdiction, on which a security interest has been noted, the county treasurer shall note the security interest and the date the security interest was noted on the foreign certificate of title, if available, or if not, the date of issuance of the foreign certificate of title, on the face of the new certificate of title. The county treasurer shall also note the security interest and the date that was noted on the certificate of title in the county records system. The county treasurer shall then deliver the certificate of title to the first secured party as shown thereon. 4. Notwithstanding any provision of this section to the contrary, if a security interest has been delivered by electronic means, the county treasurer or department shall not print a certificate of title until all security interests have been released, but shall provide the first security interest holder with an electronic record of the certificate of title. When a vehicle is subject to an electronic lien, the certificate of title for the vehicle shall be considered to be physically held by the lienholder for purposes of compliance with odometer disclosure requirements under section 321.71. 5. a. Except as provided in section 321.48, subsection 1, paragraph "b", when a security interest is discharged, the holder shall note a cancellation of the security interest on the face of the certificate of title over the holder's signature or may note the cancellation of the security interest on a separate, notarized release form or letter. The holder shall deliver the certificate of title and the form or letter, if applicable, to the county treasurer where the title was issued. In the case of a security interest that has been delivered by electronic means, the holder shall notify the department or the county treasurer, in a manner prescribed by the department, of the release of the security interest. The county treasurer shall immediately note the cancellation of the security interest on the face of the certificate of title, if applicable, and in the county records system. The county treasurer shall on the same day deliver the certificate of title, if applicable, and the separate, notarized release form or letter, if applicable, to the then first secured party or, if there is no such person, to the person as directed by the owner, in writing, on a form prescribed by the department or, if there is no person designated, then to the owner. The cancellation of the security interest shall be noted on the certificate of title by the county treasurer without charge. The holder of a security interest discharged by payment who fails to release the security interest within fifteen days after being requested in writing to do so shall forfeit to the person making the payment the sum of twenty-five dollars. b. If a lien has been released by the lienholder but has not been sent to the county of record for clearance of the lien, any county may note the release on the face of the title and shall notify the county of record that the lien has been released as of the specified date and make entry upon the computer system. Notification to the county of record shall be made by an automated statewide system or by sending a photocopy of the released title to the county of record. c. When a security interest is discharged, the lienholder shall note the cancellation of the security interest on the face of the title and, if applicable, may note the cancellation of the security interest on a form prescribed by the department and deliver a copy of the form in lieu of the title to the department or to the treasurer of the county in which the title was issued. The form may be delivered by electronic means. The department or county treasurer shall note the release of the security interest upon the statewide computer system and the county's records. A copy of the form, if used, shall be attached to the title by the lienholder, if the title is held by the lienholder, and shall be evidence of the release of the security interest. If the title is held by the lienholder, the lienholder shall deliver the title to the first lienholder, or if there is no such person, to the person as designated by the owner, or if there is no such person designated, to the owner. If a certificate of title has not been issued, upon release of a security interest, the lienholder shall notify the department or the county treasurer, in a manner prescribed by the department, of the release of the security interest. d. For purposes of this subsection, a security interest noted on an Iowa certificate of title and appearing in the statewide computer system and the county's records shall be presumed to be discharged upon presentation of a valid certificate of title subsequently issued by a foreign jurisdiction on which the security interest is no longer noted. 6. Notwithstanding subsection 5, when an application for registration and issuance of a certificate of title is made by the means described in section 321.20, subsection 2, and the application includes a certificate of title upon which a security interest has been discharged by the secured party and the cancellation of the security interest is noted by the secured party on the certificate of title above the secured party's signature, the county treasurer shall not require any other notation of the cancellation of the security interest on the face of the certificate of title, and, if applicable, the county treasurer shall notify the county treasurer of the county where the certificate of title was issued that the security interest has been released as of the specified date and shall update such release on the applicable program or computer system. A dealer licensed

under chapter 322 or chapter 322C is authorized to sell such a vehicle pursuant to section 321.48, subsection 1, paragraph “b”. 7. The uniform commercial code, chapter 554, article 9, shall apply to all transactions intended to create a security interest in vehicles except as provided in this chapter. 8. Upon request of any person, the county treasurer shall certify whether there are, on the date and hour stated therein, any security interests or liens against a vehicle and the name and address of each secured party. The uniform fee for a certification shall be two dollars if the request for the certification is on a form conforming to standards prescribed by the secretary of state; otherwise, three dollars. Upon request and payment of the appropriate fee, the county treasurer shall furnish a certified copy of any security interests for a uniform fee of one dollar per page. [C24, 27, 31, 35, §4967; C39, §5002.06; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.50] 83 Acts, ch 5, §3, 5; 84 Acts, ch 1305, §55; 89 Acts, ch 260, §3; 92 Acts, ch 1175, §30; 97 Acts, ch 108, §6; 99 Acts, ch 13, §9; 99 Acts, ch 188, §10; 2000 Acts, ch 1016, §7, 44, 47; 2000 Acts, ch 1149, §166, 187; 2001 Acts, ch 153, §17; 2003 Acts, ch 8, §13; 2003 Acts, ch 145, §286; 2004 Acts, ch 1013, §15 – 17, 35; 2004 Acts, ch 1092, §3; 2014 Acts, ch 1123, §11; 2018 Acts, ch 1034, §1; 2023 Acts, ch 50, §1, 2 Referred to in §321.24, 321.42, 321.45, 321.48, 321.131, 331.557 Subsection 5, paragraph a amended NEW subsection 6 and former subsections 6 and 7 renumbered as 7 and 8

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.500 - Original notice — form.

321.500 Original notice — form. The original notice of suit filed with the director of transportation against a nonresident shall be in form and substance the same as provided in rule of civil procedure 1.1901, form 2, Iowa court rules. [C31, 35, §5079-d13; C39, §5038.03; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.500] 83 Acts, ch 101, §73; 2002 Acts, ch 1119, §106 Referred to in §321.507, 321.511, 321.556

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.501 - Manner of service.

321.501 Manner of service. The plaintiff in any action against a nonresident shall cause the original notice of suit to be served by doing all of the following: 1. By filing a copy of the original notice of suit with the director, together with a fee of two dollars. 2. By mailing to the defendant, and to each of the defendants if there are more than one, within ten days after said filing with the director, by restricted certified mail addressed to the defendant at the defendant’s last known residence or place of abode, a notification of the filing with the director. [C31, 35, §5079-d14; C39, §5038.04; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.501] 2021 Acts, ch 80, §178; 2022 Acts, ch 1021, §74 Referred to in §321.502, 321.507, 321.511, 321.556

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.502 - Notification to nonresident — form.

321.502 Notification to nonresident — form. The notification, provided for in section 321.501, shall be in substantially the following form, to wit: To (Here insert the name of each defendant and the defendant’s residence or last known place of abode as definitely as known.) You will take notice that an original notice of suit against you, a copy of which is hereto attached, was duly served upon you at Des Moines, Iowa, by filing a copy of said notice on the day of, with the director of transportation of the state of Iowa. Dated at, Iowa, this day of, ... Plaintiff. By..... Attorney for plaintiff. [C31, 35, §5079-d15; C39, §5038.05; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.502] 2001 Acts, ch 24, §46 Referred to in §321.504, 321.507, 321.511, 321.556

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.504 - Optional notification.

321.504 Optional notification. In lieu of mailing the notification described in section 321.502 to the defendant in a foreign state, the plaintiff may cause the notification to be personally served in the foreign state on the defendant by any adult person not a party to the suit, by delivering the notification to the defendant or by offering to make such delivery in case the defendant refuses to accept delivery. [C31, 35, §5079-d17; C39, §5038.07; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.504] 2020 Acts, ch 1063, §156; 2021 Acts, ch 76, §59 Referred to in §321.507, 321.511, 321.556

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.505 - Proof of service.

321.505 Proof of service. Proof of the filing of a copy of said original notice of suit with the director, and proof of the mailing or personal delivery of said notification to said nonresident shall be made by affidavit of the party doing said acts. All affidavits of service shall be endorsed upon or attached to the originals of the papers to which they relate. All proofs of service, including the restricted certified mail return receipt, shall be forthwith filed with the clerk of the district court. [C31, 35, §5079-d18; C39, §5038.08; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.505] Referred to in §321.507, 321.511, 321.556

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.506 - Actual service within this state.

321.506 Actual service within this state. The provisions of this chapter relative to service of original notice of suit on nonresidents

shall not be deemed to prevent actual personal service in this state upon the nonresident in the time, manner, form, and under the conditions provided for service on residents. [C31, 35, §5079-d19; C39, §5038.09; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.506] 2009 Acts, ch 133, §123 Referred to in §321.507, 321.511, 321.556

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.507 - Venue of actions.

321.507 Venue of actions. Actions against nonresidents as contemplated by sections 321.498, 321.500 through 321.502, 321.504 through 321.506, and 321.508 through 321.512 may be brought in the county of which plaintiff is a resident, or in the county in which the injury was received, or damage done. [C31, 35, §5079-d20; C39, §5038.10; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.507] 2021 Acts, ch 80, §179 Referred to in §321.511

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.508 - Continuances.

321.508 Continuances. The court in which such action is pending shall grant such continuances to a nonresident defendant as may be necessary to afford the nonresident defendant reasonable opportunity to defend said action. [C31, 35, §5079-d21; C39, §5038.11; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.508] Referred to in §321.507, 321.511

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.509 - Duty of director.

321.509 Duty of director. The director shall keep a record of all notices of suit filed with the director, shall not permit said filed notices to be taken from the director's office except on an order of court, and shall, on request, and without fee, furnish any defendant with a certified copy of the notice in which the person is defendant. [C31, 35, §5079-d22; C39, §5038.12; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.509] Referred to in §321.507, 321.511

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.51 - Terminal rental adjustment clause — vehicle leases that are not sales or security interests.

321.51 Terminal rental adjustment clause — vehicle leases that are not sales or security interests. An agreement involving the leasing of a motor vehicle or trailer does not create a sale or security interest solely because the agreement provides for an increase or decrease adjustment in the rental price of the motor vehicle or trailer based upon the amount realized upon sale or other disposition of the motor vehicle or trailer following the termination of the lease. 94 Acts, ch 1052, §1 Referred to in §331.557

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.510 - Expenses and attorney fees.

321.510 Expenses and attorney fees. If judgment is rendered against the plaintiff, upon the trial of said action, said judgment shall include the reasonable expenses incurred by the defendant and the defendant's attorney in appearing to and defending against said action, provided that in the judgment of the trial court said action was commenced maliciously or without probable cause. [C31, 35, §5079-d23; C39, §5038.13; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.510] Referred to in §321.507, 321.511

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.511 - Dismissal — effect.

321.511 Dismissal — effect. The dismissal of an action after the nonresident has entered a general appearance under the substituted service authorized in section 321.498, sections 321.500 through 321.502, and sections 321.504 through 321.510, shall bar the recommencement of the same action against the same defendant unless the recommenced action is accompanied by actual personal service of the original notice of suit on the defendant in this state. [C31, 35, §5079-d24; C39, §5038.14; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.511] 2020 Acts, ch 1063, §157 Referred to in §321.507

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.512 - Action against insurance.

321.512 Action against insurance. Any contract insuring the liability of a nonresident motorist in Iowa shall, in the event of the death of said nonresident, be considered an asset of the nonresident's estate having a situs in Iowa in any civil action arising out of a motor vehicle accident in which said nonresident may be liable. [C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.512] Referred to in §321.507

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.513 - Nonresident traffic violator compact.

321.513 Nonresident traffic violator compact. 1. Authority to compact. The director may enter into nonresident violator compacts with other jurisdictions. The compacts shall contain in substantially the same form the following provisions: a. Definitions. For purposes of the nonresident violator compact, unless the context requires otherwise: (1) "Citation" means a summons, ticket, or

other official document issued by a police officer for a traffic violation containing an order which requires the motorist to respond. (2) "Collateral" means cash or other security deposited to secure an appearance for trial, following the issuance by a police officer of a citation for a traffic violation. (3) "Court" means a court of law or traffic tribunal. (4) "Driver's license" means a license or privilege to operate a motor vehicle issued under the laws of the home jurisdiction. (5) "Home jurisdiction" means the jurisdiction that issued the driver's license of the traffic violator. (6) "Issuing jurisdiction" means the jurisdiction in which the traffic citation was issued to the motorist. (7) "Jurisdiction" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico. (8) "Motorist" means a driver of a motor vehicle operating in a party jurisdiction other than the home jurisdiction. (9) "Personal recognizance" means an agreement by a motorist made at the time of issuance of the traffic citation that the motorist will comply with the terms of that traffic citation. (10) "Police officer" means a peace officer as defined in section 801.4 authorized by the party jurisdiction to issue a citation for a traffic violation. (11) "Terms of the citation" means those options expressly stated upon the citation. b. Procedure for issuing jurisdiction. (1) When issuing a citation for a traffic violation, a police officer shall issue the citation to a motorist who possesses a driver's license issued by a party jurisdiction and shall not, except as provided in subparagraph (2) of this paragraph, require the motorist to post collateral to secure appearance, if the officer receives the motorist's signed personal recognizance that the motorist will comply with the terms of the citation. (2) Unless prohibited by law, personal recognizance is acceptable. If mandatory appearance is required by law, the appearance must take place immediately following issuance of the citation. (3) Upon failure of a motorist to comply with the terms of a traffic citation, the appropriate official shall report the failure to comply to the licensing authority of the jurisdiction in which the traffic citation was issued, and that licensing authority shall transmit the information contained in the report to the licensing authority in the home jurisdiction of the motorist. (4) The licensing authority of the issuing jurisdiction shall not suspend for failure to comply with the terms of a traffic citation the driving privilege of a motorist for whom a report has been transmitted. (5) The licensing authority of the issuing jurisdiction shall not transmit a report on a violation if the date of transmission is more than six months after the date the traffic citation was issued. (6) The licensing authority of the issuing jurisdiction shall not transmit a report on a violation where the date of issuance of the citation predates the most recent effective date of entry for the two jurisdictions. c. Procedure for home jurisdiction. Upon receipt of a report of a failure to comply, the licensing authority of the home jurisdiction shall notify the motorist and initiate a suspension action, in accordance with the home jurisdiction's procedures, to suspend the motorist's driver's license until satisfactory evidence of compliance with the terms of the traffic citation has been furnished to the home jurisdiction licensing authority. Due process safeguards shall be accorded. d. Exceptions. The provisions of the nonresident violator compact do not apply to parking or standing violations, highway weight limit violations, and violations of law governing the transportation of hazardous materials. e. Additional provisions. The nonresident violator compact may contain other provisions the director reasonably determines are necessary or appropriate for inclusion in the compact. 2. Rules. The department may adopt rules pursuant to chapter 17A as necessary to carry out the provisions of this section. 3. Enforcement. The agencies and officers of this state and its political subdivisions shall enforce the nonresident violator compacts and shall do all things appropriate to accomplish their purpose and intent. [C81, §321.513] 86 Acts, ch 1245, §1937 Referred to in §321.203, 321.210, 321.212, 321.215, 321.218, 321A.17

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.514 - Definitions.

321.514 Definitions. As used in this section and sections 321.515 through 321.519, unless the context otherwise requires: 1. "Automated driving system" means the hardware and software collectively capable of performing the entire dynamic driving task on a sustained basis, regardless of whether the system is limited to a specific operational design domain, if any. 2. "Conventional human driver" means a natural person who manually controls the in-vehicle accelerating, braking, steering, and transmission gear selection input devices in order to operate a motor vehicle. 3. "Driverless-capable vehicle" means a system-equipped vehicle capable of performing the entire dynamic driving task within the automated driving system's operational design domain, if any, including but not limited to achievement of a minimal risk condition without intervention or supervision by a conventional human driver. 4. "Dynamic driving task" means all real-time operational and tactical functions required to operate a motor vehicle on a highway in traffic within an automated driving system's specific operational design domain, if any. "Dynamic driving task" does not include any strategic function such as trip scheduling or the selection of destinations and waypoints. 5. "Minimal risk condition" means a reasonably safe state to which an automated driving system brings a system-equipped vehicle upon experiencing a performance-relevant failure of the system that renders the system unable to perform the entire dynamic driving task, including but not limited to removing the vehicle to the nearest shoulder if the vehicle is capable of doing so, bringing the vehicle to a complete stop, and activating the vehicle's emergency signal lamps. 6. "On-demand driverless-capable vehicle network" means a transportation service network that uses a software application or other digital means to dispatch driverless-capable vehicles for the purposes of transporting persons or goods, including transportation for hire as defined in section 325A.1, and public transportation. 7. "Operational design domain" means a set of constraints used to define the domain under which an automated driving system is designed to properly operate, including but not limited to types of highways, speed ranges, environmental conditions such as weather or time of day, and other constraints. 8. "System-equipped vehicle" means a motor vehicle equipped with an automated driving system. 2019 Acts, ch 75, §1 Referred to in §321.519

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.515 - Operation.

321.515 Operation. 1. A driverless-capable vehicle may operate on the public highways of this state without a conventional human driver physically present in the vehicle, if the vehicle meets all of the following conditions: a. The vehicle is capable of achieving a minimal risk condition if a malfunction of the automated driving system occurs that renders the system unable to perform the entire dynamic driving task within the system's intended operational design domain, if any. b. While in driverless operation, the vehicle is capable of operating in compliance with the applicable traffic and motor vehicle safety laws and regulations of this state that govern the performance of the dynamic driving task, unless an exemption has been granted to the vehicle by the department. c. The vehicle has been certified by the vehicle's manufacturer to be in compliance with all applicable federal motor vehicle safety standards, except to the extent an exemption has been granted for the vehicle under applicable federal law or by the national highway traffic safety administration. 2. a. The operation of a system-equipped vehicle capable of performing the entire dynamic driving task within the automated driving system's operational design domain on the public highways of this state while a conventional human driver is present in the vehicle shall be lawful. During such operation, the conventional human driver shall possess a valid driver's license pursuant to section 321.174 and shall be subject to the financial liability coverage requirements and penalties set forth under section 321.20B. The conventional human driver shall operate the system-equipped vehicle according to the manufacturer's requirements and specifications, and shall regain manual control of the vehicle when prompted by the automated driving system. b. An automated driving system, while engaged, shall be designed to operate within the system's operational design domain in compliance with the applicable traffic and motor vehicle safety laws and regulations of this state that govern the performance of the dynamic driving task, unless an exemption has been granted to the vehicle by the department. 3. Except as provided in this section, the motor vehicle laws of this state shall not be construed to require a conventional human driver to operate a driverless-capable vehicle that is being operated by an automated driving system. The automated driving system, while engaged, shall be deemed to fulfill any physical acts required of a conventional human driver to perform the dynamic driving task. 2019 Acts, ch 75, §2 Referred to in §321.514, 321.519

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.516 - Insurance.

321.516 Insurance. Before a system-equipped vehicle is allowed to operate on the public highways of this state, the owner shall obtain financial liability coverage for the vehicle. A system-equipped vehicle shall not operate on the highways of this state unless financial liability coverage is in effect for the vehicle and unless proof of financial liability coverage is carried in the vehicle pursuant to section 321.20B. 2019 Acts, ch 75, §3 Referred to in §321.514, 321.519

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.517 - Accidents.

321.517 Accidents. In the event of an accident in which a system-equipped vehicle is involved, the vehicle shall remain at the scene of the accident and the operation of the vehicle shall otherwise comply with sections 321.261 through 321.273 where applicable and to the extent possible, and the vehicle's owner or a person on behalf of the vehicle's owner shall promptly report the accident to law enforcement authorities. If a system-equipped vehicle fails to remain at the scene of an accident or the operation of the vehicle fails to otherwise comply with sections 321.261 through 321.273 where applicable and to the extent possible as required by this section, the vehicle's failure shall be imputed to the vehicle's owner, and the vehicle's owner may be charged and convicted of a violation of sections 321.261 through 321.273, as applicable. 2019 Acts, ch 75, §4 Referred to in §321.514, 321.519

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.518 - On-demand driverless-capable vehicle network.

321.518 On-demand driverless-capable vehicle network. A person may operate an on-demand driverless-capable vehicle network. An on-demand driverless-capable vehicle network may be used to facilitate the transportation of persons or goods, including transportation for hire as defined in section 325A.1, and public transportation. An on-demand driverless-capable vehicle network may connect passengers to driverless-capable vehicles either exclusively or as part of a digital network that also connects passengers to conventional human drivers who provide transportation services, consistent with chapter 321N or any other applicable laws, in vehicles that are not driverless-capable vehicles. 2019 Acts, ch 75, §5 Referred to in §321.514, 321.519

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.519 - Authority.

321.519 Authority. 1. Automated driving systems and system-equipped vehicles shall be governed by sections 321.514 through 321.518, this section, and all applicable traffic and motor vehicle safety laws and regulations of this state. Automated driving systems and system-equipped vehicles shall be regulated exclusively by the department. The department may adopt rules pursuant to chapter 17A to administer sections 321.514 through 321.518, and this section. 2. A political subdivision of the state shall not impose requirements, including but not limited to performance standards, specific to the operation of system-equipped vehicles, automated driving systems, or on-demand driverless-capable vehicle networks that are in addition to the requirements set forth under sections 321.514 through 321.518. A political subdivision of the state shall not impose a tax on system-equipped vehicles, automated driving systems, or on-demand driverless-capable vehicle networks where such tax relates specifically to the operation of system-equipped vehicles, automated driving systems, or on-demand driverless-capable vehicle networks. 3. Sections 321.514 through 321.518 and

this section do not apply to personal delivery devices operated pursuant to chapter 321O. 2019 Acts, ch 75, §6; 2021 Acts, ch 119, §2 Referred to in §321.514

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.52 - Out-of-state sales — junked, dismantled, wrecked, or salvage vehicles.

321.52 Out-of-state sales — junked, dismantled, wrecked, or salvage vehicles. 1. When a vehicle is sold outside the state for purposes other than for junk, the owner, dealer or otherwise, shall detach the registration plates and registration card and shall indicate on the registration card the name and address of the foreign purchaser or transferee over the person's signature. Unless the registration plates are legally attached to another vehicle, the owner shall surrender the registration plates and registration card to the county treasurer, who shall cancel the records, destroy the registration plates, and forward the registration card to the department. The department shall make a notation on the records of the out-of-state sale and, after a reasonable period, may destroy the files for that particular vehicle. The department is not authorized to make a refund of annual registration fees on a vehicle sold out of state unless it receives the registration card completed as provided in this section. 2. a. The purchaser or transferee of a motor vehicle subject to registration for which a certificate of title is issued which is sold for scrap or junk shall surrender the certificate of title, properly endorsed and signed by the previous owner, to the county treasurer of the county of residence of the transferee, and shall apply for a junking certificate from the county treasurer, within thirty days after assignment of the certificate of title, except when the vehicle is disposed of pursuant to paragraph "b". The county treasurer shall issue to such person without fee a junking certificate. A junking certificate shall authorize the holder to possess, transport, or transfer by endorsement the ownership of the junked vehicle. A certificate of title shall not again be issued for the vehicle subsequent to the issuance of a junking certificate except as provided in subsection 3. The county treasurer shall cancel the record of the vehicle. The junking certificate shall be printed on the registration receipt form and shall be imprinted with the words "junking certificate", as prescribed by the department. A space for transfer by endorsement shall be on the junking certificate. A separate form for the notation of the transfer of component parts shall be attached to the junking certificate when the certificate is issued. b. The owner of a motor vehicle subject to registration that does not have a certificate of title or a junking certificate may dispose of the vehicle to a vehicle recycler licensed under chapter 321H for scrap or junk if the vehicle is twelve model years old or older and is acquired by the vehicle recycler for reasonable consideration equaling less than one thousand dollars. 3. a. When a vehicle for which a certificate of title is issued is junked or dismantled by the owner, the owner shall detach the registration plates and surrender the plates to the county treasurer, unless the plates are properly assigned to another vehicle. The owner shall also surrender the certificate of title to the county treasurer, except when the vehicle is disposed of pursuant to subsection 2, paragraph "b". b. Upon the surrender of the certificate of title and application for junking certificate, the county treasurer shall issue to the person, without fee, a junking certificate, which shall authorize the holder to possess, transport, or transfer ownership of the junked vehicle by endorsement of the junking certificate. The county treasurer shall hold the surrendered certificate of title, registration receipt, application for junking certificate, and, if applicable, the registration plates for a period of fourteen days following the issuance of a junking certificate under this subsection. c. Within the fourteen-day period, the person who was issued the junking certificate and to whom the vehicle was titled or assigned may surrender to the county treasurer the junking certificate, and upon the person's payment of appropriate fees and taxes and payment of any credit for annual registration fees received by the person for the vehicle under section 321.46, subsection 3, the county treasurer shall issue to the person a certificate of title for the vehicle. After the expiration of the fourteen-day period, a county treasurer shall not issue a certificate of title for a junked vehicle for which a junking certificate is issued. The county treasurer shall cancel the record of the vehicle and forward the certificate of title to the department. d. However, upon application and a showing of good cause, the department may issue a certificate of title to a person after the fourteen-day period for a junked vehicle for which a junking certificate has been issued. For purposes of this subsection, "good cause" means that the junking certificate was obtained by mistake or inadvertence. If a person's application to the department is denied, the person may make application for a certificate of title under the bonding procedure as provided in section 321.24, if the vehicle qualifies as an antique vehicle under section 321.115, subsection 1, or the person may seek judicial review as provided under sections 17A.19 and 17A.20. 4. a. Notwithstanding any other provision of law to the contrary, an insurer may apply for and be issued a salvage certificate of title for a motor vehicle without surrendering the certificate of title or manufacturer's or importer's statement of origin properly assigned if ownership of the vehicle was transferred, or will transfer, to the insurer pursuant to a settlement with the previous owner of the vehicle arising from circumstances involving damage to the vehicle, and at least thirty days have expired since the effective date of such settlement. To obtain a salvage certificate of title pursuant to this paragraph "a", the insurer shall submit an application for a salvage certificate of title to the county treasurer of the county in which the vehicle is stored by or on behalf of the insurer. The application shall be accompanied by an affidavit from the insurer in which the insurer certifies it has made at least two written attempts to obtain a properly assigned certificate of title or manufacturer's or importer's statement of origin for the vehicle by contacting the previous owner of the vehicle and all lienholders of record by certified mail or a similar service that provides proof of service using a return receipt, and has been unable to obtain the title or statement of origin. The failure of a previous owner or lienholder to provide a properly assigned certificate of title or manufacturer's or importer's statement of origin shall be deemed to be a waiver by the previous owner or lienholder of all rights, title, claim, and interest in the vehicle. The application shall also be accompanied by the application fee required under paragraph "b", and proof of payment of the total amount of the settlement by the insurer to the previous owner of the vehicle. Upon receiving an application that complies with this paragraph "a", the county treasurer shall issue a salvage certificate of title to the insurer which shall be free and clear of all liens and claims of ownership and shall bear the word "SALVAGE" stamped or printed on the face of

the title in a manner prescribed by the department. b. A vehicle rebuilder or a person engaged in the business of buying, selling, or exchanging vehicles of a type required to be registered in this state, upon acquisition of a wrecked or salvage vehicle, shall surrender the certificate of title or manufacturer's or importer's statement of origin properly assigned, together with an application for a salvage certificate of title, to the county treasurer of the county of residence of the purchaser or transferee within thirty days after the date of assignment of the certificate of title for the wrecked or salvage motor vehicle. This subsection applies only to vehicles with a fair market value of five hundred dollars or more, based on the value before the vehicle became wrecked or salvage. Upon payment of a fee of ten dollars, the county treasurer shall issue a salvage certificate of title which shall bear the word "SALVAGE" stamped or printed on the face of the title in a manner prescribed by the department. A salvage certificate of title may be assigned to an educational institution, a new motor vehicle dealer licensed under chapter 322, a person engaged in the business of purchasing bodies, parts of bodies, frames or component parts of vehicles for sale as scrap metal, a salvage pool, or an authorized vehicle recycler licensed under chapter 321H. An authorized vehicle recycler licensed under chapter 321H or a new motor vehicle dealer licensed under chapter 322 may assign or reassign an Iowa salvage certificate of title or a salvage certificate of title from another state to any person, and the provisions of section 321.24, subsection 5, requiring issuance of an Iowa salvage certificate of title shall not apply. A vehicle on which ownership has transferred to an insurer of the vehicle as a result of a settlement with the owner of the vehicle arising out of damage to, or unrecovered theft of, the vehicle shall be deemed to be a wrecked or salvage vehicle and the insurer shall comply with this subsection to obtain a salvage certificate of title within thirty days after the date of assignment of the certificate of title of the vehicle. c. When a wrecked or salvage vehicle has been repaired, the owner may apply for a regular certificate of title by paying the appropriate fees and surrendering the salvage certificate of title and a properly executed salvage theft examination certificate. A motor vehicle with a gross vehicle weight rating of thirty thousand pounds or more is not subject to the salvage theft examination otherwise required under paragraph "d", and the owner of such vehicle is not required to submit a salvage theft examination certificate. The county treasurer shall issue a regular certificate of title which shall bear a designation printed on the face of the title and printed on the registration receipt indicating that the vehicle was previously titled on a salvage certificate of title in a form approved by the department. This designation shall be included on every Iowa certificate of title and registration receipt issued thereafter for the vehicle. However, if ownership of a stolen vehicle has been transferred to an insurer organized under the laws of this state or admitted to do business in this state, or if the transfer was the result of a settlement with the owner of the vehicle arising from damage to or the unrecovered theft of the vehicle, and if the insurer certifies to the county treasurer on a form approved by the department that the insurance company has received one or more written estimates which state that the retail cost of repairs including labor, parts, and other materials of all damage to the vehicle is less than three thousand dollars, the county treasurer shall issue to the insurance company the regular certificate of title and registration receipt without this designation. d. A salvage theft examination shall be made by a peace officer who has been specially certified and recertified when required by the Iowa law enforcement academy to do salvage theft examinations. The Iowa law enforcement academy shall determine standards for training and certification, conduct training, and may approve alternative training programs which satisfy the academy's standards for training and certification. The owner of the salvage vehicle shall make the vehicle available for examination at a time and location designated by the peace officer doing the examination. The owner may obtain a permit to drive the vehicle to and from the examination location by submitting a repair affidavit to the agency performing the examination stating that the vehicle is reasonably safe for operation and listing the repairs which have been made to the vehicle. The owner must be present for the examination and have available for inspection the salvage title, bills of sale for all essential parts changed, if applicable, and the repair affidavit. The examination shall be for the purposes of determining whether the vehicle or repair components have been stolen. The examination is not a safety inspection and a signed salvage theft examination certificate shall not be construed by any court of law to be a certification that the vehicle is safe to be operated. There shall be no cause of action against the peace officer or the agency conducting the examination or the county treasurer for failure to discover or note safety defects. If the vehicle passes the theft examination, the peace officer shall indicate that the vehicle passed examination on the salvage theft examination certificate. The permit and salvage theft examination certificate shall be on controlled forms prescribed and furnished by the department. The owner shall pay a fee of fifty dollars at the time the examination is scheduled. The agency performing the examinations shall retain forty dollars of the fee and shall pay five dollars of the fee to the department and five dollars of the fee to the treasurer of state for deposit in the general fund of the state. Moneys deposited to the general fund under this paragraph are subject to the requirements of section 8.60 and shall be used by the Iowa law enforcement academy to provide for the special training, certification, and recertification of officers as required by this subsection. e. For purposes of this subsection, "wrecked or salvage vehicle" means a damaged motor vehicle subject to registration for which the cost of repair exceeds seventy percent of the fair market value of the vehicle, as determined in accordance with rules adopted by the department, before the vehicle became damaged. 5. The department shall adopt rules in accordance with chapter 17A to carry out this section. [C24, 27, 31, 35, §4887; C39, §5002.08; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.52; 81 Acts, ch 102, §3] 84 Acts, ch 1169, §2; 84 Acts, ch 1305, §56; 85 Acts, ch 67, §36; 85 Acts, ch 209, §3; 88 Acts, ch 1089, §4 – 6; 88 Acts, ch 1215, §8 – 10; 89 Acts, ch 185, §3; 89 Acts, ch 296, §28; 91 Acts, ch 142, §2, 3; 91 Acts, ch 260, §1225, 1226; 92 Acts, ch 1104, §3; 93 Acts, ch 131, §12; 94 Acts, ch 1107, §51; 95 Acts, ch 45, §2, 3; 97 Acts, ch 108, §7; 97 Acts, ch 121, §2; 2000 Acts, ch 1016, §8, 9; 2005 Acts, ch 8, §11; 2006 Acts, ch 1068, §14; 2006 Acts, ch 1070, §7; 2006 Acts, ch 1120, §12; 2007 Acts, ch 143, §10; 2008 Acts, ch 1018, §17, 18; 2008 Acts, ch 1032, §47, 48; 2008 Acts, ch 1113, §19, 21, 82; 2009 Acts, ch 41, §114; 2015 Acts, ch 52, §3, 4, 14; 2016 Acts, ch 1098, §32; 2017 Acts, ch 31, §2; 2021 Acts, ch 30, §1 Referred to in §312.2, 321.1, 321.24, 321.45, 321.46, 321.47, 321.49, 321.52A, 321.67, 321.69, 321.100, 321.104, 321.126, 322C.6, 331.557, 805.8A(2)(m) Surcharge imposed; §321.52A For applicable scheduled fine, see

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.52A - Certificate of title surcharge — allocation of moneys.

321.52A Certificate of title surcharge — allocation of moneys. In addition to the fee required for the issuance of a certificate of title under section 321.20, 321.20A, 321.23, 321.42, 321.46, 321.47, 321.48, or 321.52, a surcharge of five dollars shall be required. Of each surcharge collected under those sections, the county treasurer shall remit five dollars to the office of treasurer of state for deposit as set forth in section 321.145, subsection 2. 91 Acts, ch 267, §607; 95 Acts, ch 118, §12; 96 Acts, ch 1117, §1; 2001 Acts, ch 188, §25; 2002 Acts, ch 1121, §1; 2008 Acts, ch 1113, §35; 2009 Acts, ch 133, §116 Referred to in §321.42, 321.47, 321.145

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.53 - Nonresident owners of passenger vehicles and trucks.

321.53 Nonresident owners of passenger vehicles and trucks. A nonresident owner, except as provided in sections 321.54 and 321.55, of a private passenger motor vehicle, not operated for hire, may operate or permit the operation of such vehicle within this state without registering such vehicle in, or paying any fees to, this state subject to the condition that such vehicle at all times when operated in this state is duly registered in, and displays upon it a valid registration plate or plates issued for such vehicle in the place of residence of such owner. A nonresident who leases a vehicle from a resident owner shall not be considered a nonresident owner of such vehicle for the purpose of exemption under this section. This section shall be operative to the extent that under the laws of the foreign country, state, territory, or federal district of such nonresident owner's residence like exemptions and privileges are granted to vehicles registered under the laws, and owned by residents, of this state. A truck, truck tractor, trailer or semitrailer owned by a nonresident and operated on Iowa highways must have displayed upon it a valid registration plate or plates and a valid registration certificate, card, or other official evidence of its allowable weight in the state, district or county in which it is registered. [S13, §1571-m16; C24, 27, 31, 35, §4865; C39, §5003.01; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.53] Referred to in §321.18

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.54 - Registration and financial liability coverage required of certain nonresident carriers.

321.54 Registration and financial liability coverage required of certain nonresident carriers. 1. Nonresident owners of foreign vehicles operated within this state for the intrastate transportation of persons or property for compensation or for the intrastate transportation of merchandise shall register and maintain financial liability coverage as required under section 321.20B for each vehicle and pay the same fees required for like vehicles owned by residents of this state. 2. The term "intrastate transportation" as used herein shall mean the transportation for compensation of persons or property originating at any point or place in the state of Iowa and destined to any other point or place in said state irrespective of the route or highway or highways traversed, including the crossing of any state line of the state of Iowa, or the ticket or bill of lading issued and used for such transportation. [C39, §5003.02; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.54] 97 Acts, ch 139, §3, 17, 18; 98 Acts, ch 1121, §8 Referred to in §321.53, 805.8A(13)(a) For applicable scheduled fines, see §805.8A, subsection 13, paragraph a

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.55 - Registration and financial liability coverage required for certain vehicles owned or operated by nonresidents.

321.55 Registration and financial liability coverage required for certain vehicles owned or operated by nonresidents. 1. A nonresident owner or operator engaged in remunerative employment within this state or carrying on business within this state and owning or operating a motor vehicle, trailer, or semitrailer within this state shall register and maintain financial liability coverage as required under section 321.20B for each vehicle and pay the same fees for registration as are paid for like vehicles owned by residents of this state. However, this subsection does not apply to a person commuting from the person's residence in another state or whose employment is seasonal or temporary, not exceeding ninety days. 2. a. A nonresident owner of a motor vehicle operated within this state by a resident of this state shall register the vehicle and shall maintain financial liability coverage as required under section 321.20B for the vehicle. The nonresident owner shall pay the same fees for registration as are paid for like vehicles owned by residents of this state. However, registration under this paragraph is not required for vehicles being operated by residents temporarily for not more than ninety days. For purposes of this paragraph, a vehicle is not operated in the state temporarily, and is therefore subject to registration and the owner is required to pay the applicable fees, if the vehicle is located in Iowa for more than ninety consecutive or nonconsecutive days and is operated on an Iowa highway by an Iowa resident during that time. It is unlawful for a resident to operate within the state an unregistered motor vehicle required to be registered under this paragraph. The ninety-day temporary period of operation provided for under this paragraph does not apply to a vehicle owned by a shell business as provided in paragraph "b". b. On or after July 1, 2013, if the department, in consultation with the department of revenue, determines that the nonresident owner of a vehicle is a partnership, limited liability company, or corporation that is a shell business, it shall be rebuttably presumed that the Iowa resident in control of the vehicle is the actual owner of the vehicle, that the vehicle is subject to registration in this state, and that payment of the fee for new registration for the vehicle is owed by the Iowa resident. (1) Factors which indicate that a partnership, limited liability company, or corporation is a shell business include but are not limited to the

following: (a) The partnership, limited liability company, or corporation lacks a specific business activity or purpose. (b) The partnership, limited liability company, or corporation fails to maintain a physical location in the foreign state. (c) The partnership, limited liability company, or corporation fails to employ individual persons and provide those persons with internal revenue service form W-2 wage and tax statements. (d) The partnership, limited liability company, or corporation fails to file federal tax returns, or fails to file a required state tax return in the foreign state. (2) Factors which indicate that a person is in control of a vehicle include but are not limited to the following: (a) The person was the initial purchaser of the vehicle. (b) The person operated or stored the vehicle in Iowa for any period of time. (c) The person is a partner, member, or shareholder of the nonresident partnership, limited liability company, or corporation that purports to be the owner of the vehicle. (d) The person is insured to drive the vehicle. (3) If the department determines that the nonresident owner of a vehicle is a shell business, the department shall notify the Iowa resident in control of the vehicle in writing that the Iowa resident is required to obtain an Iowa certificate of title and registration for the vehicle and pay the fee for new registration owed for the vehicle not later than thirty days from the date of the notice. [C39, §5003.03; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.55] 83 Acts, ch 58, §1; 97 Acts, ch 139, §4, 17, 18; 98 Acts, ch 1121, §8; 2013 Acts, ch 140, §160 Referred to in §321.1A, 321.53, 321.105A, 805.8A(2)(n) For applicable scheduled fine, see §805.8A, subsection 2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.555 - Habitual offender defined.

321.555 Habitual offender defined. As used in this section and sections 321.556 through 321.562, “habitual offender” means any person who has accumulated convictions for separate and distinct offenses described in subsection 1, 2, or 3, committed after July 1, 1974, for which final convictions have been rendered, as follows: 1. Three or more of the following offenses, either singularly or in combination, within a six-year period: a. Manslaughter resulting from the operation of a motor vehicle. b. Operating a motor vehicle in violation of section 321J.2 or its predecessor statute. c. Driving a motor vehicle while the person’s driver’s license is suspended, denied, revoked, or barred. d. Perjury or the making of a false affidavit or statement under oath to the department of public safety. e. An offense punishable as a felony under the motor vehicle laws of Iowa or any felony in the commission of which a motor vehicle is used. f. Failure to stop and leave information, to render aid, or to otherwise comply with sections 321.261 and 321.263. g. Eluding or attempting to elude a pursuing law enforcement vehicle in violation of section 321.279. h. Serious injury by a vehicle in violation of section 707.6A, subsection 4. 2. Six or more of any separate and distinct offenses within a two-year period in the operation of a motor vehicle, which are required to be reported to the department by section 321.491 or chapter 321C, except equipment violations, parking violations as defined in section 321.210, violations of registration laws, violations of sections 321.445 and 321.446, violations of section 321.276, operating a vehicle with an expired license or permit, failure to appear, weights and measures violations and speeding violations of less than fifteen miles per hour over the legal speed limit. 3. The offenses included in subsections 1 and 2 shall be deemed to include offenses under any valid town, city or county ordinance paralleling and substantially conforming to the provisions of the Code concerning such offenses. [C75, 77, 79, 81, §321.555; 82 Acts, ch 1167, §10] 84 Acts, ch 1016, §4; 84 Acts, ch 1022, §9; 86 Acts, ch 1009, §3; 86 Acts, ch 1220, §37; 89 Acts, ch 296, §36; 90 Acts, ch 1230, §74 – 76; 93 Acts, ch 87, §8; 97 Acts, ch 104, §24; 97 Acts, ch 177, §2; 98 Acts, ch 1073, §9; 2010 Acts, ch 1105, §8; 2014 Acts, ch 1092, §79; 2021 Acts, ch 180, §5 Referred to in §321.213, 321.215, 321.556, 321.560, 321.562

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.556 - Notice and hearing — findings and order.

321.556 Notice and hearing — findings and order. 1. If, upon review of the record of convictions of any person, the department determines that the person appears to be a habitual offender, the department shall immediately notify the person in writing and afford the licensee an opportunity for a hearing. Notwithstanding chapter 17A, the notice shall meet the requirements of section 321.16 and shall be served in the manner provided in that section. Service of notice on any nonresident of this state may be made in the same manner as provided in sections 321.498 through 321.506. A peace officer stopping a person for whom a notice has been issued under this section may personally serve the notice upon forms approved by the department to satisfy the notice requirements of this section. A peace officer may confiscate the driver’s license of a person if the license has been revoked or has been suspended subsequent to a hearing and the person has not forwarded the driver’s license to the department as required. 2. The hearing shall be conducted as provided in section 17A.12 before the department in the county where the alleged events occurred, unless the director and the person agree that the hearing may be held in some other county, or the hearing may be held by telephone conference at the discretion of the agency conducting the hearing. The hearing shall be recorded and its scope shall be limited to the issue of whether the person notified is a habitual offender. 3. An abstract certified by the director of transportation may be admitted as evidence as provided in section 622.43, at the hearing, and shall be prima facie evidence that the person named in the abstract was duly convicted by the court in which the conviction or holding was made of each offense shown by the abstract. If the person named in the abstract denies conviction of any of the relevant convictions contained in the abstract, the person shall have the burden of proving that the conviction is untrue. For purposes of this subsection, a conviction is relevant if it is for one of the offenses listed in section 321.555. 4. If the department finds that the person is not the same person named in the abstract, or otherwise concludes that the person is not a habitual offender as provided in section 321.555, the department shall issue a decision dismissing the proceedings. If the department’s findings and conclusions are that the person is a habitual offender, the department shall issue an order prohibiting the person from operating a motor vehicle on the highways of this state for the period specified in section 321.560. If a person is found to be a habitual offender, the person shall surrender all licenses or permits to operate a motor vehicle in this state

to the department. A person who is found to be a habitual offender may be assessed a fee by the department to cover the costs of the habitual offender proceedings. Fees assessed shall be paid before the person may be issued a license or permit to operate a motor vehicle in this state. [C75, 77, 79, 81, §321.556] 95 Acts, ch 143, §2; 98 Acts, ch 1073, §9; 2000 Acts, ch 1133, §13; 2001 Acts, ch 32, §46 Referred to in §321.555, 321.562

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.56 - Repair of out-of-state commercial motor vehicles — permits.

321.56 Repair of out-of-state commercial motor vehicles — permits. 1. The operator of a commercial motor vehicle which is not registered within the state as required pursuant to this chapter or chapter 326 or which does not have an interstate fuel permit, as required under chapter 452A, may enter the state and travel to a commercial vehicle dealer or repair facility and exit the state if all of the following circumstances apply: a. If the commercial motor vehicle is entering the state solely for the purposes of maintenance and repair to the commercial motor vehicle and is exiting the state after having completed vehicle maintenance or repair. b. If the operator has obtained a temporary entry or exit permit from the department. c. If the commercial motor vehicle is unladen. 2. The department shall provide a temporary entry and exit permit to a commercial motor vehicle operator which authorizes the operator to enter and exit the state as allowed under this section. Any operator of a commercial motor vehicle who has in the operator's possession the permit allowing entry into the state and exit from the state shall not be charged with a registration violation under this chapter or chapter 326 or with a motor fuel tax violation under chapter 452A, except for violations of section 452A.74A. 3. For purposes of this section, "commercial motor vehicle" means as defined in section 321.1, subsection 11, paragraph "f", subparagraph (2). 2001 Acts, ch 132, §3; 2002 Acts, ch 1119, §46; 2006 Acts, ch 1142, §83; 2015 Acts, ch 123, §47

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.560 - Period of revocation — temporary restricted licenses.

321.560 Period of revocation — temporary restricted licenses. 1. A license to operate a motor vehicle in this state shall not be issued to any person declared to be a habitual offender under section 321.555, subsection 1, for a period of not less than two years nor more than six years from the date of the final decision of the department under section 17A.19 or the date on which the district court upholds the final decision of the department, whichever occurs later. a. A temporary restricted license may be issued pursuant to section 321.215, subsection 2, to a person declared to be a habitual offender under section 321.555, subsection 1, paragraph "c". b. A temporary restricted license may be issued pursuant to section 321J.20 to a person declared to be a habitual offender due to a combination of the offenses listed under section 321.555, subsection 1, paragraphs "b" and "c". 2. A license to operate a motor vehicle in this state shall not be issued to any person declared to be a habitual offender under section 321.555, subsection 2, for a period of one year from the date of the final decision of the department under section 17A.19 or the date on which the district court upholds the final decision of the department, whichever occurs later. 3. The department shall adopt rules under chapter 17A that establish a point system which shall be used to determine the period for which a person who is declared to be a habitual offender under section 321.555, subsection 1, shall not be issued a license. 4. A person who is determined to be a habitual offender while the person's license is already revoked for being a habitual offender under section 321.555 shall not be issued a license to operate a motor vehicle in this state for a period of not less than two years nor more than six years. The revocation period may commence either on the date of the final decision of the department under section 17A.19 or the date on which the district court upholds the final decision of the department, whichever occurs later, or on the date the previous revocation expires. [C75, 77, 79, 81, §321.560] 95 Acts, ch 143, §3; 96 Acts, ch 1034, §26; 97 Acts, ch 108, §31; 2000 Acts, ch 1138, §2; 2001 Acts, ch 132, §13; 2002 Acts, ch 1119, §154; 2010 Acts, ch 1097, §2; 2018 Acts, ch 1110, §1, 9 Referred to in §321.215, 321.555, 321.556, 321.561, 321.562, 321J.20

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.561 - Punishment for violation.

321.561 Punishment for violation. It shall be unlawful for any person found to be a habitual offender to operate any motor vehicle in this state during the period of time specified in section 321.560 except for a habitual offender who has been granted a temporary restricted license pursuant to section 321.215, subsection 2. A person violating this section commits an aggravated misdemeanor. [C75, 77, 79, 81, §321.561] 87 Acts, ch 34, §1; 95 Acts, ch 143, §4; 96 Acts, ch 1034, §27; 2001 Acts, ch 132, §14 Referred to in §321.555, 321.562, 321J.4B

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.562 - Rule of construction.

321.562 Rule of construction. Nothing in sections 321.555 through 321.561 or this section shall be construed as amending, modifying, or repealing any existing law of this state or any ordinance of any political subdivision relating to the operation of motor vehicles, the licensing of persons to operate motor vehicles, or providing penalties for the violation thereof. [C75, 77, 79, 81, §321.562] 2014 Acts, ch 1092, §80 Referred to in §321.555

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.57 - Operation under special plates.

321.57 Operation under special plates. 1. A dealer owning any vehicle of a type otherwise required to be registered under this chapter may operate or move the vehicle upon the highways solely for purposes of transporting, testing, demonstrating, or selling the vehicle without registering the vehicle, upon condition that the vehicle display in the manner prescribed in sections 321.37 and 321.38 a special plate issued to the owner as provided in sections 321.58 through 321.62. A dealer may operate or move upon the highways a vehicle owned by the dealer for either private or business purposes, including hauling a load or towing a trailer, without registering it if the vehicle is in the dealer's inventory and is continuously offered for sale at retail, and there is displayed on it a special plate issued to the dealer as provided in sections 321.58 through 321.62. A dealer may operate or move upon the highways an unregistered vehicle owned by a lessor licensed pursuant to chapter 321F solely for the purpose of delivering the vehicle to the owner or transporting the vehicle to or from an auction if there is displayed on the vehicle a special plate issued to the dealer as provided in sections 321.58 through 321.62. 2. In addition, while a service customer is having the customer's own vehicle serviced or repaired by the dealer, the service customer of the dealer may operate upon the highways a motor vehicle owned by the dealer, except a motor truck or truck tractor, upon which there is displayed a special plate issued to the dealer, provided all of the requirements of this section are complied with. 3. Also a transporter may operate or move any vehicle of like type upon the highways solely for the purpose of delivery upon likewise displaying thereon like plates issued to the transporter as provided in these sections. 4. The provisions of this section and sections 321.58 through 321.62 shall not apply to any vehicles offered for hire, work or service vehicles owned by a transporter or dealer. 5. A dealer licensed as a wholesaler for a new motor vehicle model under chapter 322 may operate a new motor vehicle of that model, owned by the wholesaler, upon the highway when there is displayed on the vehicle a special plate issued to the wholesaler as provided in sections 321.58 through 321.62 and when operated solely for the purposes of demonstration, show, or exhibition. 6. A manufacturer licensed under chapter 322 that manufactures ambulances, rescue vehicles, or fire vehicles may operate or move a new ambulance, rescue vehicle, or fire vehicle manufactured and owned by the manufacturer solely for purposes of transporting, demonstrating, showing, or exhibiting the vehicle when there is displayed on the vehicle a special plate issued to the manufacturer as provided in sections 321.58 through 321.62. [SS15, §1571-m14; C24, 27, 31, 35, §4888, 4894, 4895; C39, §5004.01; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.57; 82 Acts, ch 1251, §12] 92 Acts, ch 1175, §1; 97 Acts, ch 139, §5, 17; 98 Acts, ch 1121, §5, 9; 99 Acts, ch 188, §11; 2001 Acts, ch 153, §17, 18; 2002 Acts, ch 1063, §19; 2002 Acts, ch 1119, §47; 2006 Acts, ch 1068, §15; 2006 Acts, ch 1090, §18, 26; 2007 Acts, ch 102, §1; 2014 Acts, ch 1123, §27; 2021 Acts, ch 80, §166 Referred to in §321.309, 321E.10, 805.8A(2)(o) For applicable scheduled fine, see §805.8A, subsection 2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.58 - Application.

321.58 Application. All dealers, transporters, and new motor vehicle wholesalers licensed under chapter 322, upon payment of a fee of seventy dollars for a two-year period or part thereof, may make application to the department upon the appropriate form for a certificate containing a general distinguishing number and for one or more special plates as appropriate to various types of vehicles subject to registration. The applicant shall also submit proof of the applicant's status as a bona fide transporter, new motor vehicle wholesaler licensed under chapter 322, or dealer, as reasonably required by the department. Dealers in new vehicles shall furnish satisfactory evidence of a valid franchise with the manufacturer of the vehicles authorizing the dealership. [SS15, §1571-m14; C24, 27, 31, 35, §4888; C39, §5004.02; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.58; 82 Acts, ch 1251, §13] 92 Acts, ch 1175, §2; 2000 Acts, ch 1016, §10; 2001 Acts, ch 153, §18; 2002 Acts, ch 1063, §20; 2002 Acts, ch 1119, §48; 2006 Acts, ch 1068, §42, 57; 2006 Acts, ch 1090, §19, 26 Referred to in §321.57, 321.59, 321.115, 321.309

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.59 - Issuance of certificate.

321.59 Issuance of certificate. The department, upon granting an application made as provided under section 321.58, shall issue to the applicant a certificate containing the applicant's name and address and the general distinguishing number assigned to the applicant. [SS15, §1571-m14; C24, 27, 31, 35, §4890, 4891; C39, §5004.03; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.59] 2015 Acts, ch 30, §100 Referred to in §321.57, 321.115

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.6 - Reciprocal enforcement — patrol beats.

321.6 Reciprocal enforcement — patrol beats. There shall be reciprocal cooperation between the members of the department, the state department of public safety and local authorities in the enforcing of local and state traffic laws and in making inspections, although this section shall not be construed to give the state department of public safety any right to establish regular patrol beats inside municipal limits unless requested for a special occasion or emergency by the mayor of such city or the sheriff of the county. [C24, 27, 31, 35, §5017; C39, §5000.06; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.6] 2012 Acts, ch 1023, §157 Referred to in §331.653

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.60 - Issuance of special plates.

321.60 Issuance of special plates. The department shall issue special plates as applied for, which shall display the general distinguishing number assigned to the applicant. Each plate so issued shall also contain a number or symbol identifying the plate and distinguishing it from every other plate bearing the same general distinguishing number. The fee for each special plate is forty dollars for a two-year period or part thereof. The fee for a special plate used on a vehicle that is hauling a load or towing a trailer is seven hundred fifty dollars for a two-year period or part thereof. [SS15, §1571-m14; C24, 27, 31, 35, §4892; C39, §5004.04; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.60] 84 Acts, ch 1305, §57; 92 Acts, ch 1175, §3; 2006 Acts, ch 1068, §43, 57; 2014 Acts, ch 1123, §28 Referred to in §321.42, 321.57, 321.115

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.61 - Expiration of special plates.

321.61 Expiration of special plates. A special plate shall expire at midnight on December 31 of even-numbered years. A person shall not be considered to be driving a vehicle with an expired registration for one month following the expiration date of the special plate. [S13, §1571-m16; C24, 27, 31, 35, §4868; C39, §5004.05; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.61] 92 Acts, ch 1175, §4; 2006 Acts, ch 1068, §44, 57 Referred to in §321.57, 321.115

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.62 - Records required.

321.62 Records required. Every transporter or dealer shall keep a written record of the vehicles upon which such special plates are used, which record shall be open to inspection by any police officer or any officer or employee of the department. [C39, §5004.06; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.62] Referred to in §321.57, 321.115, 805.8A(2)(p) For applicable scheduled fine, see §805.8A, subsection 2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.63 - Different places of business.

321.63 Different places of business. 1. If a transporter or dealer has an established place of business in more than one city, the transporter or dealer shall secure a separate and distinct certificate of registration and number plates for each such place of business. 2. If a dealer has more than one established place of business, the dealer may designate one such location in this state for purposes of keeping all the dealer's books and records, regardless of the line-make of motor vehicles to which such books and records pertain, by submitting a written certification to the department in a manner approved by the department. [SS15, §1571-m14; C24, 27, 31, 35, §4889; C39, §5004.07; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.63] 2018 Acts, ch 1095, §3 Referred to in §321.1

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.65 - Garage record.

321.65 Garage record. Every person or corporation operating a public garage shall keep for public inspection a record of the registration number and engine serial number or manufacturer's vehicle identification number of every motor vehicle offered for sale or taken in for repairs in said garage. [C24, 27, §4988 – 4990; C31, 35, §4990-c1; C39, §5004.09; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.65] 2005 Acts, ch 179, §127

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.66 - Duty to hold vehicles.

321.66 Duty to hold vehicles. The proprietor of a garage and the proprietor's employees upon discovering that the engine number of a motor vehicle has been altered or obliterated shall immediately notify some member of the department or peace officer of the county in which the garage is located, and hold said vehicle for a period of twenty-four hours or until investigation shall have been made by such peace officer. [C24, 27, 31, 35, §4991; C39, §5004.10; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.66]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.67 - Certificate of title must be executed.

321.67 Certificate of title must be executed. 1. No person, except as provided in sections 321.23 and 321.45, section 321.52, subsection 2, paragraph "b", and section 321.52, subsection 4, paragraph "a", shall sell or otherwise dispose of a registered vehicle or a vehicle subject to registration without delivering to the purchaser or transferee thereof a certificate of title with such assignment thereon as may be necessary to show title in the purchaser. 2. No person shall purchase or otherwise acquire or bring into this state a registered vehicle or a vehicle subject to registration without obtaining a certificate of title thereto except for temporary use or as provided in sections 321.23 and 321.45, section 321.52, subsection 2, paragraph "b", and section 321.52, subsection 4, paragraph "a". [C24, 27, 31, 35, §4898; C39, §5005.01; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.67] 2015 Acts, ch 52, §5, 14; 2017 Acts, ch 31, §3 Referred to in §805.8A(2)(q) For applicable scheduled fine, see §805.8A, subsection 2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.68 - Sale in bulk.

321.68 Sale in bulk. 1. It shall be unlawful for any dealer in this state to sell and transfer the dealer's stock of used motor vehicles in bulk unless the dealer complies with the following requirements: a. The vendor shall file with the county treasurer and the department, duplicate inventories of all used motor vehicles proposed to be transferred, giving the factory number, last registration number, if any, and description of each such used motor vehicle and the name and address of proposed vendee, with a certification signed by both the vendee and the vendor that the certificates of title pertaining to all the used motor vehicles listed on the inventory have been duly assigned to the vendee as prescribed in this chapter. b. The vendee shall, if the vendee has not already secured a dealer's registration, immediately secure such registration from the department. 2. Upon the completion of such requirements the department shall certify to the county treasurer that such used motor vehicles are, from and after a date to be set by the department, the property of the vendee. [C24, 27, 31, 35, §4899; C39, §5005.02; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.68] 2010 Acts, ch 1061, §180

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.69 - Damage disclosure statement.

321.69 Damage disclosure statement. 1. A certificate of title shall not be issued for a motor vehicle unless a damage disclosure statement has been made by the transferor of the vehicle and is furnished with the application for certificate of title. A damage disclosure statement shall be provided by the transferor to the transferee in a transfer of ownership of a motor vehicle. The new certificate of title and registration receipt shall state on the face whether a prior owner had disclosed that the vehicle was damaged to the extent that it was a wrecked or salvage vehicle as defined in section 321.52, subsection 4, paragraph "e". 2. The damage disclosure statement required by this section shall, at a minimum, state whether the transferor knows if the vehicle was titled as a salvage, rebuilt, or flood vehicle in this or any other state prior to the transferor's ownership of the vehicle and, if not, whether the transferor knows if the vehicle was damaged to the extent that it was a wrecked or salvage vehicle as defined in section 321.52, subsection 4, paragraph "e", during or prior to the transferor's ownership of the vehicle. 3. The damage disclosure statement shall be provided by the transferor to the transferee at or before the time of sale. If the transferor is not a resident of this state or if the transferee acquired the vehicle by operation of law as provided in section 321.47, the transferee shall not be required to submit a damage disclosure statement from the transferor with the transferee's application for title unless the state of the transferor's residence requires a damage disclosure statement. However, the transferee shall submit a damage disclosure statement with the transferee's application for title indicating whether a salvage, rebuilt, or flood title had ever existed for the vehicle, and if not, whether the vehicle was damaged to the extent that it was a wrecked or salvage vehicle as defined in section 321.52, subsection 4, paragraph "e", during or prior to the transferor's ownership of the vehicle, and the year, make, and vehicle identification number of the motor vehicle. The transferee shall not be required to indicate whether the vehicle was damaged to the extent that it was a wrecked or salvage vehicle as defined in section 321.52, subsection 4, paragraph "e", under this subsection if the transferor's certificate of title is from another state and if it indicates that the vehicle is salvaged and not rebuilt or is another state's salvage certificate of title. 4. A lessee who has executed a lease as defined in section 321F.1 shall provide a damage disclosure statement to the lessor at the termination of the lease. The damage disclosure statement shall be made on a separate disclosure document and shall state whether the vehicle was damaged during the term of the lease to the extent that it was a wrecked or salvage vehicle as defined in section 321.52, subsection 4, paragraph "e". The lessee's damage disclosure statement shall not be submitted with the application for title, but the lessor shall retain the lessee's damage disclosure statement for five years following the date of the statement. 5. The department shall retain each damage disclosure statement received and copies shall be available to the public and the attorney general upon request. 6. Authorized vehicle recyclers licensed under chapter 321H and motor vehicle dealers licensed under chapter 322 shall maintain copies of all damage disclosure statements where the recycler or dealer is either the transferor or the transferee for five years following the date of the statement. The copies shall be made available to the department or the attorney general upon request. 7. a. The damage disclosure statements shall be made on the back of the certificate of title if the title is available to the transferor at the time of sale. If the title is not available at the time of sale or if the face of the transferor's Iowa title contains no indication that the vehicle was previously salvaged or titled as a salvage, rebuilt, or flood vehicle and the transferor knows or reasonably should know that the vehicle was previously salvaged or titled as a salvage, rebuilt, or flood vehicle in another state, the transferor shall make the disclosure on a separate disclosure document. The damage disclosure statement forms shall be as approved by the department. The treasurer shall not accept a damage disclosure statement and issue a title unless the back of the title or separate disclosure document has been fully completed and signed and dated by the transferee and the transferor, if applicable. If a separate damage disclosure document from a prior owner is required to be furnished with the application for title, the transferor shall provide a copy of the separate damage disclosure document to the transferee at or before the time of sale. b. In addition to the information required in subsection 2, a separate disclosure document shall state whether the vehicle's certificate of title indicates the existence of damage prior to the period of the transferor's ownership of the vehicle and whether the vehicle was titled as a salvage, rebuilt, or flood vehicle during the period of the transferor's ownership of the vehicle. 8. A person, authorized vehicle recycler licensed under chapter 321H, or motor vehicle dealer licensed under chapter 322 shall not be liable to a subsequent owner, driver, or passenger of a vehicle because a prior owner or lessee gave a false or inaccurate damage disclosure statement or failed to disclose that the vehicle had previously been damaged and repaired or had been titled on a salvage, rebuilt, or flood certificate of title unless the person, recycler, or dealer knew or reasonably should have known that the prior owner or lessee gave a false or inaccurate damage disclosure statement or failed to disclose that the vehicle had been damaged and repaired or had been titled on a salvage, rebuilt, or flood certificate of title. 9. Except for subsections 10 and 11, this section does not apply to motor trucks and truck tractors

with a gross vehicle weight rating of sixteen thousand pounds or more, vehicles more than seven model years old, autocycles, motorcycles, motorized bicycles, and special mobile equipment. This section does apply to motor homes. The requirement in subsection 1 that the new certificate of title and registration receipt shall state on the face whether a prior owner had disclosed that the vehicle was damaged to the extent that it was a wrecked or salvage vehicle as defined in section 321.52, subsection 4, paragraph “e”, does not apply to a vehicle with a certificate of title bearing a designation that the vehicle was previously titled on a salvage certificate of title pursuant to section 321.52, subsection 4, paragraph “c”, or to a vehicle with a certificate of title bearing a “REBUILT” or “SALVAGE” designation pursuant to section 321.24, subsection 4 or 5. Except for subsections 10 and 11, this section does not apply to new motor vehicles with a true mileage, as defined in section 321.71, of one thousand miles or less, unless such vehicle has incurred damage as described in subsection 2. 10. a. A person shall not sell, lease, or trade a motor vehicle if the person knows or reasonably should know that the motor vehicle contains a nonoperative air bag that is part of an inflatable restraint system, or that the motor vehicle has had an air bag removed and not replaced, unless the person clearly discloses, in writing, to the person to whom the person is selling, leasing, or trading the vehicle, prior to the sale, lease, or trade, that the air bag is missing or nonoperative. In addition, a lessee who has executed a lease as defined in section 321F.1 shall provide the disclosure statement required in this subsection to the lessor upon termination of the lease. b. The written disclosure required by this subsection shall be deemed to be a damage disclosure statement for the purposes of subsections 6, 8, and 11. 11. A person who knowingly makes a false damage disclosure statement or fails to make a damage disclosure statement required by this section commits a fraudulent practice. Failure of a person, authorized vehicle recycler licensed under chapter 321H, or motor vehicle dealer licensed under chapter 322 to comply with any duty imposed by this section constitutes a violation of section 714.16, subsection 2, paragraph “a”. 12. The department shall adopt rules as necessary to implement this section. 92 Acts, ch 1104, §4; 95 Acts, ch 45, §4, 5; 96 Acts, ch 1152, §3; 97 Acts, ch 108, §8; 98 Acts, ch 1034, §1; 2002 Acts, ch 1063, §21; 2003 Acts, ch 56, §1 – 5; 2003 Acts, ch 179, §71; 2004 Acts, ch 1007, §1; 2005 Acts, ch 19, §40, 41; 2006 Acts, ch 1010, §88; 2010 Acts, ch 1061, §180; 2016 Acts, ch 1073, §103; 2016 Acts, ch 1098, §13 Referred to in §714H.3 Fraudulent practices, see §714.8 – 714.14

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.69A - Disclosure of repairs to new vehicles.

321.69A Disclosure of repairs to new vehicles. 1. a. A person licensed as a new motor vehicle dealer pursuant to chapter 322 shall not be required to disclose to a prospective or actual buyer or lessee of a new motor vehicle repairs of damage to or adjustments on or replacements of parts with new parts on the motor vehicle if all of the following are true: (1) The repairs, adjustments, or replacements were made to achieve compliance with factory specifications. (2) The actual cost of any labor or parts charged to or performed by the dealer for any such repairs, adjustments, or parts does not exceed four percent of the manufacturer’s suggested retail price. (3) The dealer posts in a conspicuous place notice that repairs, adjustments, or replacements will be disclosed upon request. (4) The dealer discloses any such repairs, adjustments, or replacements upon request. b. The provisions of this section take precedence over and shall supersede section 714.16, subsection 2, paragraph “a”, unnumbered paragraph 4, and section 714H.4, subsection 2. 2. A person licensed as a new motor vehicle dealer pursuant to chapter 322 shall disclose in writing, at or before the time of sale or lease, to the buyer or lessee of a new motor vehicle that the vehicle has been subject to any repairs of damage to or adjustments on or replacements of parts with new parts if the actual cost of any labor or parts charged to or performed by the dealer for any such repairs, adjustments, or parts exceeds four percent of the manufacturer’s suggested retail price. The written disclosure shall include the signature of the buyer or lessee and be in a form and in a format approved by the attorney general by rule. A dealer shall retain a copy of each written disclosure issued pursuant to this section for five years from the date of issuance. 3. As used in this section, “manufacturer’s suggested retail price” means the amount required to be disclosed by a dealer pursuant to 15 U.S.C. §1232(f)(4). 4. A violation of this section is an unlawful practice pursuant to section 714.16. 5. A violation of this section is a prohibited practice or act pursuant to section 714H.5. 2011 Acts, ch 90, §1; 2014 Acts, ch 1123, §29, 30 Referred to in §322C.16

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.7 - Seal of department.

321.7 Seal of department. The department may adopt an official seal. [C39, §5000.07; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.7]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.70 - Dealer vehicles.

321.70 Dealer vehicles. A dealer licensed under chapter 322 shall not be required to register any vehicle owned by the dealer which is being held for sale or trade, provided the annual registration fee was not delinquent at the time the vehicle was acquired by the dealer. When a dealer ceases to hold any vehicle for sale or trade or the vehicle otherwise becomes subject to registration under this chapter the annual registration fee and delinquent annual registration fee, if any, shall be due for the registration year. [C24, 27, 31, 35, §4901; C39, §5005.04; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.70] 82 Acts, ch 1062, §11, 38; 2008 Acts, ch 1113, §83; 2023 Acts, ch 66, §71 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.71 - Odometer requirements.

321.71 Odometer requirements. 49 C.F.R. §580.17 . The new certificate of title shall record on its face the odometer reading and the word “actual” if the true mileage is known. If the odometer reading is not the true mileage or the true mileage is unknown, the words “not actual” shall be recorded. If the odometer reading is greater than the odometer can mechanically count, the words “exceeds the mechanical limits” shall be recorded. However, a certificate of title may be issued for a motor vehicle to a person who moves into this state if the person acquired ownership of the motor vehicle prior to moving to this state. 8. Any person who knowingly makes or delivers a false odometer statement as required by subsection 7 shall be guilty of a violation of this section. 9. Unless an exemption applies under 49 C.F.R. §580.17 or unless a certificate of title has been issued for the vehicle in the name of the dealer, an Iowa licensed motor vehicle dealer shall not have in possession as inventory for sale a used motor vehicle acquired by the dealer for which the dealer does not possess an odometer statement by the transferor which is in compliance with federal law and regulations. Transfer of a new motor vehicle with an ownership document which is a manufacturer’s statement of origin requires an odometer statement only when transferred at retail. 10. A transferee of a motor vehicle reassigning the certificate of title to such motor vehicle pursuant to the provisions of section 321.48, subsection 1, shall not be guilty of a violation of this section if such transferee has in the transferee’s possession an odometer statement by the transferor which is in compliance with federal law and regulations and if the transferee has no knowledge that the statement is false and that the transferee has no knowledge that the odometer does not reflect the true mileage of such motor vehicle. 11. The department may adopt rules to administer this section, which rules shall be in compliance with the federal Truth in Mileage Act of 1986, Pub. L. No. 99-579, and 49 C.F.R. pt. 580 . 12. Any person who violates this section commits a fraudulent practice. [C73, 75, 77, 79, 81, §321.71] 84 Acts, ch 1243, §2, 3; 84 Acts, ch 1305, §58; 90 Acts, ch 1131, §1, 2; 98 Acts, ch 1100, §43; 2020 Acts, ch 1006, §1, 2 Referred to in §307.37, 321.47, 321.50, 321.69, 321.477, 322.4 Fraudulent practices, see §714.8 – 714.14

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.71A - Counterfeit, nonfunctional, and unsafe air bags.

321.71A Counterfeit, nonfunctional, and unsafe air bags. 1. As used in this section: a. “Counterfeit air bag” means an air bag displaying a mark identical or similar to the genuine mark of a motor vehicle manufacturer without authorization from the manufacturer. b. “Nonfunctional air bag” means an air bag that was previously deployed or damaged, or has an electric fault that is detected by a motor vehicle’s air bag diagnostic system after the air bag is installed in the motor vehicle. 2. A person who manufactures, imports, installs, reinstalls, sells, or offers to sell any device with the intent that the device replace an air bag in a motor vehicle, and who knows that the device is a counterfeit air bag, nonfunctional air bag, or air bag that does not comply with federal safety requirements as provided in 49 C.F.R. §571.208 , is guilty of an aggravated misdemeanor. 3. A person who manufactures, imports, installs, reinstalls, sells, offers to sell, or tampers with any device that causes a motor vehicle’s diagnostic system to inaccurately indicate that the motor vehicle is equipped with a functional air bag when a counterfeit or nonfunctional air bag is installed, or when no air bag is installed, with the intent to mislead the owner or operator of the motor vehicle into believing that the motor vehicle is equipped with a functional air bag, is guilty of an aggravated misdemeanor. 4. A violation of this section is an unlawful practice under section 714.16. 2001 Acts, ch 94, §1; 2015 Acts, ch 72, §2, 4 Referred to in §714H.3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.72 - Report of stolen and recovered motor vehicles.

321.72 Report of stolen and recovered motor vehicles. Every peace officer upon receiving reliable information that any vehicle registered under this chapter has been stolen shall immediately report the theft to the department unless prior thereto information has been received of the recovery of the vehicle. Any officer upon receiving information that any vehicle, which the officer has previously reported as stolen, has been recovered, shall immediately report the fact of the recovery to the law enforcement agency which originated the theft report and to the department. [C27, 31, 35, §13417-a1; C39, §5006.01; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.72; 81 Acts, ch 103, §1] Referred to in §321.74, 331.653

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.73 - Reports by owners.

321.73 Reports by owners. 1. The owner, or person having a lien or encumbrance upon a registered vehicle which has been stolen or embezzled, may notify the department of such theft or embezzlement, but in the event of an embezzlement may make such report only after having procured the issuance of a warrant for the arrest of the person charged with such embezzlement. 2. Every owner or other person who has given any such notice must notify the department of a recovery of such vehicle. [C39, §5006.02; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.73] Referred to in §321.74

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.74 - Action by department.

321.74 Action by department. The department, upon receiving a report of a stolen or embezzled vehicle as provided in section 321.72 or 321.73 or through the national motor vehicle title information system, shall file and appropriately index the same and shall immediately suspend the registration of the vehicle so reported and shall not transfer the certificate of title or registration of the vehicle until such time as the department is notified that the vehicle has been recovered. [C39, §5006.03; C46, 50, 54, 58, 62, 66, 71,

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.78 - Injuring or tampering with vehicle.

321.78 Injuring or tampering with vehicle. Any person who either individually or in association with one or more other persons willfully injures or tampers with any vehicle or breaks or removes any part or parts of or from a vehicle without the consent of the owner is guilty of a simple misdemeanor. [C39, §5006.07; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.78] Referred to in §322C.6

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.79 - Intent to injure.

321.79 Intent to injure. Any person who with intent to commit any malicious mischief, injury, or other crime climbs into or upon a vehicle whether it is in motion or at rest or with like intent attempts to manipulate any of the levers, starting mechanism, brakes, or other mechanism or device of a vehicle while the same is at rest and unattended or with like intent sets in motion any vehicle while the same is at rest and unattended is guilty of a simple misdemeanor. [C39, §5006.08; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.79]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.8 - Director to prescribe forms.

321.8 Director to prescribe forms. The director shall prescribe and provide suitable forms of applications, registration cards, certificates of title and all other forms requisite or deemed necessary to carry out the provisions of this chapter and any other laws, the enforcement and administration of which are vested in the department except manufacturer's or importer's certificates. Manufacturer's and importer's certificates shall be provided by the manufacturer or importer and be in the form prescribed by the department. [C39, §5000.08; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.8] 83 Acts, ch 41, §1

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.81 - Presumptive evidence.

321.81 Presumptive evidence. Whoever shall conceal, barter, sell, possess or dispose of any vehicle or component part which has been stolen, or shall disguise, alter, or change such vehicle or component part or the vehicle identification number or component part number thereof, or remove or change the registration plate thereon, or do any act designed to prevent identification of such vehicle or component part, shall be presumed to have knowledge that such vehicle or component part had been stolen. [C24, 27, 31, 35, §5093; C39, §5006.10; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.81]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.84 - Seizure of vehicles.

321.84 Seizure of vehicles. It shall be the duty of any peace officer who finds a vehicle or component part, the vehicle identification number or component part number of which has been altered, defaced, or tampered with, and who has reasonable cause to believe that the possessor of the vehicle or component part wrongfully holds it, to forthwith seize it, either with or without warrant, and deliver it to the sheriff of the county in which it is seized. [C27, 31, 35, §5083-b1; C39, §5006.13; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.84] Referred to in §321.85

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.85 - Stolen vehicles or component parts.

321.85 Stolen vehicles or component parts. When a vehicle or component part is seized under section 321.84 or is stolen or embezzled, and is not claimed by the owner before the date on which the person charged with its stealing or embezzling is convicted, the officer having the vehicle or component part in the officer's custody shall, on that date by certified mail, notify the department that the officer has the vehicle or component part in the officer's possession, giving a full and complete description of it, including all vehicle identification numbers and component part numbers. If there is a dispute regarding a claim for the vehicle or component part, the agency holding the vehicle or component part shall conduct an evidentiary hearing to adjudicate the claim. [C24, §12222; C27, 31, 35, §5083-b2, 12222; C39, §5006.14; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.85] 85 Acts, ch 64, §1 Referred to in §8A.323

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.86 - Notice by director.

321.86 Notice by director. The director shall, if the owner appears of record in the director's office, notify the owner of the fact that the vehicle or component part is in the custody of the officer, and if not of record in the director's office, the director shall mail the description to the county treasurer of each county. [C24, 27, 31, 35, §12223; C39, §5006.15; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.86] Referred to in §8A.323

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.87 - Delivery to owner.

321.87 Delivery to owner. If, within forty days thereafter, the owner of the vehicle or component part appears and properly identifies it, the officer having the vehicle or component part in custody shall deliver it to such owner upon payment by the owner of the costs incurred incident to the apprehension of the vehicle or component part and the location of the owner. [C24, §12224; C27, 31, 35, §5083-b3, 12224; C39, §5006.16; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.87] Referred to in §8A.323

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.88 - Failure of owner to claim.

321.88 Failure of owner to claim. If the owner does not appear within forty days, the motor vehicle shall be deemed abandoned and the officer having possession of the motor vehicle shall proceed as provided in section 321.89, subsections 3 and 5. [C24, §12225; C27, 31, 35, §5083-b3, 12225; C39, §5006.17; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.88] Referred to in §8A.323

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.89 - Abandoned vehicles.

321.89 Abandoned vehicles. 1. Definitions. As used in this section and sections 321.90 and 321.91 unless the context otherwise requires: a. "Abandoned vehicle" means any of the following: (1) A vehicle that has been left unattended on public property for more than twenty-four hours and lacks current registration plates or two or more wheels or other parts which renders the vehicle totally inoperable. (2) A vehicle that has remained illegally on public property for more than twenty-four hours. (3) A vehicle that has been unlawfully parked on private property or has been placed on private property without the consent of the owner or person in control of the property for more than twenty-four hours. (4) A vehicle that has been legally impounded by order of a police authority and has not been reclaimed for a period of ten days. However, a police authority may declare the vehicle abandoned within the ten-day period by commencing the notification process in subsection 3. (5) Any vehicle parked on the highway determined by a police authority to create a hazard to other vehicle traffic. (6) A vehicle that has been impounded pursuant to section 321J.4B by order of the court and whose owner has not paid the impoundment fees after notification by the person or agency responsible for carrying out the impoundment order. b. "Demolisher" means a person licensed under chapter 321H whose business it is to convert a vehicle to junk, processed scrap, or scrap metal, or otherwise to wreck or dismantle vehicles. c. "Police authority" means the state patrol, any law enforcement agency of a county or city, or any special security officer employed by the state board of regents under section 262.13. 2. Authority to take possession of abandoned vehicles. A police authority, upon the authority's own initiative or upon the request of any other authority having the duties of control of highways or traffic, shall take into custody an abandoned vehicle on public property and may take into custody an abandoned vehicle on private property. The police authority may employ its own personnel, equipment, and facilities or hire a private entity, equipment, and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles. A property owner or other person in control of private property may employ a private entity who is a garagekeeper, as defined in section 321.90, to dispose of an abandoned vehicle, and the private entity may take into custody the abandoned vehicle without a police authority's initiative. If a police authority employs a private entity to dispose of abandoned vehicles, the police authority shall provide the private entity with the names and addresses of the registered owners, all lienholders of record, and any other known claimant to the vehicle or the personal property found in the vehicle. The owners, lienholders, or other claimants of the abandoned vehicle shall not have a cause of action against a private entity for action taken under this section if the private entity provides notice as required by subsection 3, paragraphs "a" through "f". 3. Notification of owner, lienholders, and other claimants. a. A police authority or private entity that takes into custody an abandoned vehicle shall send notice by certified mail that the vehicle has been taken into custody no more than twenty days after taking custody of the vehicle. Notice shall be sent to the last known address of record of the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle. b. Notice shall be deemed given when mailed. The notice shall include all of the following: (1) A description of the year, make, model, and vehicle identification number of the vehicle. (2) The location of the facility where the vehicle is being held. (3) Information for the persons receiving the notice of their right to reclaim the vehicle and personal property contained therein within ten days after the effective date of the notice. Persons may reclaim the vehicle or personal property upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody and upon payment of the costs of notice required pursuant to this subsection. (4) A statement that failure of the owner, lienholders, or claimants to exercise their right to reclaim the vehicle or personal property within the time provided shall be deemed a waiver by the owner, lienholders, and claimants of all right, title, claim, and interest in the vehicle or personal property. (5) A statement that failure to reclaim the vehicle or personal property is deemed consent for the police authority or private entity to sell the vehicle at a public auction or dispose of the vehicle to a demolisher and to dispose of the personal property by sale or destruction. c. If the abandoned vehicle was taken into custody by a private entity without a police authority's initiative, the notice shall state that the private entity may claim a garagekeeper's lien as described in section 321.90, subsection 1, and may proceed to sell or dispose of the vehicle. d. If the abandoned vehicle was taken into custody by a police authority or by a private entity hired by a police authority, the notice shall state that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or personal property by the police authority or private entity or of the assessment of fees and charges provided by this section may ask for an evidentiary hearing before the police authority to contest those matters. e. If the persons receiving notice do

not ask for a hearing or exercise their right to reclaim the vehicle or personal property within the ten-day reclaiming period, the owner, lienholders, or claimants shall no longer have any right, title, claim, or interest in or to the vehicle or the personal property. f. A court in any case in law or equity shall not recognize any right, title, claim, or interest of the owner, lienholders, or claimants after the expiration of the ten-day reclaiming period. g. If it is impossible to determine with reasonable certainty the identities and addresses of the last registered owner and all lienholders, notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet all requirements of notice under this section. The published notice may contain multiple listings of abandoned vehicles but shall be published within the same time requirements and contain the same information as prescribed for mailed notice in this subsection. 4. Reclamation of abandoned vehicles. Prior to driving an abandoned vehicle away from the premises, a person who received or who is reclaiming the vehicle on behalf of a person who received notice under subsection 3 shall present to the police authority or private entity, as applicable, the person's valid driver's license and proof of financial liability coverage as provided in section 321.20B. 5. Auction of abandoned vehicles. a. If an abandoned vehicle has not been reclaimed as provided for in subsection 3, the police authority or private entity shall make a determination as to whether or not the vehicle shall be sold for use upon the highways. If the vehicle is not sold for use upon the highways, it shall be sold for junk, or demolished and sold as scrap. The police authority or private entity shall sell the vehicle at public auction. Notwithstanding any other provision of this section, a police authority or private entity may dispose of the vehicle to a demolisher for junk without public auction after complying with the notification procedures in subsection 3. The purchaser of the vehicle takes title free and clear of all liens and claims of ownership, shall receive a sales receipt from the police authority or private entity, and is entitled to register the vehicle and receive a certificate of title if sold for use upon the highways. If the vehicle is sold or disposed of to a demolisher for junk, the demolisher shall make application for a junking certificate to the county treasurer within thirty days of purchase and shall surrender the sales receipt in lieu of the certificate of title. b. From the proceeds of the sale of an abandoned vehicle the police authority, if the police authority did not hire a private entity, shall reimburse itself for the expenses of the auction, the costs of towing, preserving, and storing which resulted from placing the abandoned vehicle in custody, all notice and publication costs incurred pursuant to subsection 3, the cost of inspection, and any other costs incurred except costs of bookkeeping and other administrative costs. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lienholder for ninety days, and shall then be deposited in the road use tax fund. The costs to police authorities of auction, towing, preserving, storage, and all notice and publication costs, and all other costs which result from placing abandoned vehicles in custody, whenever the proceeds from a sale of the abandoned vehicles are insufficient to meet these expenses and costs, shall be paid from the road use tax fund and are the obligation of the last owner or owners, jointly and severally. c. The director of transportation shall establish by rule a claims procedure to be followed by police authorities in obtaining expenses and costs from the fund and procedures for reimbursement of expenses and costs to a private entity hired by a police authority to take custody of an abandoned vehicle. If a private entity has been hired by a police authority, the police authority shall file a claim with the department for reimbursement of towing fees which shall be paid from the road use tax fund. [C73, 75, 77, 79, 81, §321.89] 84 Acts, ch 1305, §59; 85 Acts, ch 64, §2; 87 Acts, ch 123, §1; 88 Acts, ch 1158, §66; 92 Acts, ch 1238, §31; 95 Acts, ch 48, §3; 95 Acts, ch 118, §13; 96 Acts, ch 1126, §4; 98 Acts, ch 1074, §22; 2000 Acts, ch 1016, §11; 2005 Acts, ch 35, §31; 2005 Acts, ch 64, §1; 2009 Acts, ch 130, §23, 24; 2021 Acts, ch 22, §1, 2; 2021 Acts, ch 174, §15; 2022 Acts, ch 1021, §67, 187 Referred to in §8A.323, 80.39, 321.20B, 321.88, 321.90, 321.91, 321J.4B, 555B.1 2022 amendment to subsection 2 applies retroactively to July 1, 2021; 2022 Acts, ch 1021, §187

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.9 - Authority to administer oaths and acknowledge signatures.

321.9 Authority to administer oaths and acknowledge signatures. Officers and employees of the department designated by the director, county officials authorized under this chapter to issue motor vehicle registrations and titles, and county officials authorized under chapter 321M to issue driver's licenses are authorized, for the purpose of administering the motor vehicle laws, to administer oaths and acknowledge signatures, and shall do so without fee. [C39, §5000.09; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.9] 2005 Acts, ch 8, §4

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.90 - Disposal of abandoned motor vehicles.

321.90 Disposal of abandoned motor vehicles. 1. Garagekeepers and abandoned motor vehicles. Any motor vehicle left in a garage operated for commercial purposes after the period for which the vehicle was to remain on the premises shall, after notice by certified mail to the last known registered owner of the vehicle addressed to the owner's last known address of record to reclaim the vehicle within ten days of the date of the notice, be deemed an abandoned motor vehicle unless reclaimed by the owner within such ten-day period or the owner notifies the garagekeeper in writing within such period of time that such vehicle is not an abandoned motor vehicle and shall be reported by the garagekeeper to the police authority. If the identity or address of the last registered owner of the motor vehicle cannot be determined, the vehicle shall be deemed an abandoned motor vehicle on the eleventh day after the period for which the vehicle was to remain on the premises unless reclaimed by the owner within the ten-day period or the owner notifies the garagekeeper in writing within such period of time that such vehicle is not an abandoned motor vehicle and shall be reported by the garagekeeper to the police authority. All abandoned motor vehicles left in garages may be taken into custody by a police authority upon the request of the garagekeeper and sold in accordance with the procedures set forth in section 321.89, subsection 5, unless the motor vehicle is reclaimed. The proceeds of the sale shall be first applied to the garagekeeper's charges for towing and

storage, and any surplus proceeds shall be distributed in accordance with section 321.89, subsection 5. Nothing in this section shall be construed to impair any lien of a garagekeeper under the laws of this state, or the right of a garagekeeper to foreclose the garagekeeper's lien, provided that a garagekeeper shall be deemed to have abandoned the garagekeeper's artisan lien when such vehicle is taken into custody by the police authority. For the purposes of this section "garagekeeper" means any operator of a parking place or establishment, motor vehicle storage facility, or establishment for the servicing, repair, or maintenance of motor vehicles. 2. Disposal to demolisher. a. Any person, firm, corporation, or unit of government upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost, or destroyed and is thereby unable to transfer title to the motor vehicle, may apply to the police authority of the jurisdiction in which the motor vehicle is situated for authority to sell, give away, or otherwise dispose of the motor vehicle to a demolisher. b. The application shall set out the name and address of the applicant, and the year, make, model, and vehicle identification number of the motor vehicle, if ascertainable, together with any other identifying features, and shall contain a concise statement of the facts surrounding the abandonment, or a statement that the title of the motor vehicle is lost or destroyed, or the reasons for the defect of title in the owner. The applicant shall execute an affidavit stating that the facts alleged are true and that no material fact has been withheld. An order for disposal obtained pursuant to section 555B.8, subsection 3, satisfies the application requirements of this paragraph. c. If the police authority finds that the application is executed in proper form, and shows that the motor vehicle has been abandoned upon the property of the applicant, or if it shows that the motor vehicle is not abandoned but that the applicant appears to be the rightful owner, the police authority shall follow appropriate notification procedures as set forth in section 321.89, subsection 3, except that in the case of an order for disposal obtained pursuant to section 555B.8, subsection 3, no notification is required. d. If the abandoned motor vehicle is not reclaimed in accordance with section 321.89, subsection 3, or no lienholder objects to the disposal in the case of an owner-applicant, the police authority shall give the applicant a certificate of authority allowing the applicant to obtain a junking certificate for the motor vehicle. The applicant shall make application for a junking certificate to the county treasurer within thirty days of receipt of the certificate of authority and surrender the certificate of authority in lieu of the certificate of title. The demolisher shall accept the junking certificate in lieu of the certificate of title to the motor vehicle. e. Notwithstanding any other provisions of this section and sections 321.89 and 321.91, any person, firm, corporation, or unit of government upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost, or destroyed, may dispose of such motor vehicle to a demolisher for junk without a title and without the notification procedures of section 321.89, subsection 3, if the motor vehicle lacks an engine or two or more wheels or other structural part which renders the vehicle totally inoperable. The police authority shall give the applicant a certificate of authority. The owner shall apply to the county treasurer for a junking certificate within thirty days of receipt of the certificate of authority and shall surrender the certificate of authority in lieu of the certificate of title. f. The owner of an abandoned motor vehicle and all lienholders shall no longer have any right, title, claim, or interest in or to the motor vehicle; and no court in any case in law or equity shall recognize any right, title, claim, or interest of any owner or lienholders after the disposal of the motor vehicle to a demolisher. g. Any proceeds from the sale of an abandoned motor vehicle to a demolisher under this section, by one other than the owner of the vehicle, except the sale of a vehicle pursuant to an order for disposal obtained pursuant to section 555B.8, subsection 3, shall first be applied to that person's expenses in effecting the sale, including storage, towing, and disposal charges, and any surplus shall be distributed in accordance with section 321.89, subsection 5. The proceeds from the sale of a vehicle disposed of pursuant to section 555B.8, subsection 3, shall be distributed in accordance with section 555B.9. 3. Duties of demolishers. a. Any demolisher who purchases or otherwise acquires an abandoned motor vehicle for junk under the provisions of this section shall junk, scrap, wreck, dismantle, or demolish such motor vehicle. A demolisher shall not junk, scrap, wreck, dismantle, or demolish a vehicle until the demolisher has obtained the junking certificate issued for the vehicle. b. A demolisher shall keep an accurate and complete record of all motor vehicles purchased or received by the demolisher in the course of the demolisher's business. These records shall contain the name and address of the person from whom each motor vehicle was purchased or received and the date when the purchases or receipts occurred. The records shall be open for inspection by any police authority at any time during normal business hours. Any record required by this section shall be kept by the demolisher for at least one year after the transaction to which it applies. [C73, 75, 77, 79, 81, §321.90] 88 Acts, ch 1138, §12 – 14; 95 Acts, ch 118, §14, 15; 2005 Acts, ch 179, §128; 2008 Acts, ch 1018, §19 Referred to in §8A.323, 321.89, 321.91, 555B.9

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.91 - Limitation on liability — penalty for abandonment.

321.91 Limitation on liability — penalty for abandonment. 1. No person, firm, corporation, unit of government, garagekeeper or police authority upon whose property an abandoned vehicle is found or who disposes of such abandoned vehicle in accordance with sections 321.89 and 321.90 shall be liable for damages by reason of the removal, sale, or disposal of such vehicle. 2. A person who abandons a vehicle is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 14, paragraph "b". [C73, 75, 77, 79, 81, §321.91] 2000 Acts, ch 1203, §3; 2001 Acts, ch 137, §5; 2004 Acts, ch 1101, §35 Referred to in §8A.323, 321.89, 321.90, 805.8A(14)(b)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.92 - Altering or changing numbers.

321.92 Altering or changing numbers. 1. Fraudulent intent. a. No person shall with fraudulent intent, deface, destroy, or alter the

vehicle identification number or component part number or other distinguishing number or identification mark of a vehicle or component part, including a rebuilt identification, nor shall a person place or stamp a serial, engine, or other number or mark upon a vehicle or component part, except one assigned thereto by the department. b. The year of manufacture of a fence-line feeder, grain cart, or tank wagon manufactured on or after July 1, 2001, shall be permanently made a part of the identification plate on the vehicle. A person shall not fraudulently alter, deface, or attempt to fraudulently alter or deface the year of manufacture or other product identification number on a fence-line feeder, grain cart, or tank wagon. c. A violation of this subsection is a felony punishable as provided in section 321.483. d. This subsection does not prohibit the restoration of an original vehicle identification number, component part number, or other number or mark when the restoration is made by the department, nor prevent a manufacturer from placing, in the ordinary course of business, numbers or marks upon vehicles or component parts. 2. Vehicles without identification numbers. A person who knowingly buys, receives, disposes of, sells, offers for sale, or has in the person's possession a vehicle, or a component part of a vehicle, from which the vehicle identification number, rebuilt identification, or component part number has been removed, defaced, covered, altered, or destroyed for the purpose of concealing or misrepresenting the identity of the vehicle or component part is guilty of a simple misdemeanor. [SS15, §1571-m12a; C24, 27, 31, 35, §5080; C39, §5006.09, 5006.21; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §321.80, 321.92; C79, 81, §321.92] 88 Acts, ch 1089, §7; 2009 Acts, ch 133, §117 Referred to in §321H.6, 321H.8, 322.3, 322.6, 322C.3, 322C.6 Similar provisions, §714.8(5)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.93 - Defense.

321.93 Defense. Under a charge of possessing a vehicle or component part, the vehicle identification number or component part number of which is defaced, altered, or tampered with, it shall be a complete defense that the accused at the time of such possession had in the accused's possession a certificate of title from the officer whose duty it is to register vehicles and component parts in the state in which the vehicle or component part is registered, showing good and sufficient reason why numbers are defaced, changed, or tampered with, the original vehicle identification number or component part number, and the ownership of the vehicle or component part. [C24, 27, 31, 35, §5083; C39, §5006.22; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.93]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.94 - Test to determine true number.

321.94 Test to determine true number. Where it appears that a vehicle identification number or component part number has been altered, defaced or tampered with, any peace officer, or any other person acting under a peace officer's direction, may apply any recognized process or test to the part containing the number for the purpose of determining the true number. [C27, 31, 35, §5083-b5; C39, §5006.23; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.94; 81 Acts, ch 103, §2]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.95 - Right of inspection.

321.95 Right of inspection. 1. Peace officers shall have the authority to inspect any vehicle or component part in possession of a vehicle rebuilder, vehicle salvager, used vehicle parts dealer, or any person licensed under chapter 322, or found upon the public highway or in any public garage, enclosure, or property in which vehicles or component parts are kept for sale, storage, hire, or repair and for that purpose may enter any such public garage, enclosure, or property. Every vehicle rebuilder, vehicle salvager, used vehicle parts dealer, or any person licensed under chapter 322, or a person having used engines or transmissions which are component parts for sale shall keep an accurate and complete record of all vehicles demolished and of such component parts purchased or received for resale as component parts in the course of business. These records shall contain the name and address of the person from whom each such vehicle or component part was purchased or received and the date when the purchase or receipt occurred or the junking certificate if required for the vehicle. These records shall be open for inspection by any peace officer at any time during normal business hours. Records required by this section shall be kept for at least three years after the transaction which they record. 2. A person who violates this section commits a simple misdemeanor. [C27, 31, 35, §5083-b6; C39, §5006.24; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.95] 2009 Acts, ch 130, §39; 2010 Acts, ch 1140, §2 Referred to in §805.8A(14)(j) For applicable scheduled fine, see §805.8A, subsection 14, paragraph j

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.96 - Prohibited plates — certificates.

321.96 Prohibited plates — certificates. 1. A person shall not display or cause or permit to be displayed, or have in the person's possession, a vehicle identification number or component part number except as provided in this chapter, or a canceled, revoked, altered, or fictitious registration number plates, registration receipt, or certificate of title, as the same are respectively provided for in this chapter. 2. A person who violates this section commits a simple misdemeanor. [C24, 27, 31, 35, §5084; C39, §5006.25; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.96] 90 Acts, ch 1230, §17; 2010 Acts, ch 1140, §3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.97 - Fraudulent applications.

321.97 Fraudulent applications. Any person who fraudulently uses a false or fictitious name in any application for the registration of, or certificate of title to, a vehicle or knowingly makes a false statement or knowingly conceals a material fact or otherwise commits a fraud in any such application is guilty of a fraudulent practice. [S13, §1571-m26; C24, 27, 31, 35, §5088; C39, §5007.01; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.97] Referred to in §322C.6 Fraudulent practices, see §714.8 – 714.14

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.98 - Operation without registration.

321.98 Operation without registration. 1. Except as otherwise expressly permitted in this chapter, a person shall not operate and an owner shall not knowingly permit to be operated upon any highway any vehicle required to be registered and titled under this chapter unless: a. A valid registration card and registration plate or plates issued for the vehicle for the current registration year are attached to and displayed on the vehicle when and as required by this chapter; and b. A certificate of title has been issued for the vehicle. 2. Any violation of this section is a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 2. [C24, 27, 31, 35, §5085; C39, §5007.02; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.98] 2001 Acts, ch 176, §50, 59; 2010 Acts, ch 1190, §34; 2013 Acts, ch 90, §77 Referred to in §322C.6, 805.8A(2)(r)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321 - MOTOR VEHICLES AND LAW OF THE ROAD Section 321.99 - Fraudulent use of registration.

321.99 Fraudulent use of registration. A person shall not knowingly lend to another a registration card, registration plate, special plate, or permit issued to the person if the other person desiring to borrow the card, plate, or permit would not be entitled to the use of it. A person shall not knowingly permit the use of a registration card, registration plate, special plate, or permit issued to the person by one not entitled to it, nor shall a person knowingly display upon a vehicle a registration card, registration plate, special plate, or permit not issued for that vehicle under this chapter. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 2. [SS15, §1571-m12a; C24, 27, 31, 35, §4878, 5080; C39, §5007.03; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321.99] 83 Acts, ch 125, §2; 86 Acts, ch 1055, §1; 2000 Acts, ch 1203, §4; 2001 Acts, ch 137, §5; 2010 Acts, ch 1190, §35 Referred to in §321H.6, 321H.8, 322.3, 322.6, 322C.3, 322C.6, 805.8A(2)(s)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321A - MOTOR VEHICLE FINANCIAL RESPONSIBILITY Section 321A.1 - Definitions.

321A.1 Definitions. The following words and phrases when used in this chapter shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning: 1. “Book”, “list”, “record”, or “schedule” kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1. 2. “Department” means the state department of transportation. 3. “Judgment” means a judgment which has become final by expiration without appeal during the time within which an appeal might have been perfected, or a judgment if an appeal from the judgment has been perfected, which has not been stayed by the execution, filing, and approval of a bond as provided in rule of appellate procedure 6.601(1), or a judgment which has become final by affirmation on appeal, rendered by a court of competent jurisdiction of a state or of the United States, upon a cause of action arising out of the ownership, maintenance, or use of a motor vehicle, as defined in this section, for damages, including damages for care and loss of services, because of bodily injury to or death of a person, or for damages because of injury to or destruction of property, including the loss of use of property, or upon a cause of action on an agreement of settlement for such damages. 4. “License” means a driver’s license as defined in section 321.1 issued under the laws of this state. 5. “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 and not operated upon rails. The term “car” or “automobile” shall be synonymous with the term “motor vehicle”. “Motor vehicle” does not include special mobile equipment as defined in this section. 6. “Nonresident” means every person who is not a resident of this state. 7. “Nonresident operating privilege” means the privilege conferred upon a nonresident by the laws of this state pertaining to the operation by the nonresident of a motor vehicle, or the use of a motor vehicle owned by the nonresident, in this state. 8. “Operator” means a person who is in actual physical control of a motor vehicle whether or not that person has a driver’s license as required under the laws of this state. 9. “Owner” means a person who holds the legal title of a motor vehicle; however, if the motor vehicle is the subject of a security agreement with a right of possession in the debtor, the debtor shall be deemed the owner for purposes of this chapter or if the motor vehicle is leased as defined in section 321.493, the lessee shall be deemed the owner for purposes of this chapter. 10. “Person” means every natural person, firm, partnership, association, or corporation. 11. “Proof of financial responsibility” means proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of the proof, arising out of the ownership, maintenance, or use of a motor vehicle, in the amount of twenty thousand dollars because of bodily injury to or death of one person in any one accident, and, subject to the limit for one person, the amount of forty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and the amount of fifteen thousand dollars because of injury to or destruction of property of others in any one accident. 12. “Registration” means a registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of motor vehicles. 13. “Special mobile equipment” means every vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including road construction or maintenance machinery,

ditch-digging apparatus, and implements of husbandry as defined in section 321.1, subsection 32. This description does not exclude other vehicles which are within the general terms of this subsection. 14. "State" means any state, territory, or possession of the United States, the District of Columbia, or any province of the Dominion of Canada. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.1] 83 Acts, ch 101, §74; 90 Acts, ch 1230, §77; 92 Acts, ch 1175, §39; 95 Acts, ch 136, §2; 98 Acts, ch 1073, §9; 2000 Acts, ch 1148, §1; 2002 Acts, ch 1119, §200, 201; 2005 Acts, ch 131, §1, 2, 5; 2008 Acts, ch 1032, §106; 2009 Acts, ch 179, §36; 2016 Acts, ch 1011, §52; 2017 Acts, ch 54, §46; 2022 Acts, ch 1021, §75 Referred to in §321.12, 321A.24, 516A.1, 516A.2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321A - MOTOR VEHICLE FINANCIAL RESPONSIBILITY Section 321A.10 - Custody, disposition, and return of security.

321A.10 Custody, disposition, and return of security. 1. Security deposited in compliance with the requirements of sections 321A.4 through 321A.9, this section, and section 321A.11 shall be placed by the department in the custody of the state treasurer and shall be applicable only to the payment of a judgment or judgments rendered against the person or persons on whose behalf the deposit was made, for damages arising out of the accident in question in an action at law, begun not later than one year after the date of such accident, or within one year after the date of deposit of any security under section 321A.7, subsection 3. 2. The deposit or any balance of the deposit shall be returned to the depositor or the depositor's personal representative when evidence satisfactory to the department has been filed with the department that one of the following has occurred: a. There has been a release from liability, or a final adjudication of nonliability, or a warrant for confession of judgment, or a duly acknowledged agreement, in accordance with section 321A.6, subsection 4. b. Whenever, after the expiration of one year from the date of the accident, or within one year after the date of deposit of any security under section 321A.7, subsection 3, the department is given reasonable evidence that there is no action for damages arising out of the accident pending and no judgment rendered in any such action has been left unpaid. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.10] 92 Acts, ch 1175, §43; 2014 Acts, ch 1092, §83; 2021 Acts, ch 80, §181 Referred to in §321A.2, 321A.8, 321A.9, 321A.11

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321A - MOTOR VEHICLE FINANCIAL RESPONSIBILITY Section 321A.11 - Matters not to be evidence in civil suits.

321A.11 Matters not to be evidence in civil suits. Neither the report required by section 321A.4, the action taken by the department pursuant to sections 321A.4 through 321A.10 and this section, the findings, if any, of the department upon which action is based, nor the security filed as provided in said sections shall be referred to in any way, or be any evidence of the negligence or due care of either party, at the trial of any action at law to recover damages. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.11] 92 Acts, ch 1175, §43; 2020 Acts, ch 1063, §158 Referred to in §321A.2, 321A.8, 321A.9, 321A.10

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321A - MOTOR VEHICLE FINANCIAL RESPONSIBILITY Section 321A.12 - Courts to report nonpayment of judgments.

321A.12 Courts to report nonpayment of judgments. 1. Whenever any person fails within sixty days to satisfy any judgment, it shall be the duty of the clerk of the district court, or of the judge of a court which has no clerk, in which any such judgment is rendered within this state, to forward to the department immediately after the expiration of the sixty days and upon written request of the judgment creditor, a certified copy of such judgment. 2. If the defendant named in any certified copy of a judgment reported to the department is a nonresident, the department shall transmit a certified copy of the judgment to the official in charge of the issuance of licenses and registration certificates of the state of which the defendant is a resident. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.12] 92 Acts, ch 1175, §43; 99 Acts, ch 144, §5 Referred to in §321A.13, 602.8102(53)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321A - MOTOR VEHICLE FINANCIAL RESPONSIBILITY Section 321A.13 - Suspension for nonpayment of judgments — exceptions.

321A.13 Suspension for nonpayment of judgments — exceptions. 1. The department upon receipt of a certified copy of a judgment, shall forthwith suspend the license and registration and any nonresident's operating privilege of any person against whom such judgment was rendered, except as hereinafter otherwise provided in this section and in section 321A.16. 2. If the judgment creditor consents in writing, in such form as the department may prescribe, that the judgment debtor be allowed license and registration or nonresident's operating privilege, the same may be allowed by the department, in the department's discretion, for six months from the date of such consent and thereafter until such consent is revoked in writing, notwithstanding default in the payment of such judgment, or of any installments thereof prescribed in section 321A.16, provided the judgment debtor furnishes proof of financial responsibility. 3. Any person whose license, registration, or nonresident's operating privilege has been suspended or is about to be suspended or shall become subject to suspension under the provisions of section 321A.12, this section, and sections 321A.14 through 321A.29 may be relieved from the effect of the judgment as prescribed in those sections by filing with the department an affidavit stating that at the time of the accident upon which the judgment has been rendered the affiant was insured, that the insurer is liable to pay the judgment, and the reason, if known, why the insurance company has not paid such judgment. Such a person shall also file the original policy of insurance or a certified copy thereof, if available, and such other documents as the department may require to show that the loss, injury, or damage for which the judgment was rendered, was covered by the policy of insurance. If the department is satisfied that the insurer was authorized to issue the policy of insurance at the time and place of issuing the policy and

that the insurer is liable to pay the judgment, at least to the extent and for the amounts required in this chapter, the department shall not suspend the person's license or registration or nonresident's operating privilege or, if already suspended, shall reinstate them. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.13] 92 Acts, ch 1175, §43; 2014 Acts, ch 1092, §84; 2020 Acts, ch 1063, §159 Referred to in §321A.14

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321A - MOTOR VEHICLE FINANCIAL RESPONSIBILITY Section 321A.14 - Suspension to continue until judgments paid and proof given.

321A.14 Suspension to continue until judgments paid and proof given. A license, registration, and nonresident's operating privilege shall remain suspended under section 321A.13, and shall not be renewed, nor shall any such license or registration be subsequently issued in the name of the person, including any person not previously licensed, until every judgment is satisfied in full or to the extent provided in this chapter, or until evidence is provided, to the satisfaction of the department, that the judgment has not been renewed and is no longer enforceable. A person whose license, registration, or nonresident's operating privilege was suspended under section 321A.13 must provide proof to the department of financial responsibility subject to the exemptions stated in sections 321A.13 and 321A.16 prior to obtaining a license, registration, or nonresident's operating privilege. [C31, 35, §5079-c4; C39, §5021.01; C46, §321.275; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.14] 87 Acts, ch 14, §1; 2001 Acts, ch 132, §15; 2020 Acts, ch 1063, §160 Referred to in §321A.13

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321A - MOTOR VEHICLE FINANCIAL RESPONSIBILITY Section 321A.15 - Payments sufficient to satisfy requirements.

321A.15 Payments sufficient to satisfy requirements. 1. Judgments referred to in this chapter shall, for the purpose of this chapter only, be deemed satisfied when the following occur: a. When twenty thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident. b. When, subject to the limit of twenty thousand dollars because of bodily injury to or death of one person, the sum of forty thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident. c. When fifteen thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident. 2. Provided, however, payments made in settlements of any claims because of bodily injury, death, or property damage arising from a motor vehicle accident shall be credited in reduction of the amounts provided for in this section. [C31, 35, §5079-c4; C39, §5021.02; C46, §321.276; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.15] 2022 Acts, ch 1021, §77 Referred to in §321A.13

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321A - MOTOR VEHICLE FINANCIAL RESPONSIBILITY Section 321A.16 - Installment payment of judgments — default.

321A.16 Installment payment of judgments — default. 1. A judgment debtor upon due notice to the judgment creditor may apply to the court in which such judgment was rendered for the privilege of paying such judgment in installments and the court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order and fix the amounts and times of payment of the installments. 2. The department shall not suspend a license, registration, or nonresident's operating privilege, and shall restore any license, registration, or nonresident's operating privilege suspended following nonpayment of a judgment, when the judgment debtor gives proof of financial responsibility and obtains such an order permitting the payment of such judgment in installments, and while the payment of any said installment is not in default. 3. In the event the judgment debtor fails to pay any installment as specified by such order, then upon notice of such default, the department shall forthwith suspend the license, registration, or nonresident's operating privilege of the judgment debtor until such judgment is satisfied, as provided in this chapter. [C31, 35, §5079-c4; C39, §5021.02; C46, §321.276; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.16] 92 Acts, ch 1175, §43 Referred to in §321A.13, 321A.14

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321A - MOTOR VEHICLE FINANCIAL RESPONSIBILITY Section 321A.17 - Proof required upon certain convictions.

321A.17 Proof required upon certain convictions. 1. Whenever the department, under any law of this state, suspends or revokes the license of any person upon receiving record of a conviction or a forfeiture of bail or revokes the license of any person pursuant to chapter 321J, the department shall also suspend the registration for all motor vehicles registered in the name of the person, except that the department shall not suspend the registration, unless otherwise required by law, if the person has previously given or immediately gives and thereafter maintains proof of financial responsibility with respect to all motor vehicles registered by the person. 2. Such license and registration shall remain suspended or revoked and shall not at any time thereafter be renewed nor shall any license be thereafter issued to such person, nor shall any motor vehicle be thereafter registered in the name of such person until permitted under the motor vehicle laws of this state and not then unless and until the person shall give and thereafter maintain proof of financial responsibility. 3. If a person is not licensed, but by final order or judgment is convicted of or forfeits any bail or collateral deposited to secure an appearance for trial for any offense requiring the suspension or revocation of license, or for operating an unregistered motor vehicle upon the highways, no license shall be thereafter issued to such person and no motor vehicle shall continue to be registered or thereafter be registered in the name of such person until the person shall give and thereafter

maintain proof of financial responsibility. 4. An individual applying for a driver's license following a period of suspension or revocation pursuant to a dispositional order issued under section 232.52, subsection 2, paragraph "a", or under section 321.180B, section 321.210, subsection 1, paragraph "a", subparagraph (4), or section 321.210A, 321.213A, 321.213B, 321.216B, or 321.513, following a period of suspension or revocation under section 321.178 or 321.194, or following a period of revocation pursuant to a court order issued under section 321J.2A, is not required to maintain proof of financial responsibility under this section. 5. This section does not apply to a commercial driver's licensee who is merely disqualified from operating a commercial motor vehicle under section 321.208 if the licensee's driver's license is not suspended or revoked. 6. This section does not apply to an individual whose administrative license suspension under section 321.210D has been rescinded and who is otherwise under no obligation to furnish proof of financial responsibility. 7. This section does not apply to an individual whose administrative license revocation has been rescinded under section 321J.13, and who is otherwise under no obligation to furnish proof of financial responsibility. 8. This section does not apply to an individual whose privilege to operate a motor vehicle has been suspended or revoked when the period of suspension or revocation has ended and the individual provides evidence satisfactory to the department that the individual has established residency in another state. The individual may not apply for an Iowa driver's license for two years from the effective date of the person's last suspension or revocation unless proof of financial responsibility is filed with the department, as required by this section. 9. The registration suspension required under this section does not apply to a motor vehicle awarded to an individual under an order entered pursuant to section 598.21, if all of the following apply: a. The individual was the co-owner of the motor vehicle with a spouse who is required to file and maintain proof of financial responsibility. b. The individual is not otherwise required to file and maintain proof of financial responsibility. c. The individual is not able to obtain title to the motor vehicle in the individual's sole name due to a lien against the motor vehicle that existed at the time the order was entered pursuant to section 598.21. 10. Notwithstanding any provision of this section to the contrary, the department and a county treasurer shall not refuse registration and issuance or transfer of a certificate of title to a person required to give and thereafter maintain proof of financial responsibility under this section, but the registration, once issued, shall be immediately suspended and the suspension shall remain in effect unless and until the person gives and thereafter maintains proof of financial responsibility as required by this section. [C31, 35, §5079-c5, -c6; C39, §5021.03, 5021.04; C46, §321.277, 321.278; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.17; 82 Acts, ch 1167, §11] 85 Acts, ch 197, §5; 86 Acts, ch 1220, §38; 89 Acts, ch 266, §3; 90 Acts, ch 1230, §78; 92 Acts, ch 1175, §43; 93 Acts, ch 16, §11; 93 Acts, ch 164, §5; 94 Acts, ch 1172, §36; 95 Acts, ch 48, §6; 95 Acts, ch 55, §11; 96 Acts, ch 1218, §67; 98 Acts, ch 1073, §9; 98 Acts, ch 1088, §2; 98 Acts, ch 1112, §12; 99 Acts, ch 13, §19, 29; 2002 Acts, ch 1063, §34, 35; 2009 Acts, ch 130, §27, 38; 2010 Acts, ch 1061, §176; 2011 Acts, ch 38, §20; 2014 Acts, ch 1123, §18; 2018 Acts, ch 1172, §101, 104; 2023 Acts, ch 67, §3 Referred to in §321.30, 321.189, 321.210B, 321.213, 321A.13 NEW subsection 10

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321A - MOTOR VEHICLE FINANCIAL RESPONSIBILITY Section 321A.18 - Alternate methods of giving proof.

321A.18 Alternate methods of giving proof. Proof of financial responsibility when required under this chapter may be given by filing any of the following: 1. A certificate of insurance as provided in section 321A.19 or section 321A.20. 2. A bond as provided in section 321A.24. 3. A certificate of deposit as provided in section 321A.25. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.18] 2000 Acts, ch 1025, §2, 6; 2013 Acts, ch 37, §2 Referred to in §321A.13

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321A - MOTOR VEHICLE FINANCIAL RESPONSIBILITY Section 321A.19 - Certificate of insurance as proof.

321A.19 Certificate of insurance as proof. 1. Proof of financial responsibility may be furnished by filing with the department the written certificate of any insurance carrier duly authorized to do business in this state certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. Such certificate shall give the effective date of such motor vehicle liability policy, which date shall be the same as the effective date of the certificate, and shall designate by explicit description or by appropriate reference all motor vehicles covered thereby, unless the policy is issued to a person who is not the owner of a motor vehicle. 2. No motor vehicle shall be or continue to be registered in the name of any person required to file proof of financial responsibility unless such motor vehicle is so designated in such a certificate. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.19] 92 Acts, ch 1175, §43 Referred to in §321A.13, 321A.18, 321A.21, 321A.22

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321A - MOTOR VEHICLE FINANCIAL RESPONSIBILITY Section 321A.2 - Department to administer chapter — judicial review.

321A.2 Department to administer chapter — judicial review. 1. a. The department shall administer and enforce the provisions of this chapter and may make rules necessary for its administration and shall provide for hearings upon request of persons aggrieved by orders or acts of the department under the provisions of sections 321A.4 through 321A.11. b. The hearings shall be held before the department as early as practicable within not to exceed twenty days after receipt of the request in the county in which the requesting person resides unless the department and the requesting person agree that the hearing may be held in some other county. Upon hearing the department may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require an examination under oath of the person requesting the hearing. 2. Judicial review of the actions of the department may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.2] 88 Acts, ch 1278, §34; 92 Acts, ch 1175, §43; 2003 Acts, ch 44, §114; 2010 Acts, ch

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321A - MOTOR VEHICLE FINANCIAL RESPONSIBILITY Section 321A.20 - Certificate furnished by nonresident as proof.

321A.20 Certificate furnished by nonresident as proof. 1. The nonresident owner of a motor vehicle not registered in this state may give proof of financial responsibility by filing with the department a written certificate or certificates of an insurance carrier authorized to transact business in the state in which the motor vehicle, or motor vehicles, described in such certificate is registered, or if such nonresident does not own a motor vehicle, then in the state in which the insured resides, provided such certificate otherwise conforms with the provisions of this chapter, and the department shall accept the same upon condition that said insurance carrier complies with the following provisions with respect to the policies so certified: a. Said insurance carrier shall execute a power of attorney authorizing the department to accept service on its behalf of notice or process in any action arising out of a motor vehicle accident in this state. b. Said insurance carrier shall agree in writing that such policies shall be deemed to conform with the laws of this state relating to the terms of motor vehicle liability policies issued herein. 2. If any insurance carrier not authorized to transact business in this state, which has qualified to furnish proof of financial responsibility, defaults in any said undertakings or agreements, the department shall not thereafter accept as proof any certificate of said carrier whether theretofore filed or thereafter tendered as proof, so long as such default continues. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.20] 92 Acts, ch 1175, §43 Referred to in §321A.13, 321A.18, 321A.21, 321A.22

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321A - MOTOR VEHICLE FINANCIAL RESPONSIBILITY Section 321A.21 - “Motor vehicle liability policy” defined.

321A.21 “Motor vehicle liability policy” defined. 1. A “motor vehicle liability policy” as said term is used in this chapter shall mean an owner’s or an operator’s policy of liability insurance, certified as provided in section 321A.19 or section 321A.20 as proof of financial responsibility, and issued, except as otherwise provided in section 321A.20, by an insurance carrier duly authorized to transact business in this state, to or for the benefit of the person named therein as insured. 2. Such owner’s policy of liability insurance: a. Shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby to be granted; and b. Shall insure the person named in the policy and any other person, as insured, using the motor vehicles with the express or implied permission of the named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, or use of the motor vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such motor vehicle, twenty thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, forty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and fifteen thousand dollars because of injury to or destruction of property of others in any one accident. 3. Such operator’s policy of liability insurance shall insure the person named as insured therein against loss from the liability imposed upon the person by law for damages arising out of the use by the person of any motor vehicle not owned by the person, within the same territorial limits and subject to the same limits of liability as are set forth above with respect to an owner’s policy of liability insurance. 4. Such motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the policy period, and the limits of liability, and shall contain an agreement or be endorsed that insurance is provided thereunder in accordance with the coverage defined in this chapter as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this chapter. 5. Such motor vehicle liability policy need not insure any liability under any workers’ compensation law nor any liability on account of bodily injury to or death of an employee of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance, or repair of any such motor vehicle nor any liability for damage to property owned by, rented to, in charge of, or transported by the insured. 6. Every motor vehicle liability policy shall be subject to the following provisions which need not be contained therein: a. The liability of the insurance carrier with respect to the insurance required by this chapter shall become absolute whenever injury or damage covered by said motor vehicle liability policy occurs; said policy may not be canceled or annulled as to such liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage; no statement made by the insured or on the insured’s behalf and no violation of said policy shall defeat or void said policy. b. The satisfaction by the insured of a judgment for such injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of such injury or damage. c. The insurance carrier shall have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in paragraph “b” of subsection 2 of this section. d. The policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of the chapter shall constitute the entire contract between the parties. 7. Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy and such excess or additional coverage shall not be subject to the provisions of this chapter. With respect to a policy which grants such excess or additional coverage the term “motor vehicle liability policy” shall apply only to that part of the coverage which is required by this section. 8. Any motor vehicle liability policy may provide that the insured shall reimburse the insurance carrier for any payment the insurance carrier would not have been obligated to make under the terms of the policy except for the provisions of this chapter. 9. Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance. 10. The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carriers which policies together meet such

requirements. 11. Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for such a policy. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.21] 2022 Acts, ch 1021, §78 Referred to in §321.1, 321A.13

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321A - MOTOR VEHICLE FINANCIAL RESPONSIBILITY Section 321A.22 - Notice of cancellation or termination of certified policy.

321A.22 Notice of cancellation or termination of certified policy. When an insurance carrier has certified a motor vehicle liability policy under section 321A.19 or section 321A.20, the insurance so certified shall not be canceled or terminated until at least ten days after a notice of cancellation or termination of the insurance so certified shall be filed in the office of the department, except that such a policy subsequently procured and certified shall, on the effective date of its certification, terminate the insurance previously certified with respect to any motor vehicle designated in both certificates. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.22] 92 Acts, ch 1175, §43 Referred to in §321A.13

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321A - MOTOR VEHICLE FINANCIAL RESPONSIBILITY Section 321A.23 - Chapter not to affect other policies.

321A.23 Chapter not to affect other policies. 1. This chapter shall not be held to apply to or affect policies of automobile insurance against liability which may be required by any other law of this state, and such policies, if they contain an agreement or are endorsed to conform with the requirements of this chapter, may be certified as proof of financial responsibility under this chapter. 2. This chapter shall not be held to apply to or affect policies insuring solely the insured named in the policy against liability resulting from the maintenance or use by persons in the insured's employ or on the insured's behalf of motor vehicles not owned by the insured. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.23] 2021 Acts, ch 80, §182 Referred to in §321A.13

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321A - MOTOR VEHICLE FINANCIAL RESPONSIBILITY Section 321A.24 - Bond as proof.

321A.24 Bond as proof. 1. a. Proof of financial responsibility may be evidenced by the bond of a surety company duly authorized to transact business within this state, or a bond with at least two individual sureties each owning real estate within this state, and together having equities equal in value to at least twice the amount of the bond, which real estate shall be scheduled in the bond approved by a judge or clerk of the district court, and which bond shall be conditioned for payment of the amounts specified in section 321A.1, subsection 11. b. The bond shall be filed with the department and is not cancelable except after ten days' written notice to the department. The director shall issue to the person filing the bond a bond insurance card for each motor vehicle registered by the person in the state. The bond insurance card shall state the name and address of the person and the motor vehicle registration number of the vehicle for which the card is issued. c. The bond constitutes a lien in favor of the state upon the real estate so scheduled of any surety, which lien exists in favor of any holder of a final judgment against the person who has filed the bond, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damage because of injury to or destruction of property, including the loss of use of the property, resulting from the ownership, maintenance, use, or operation of a motor vehicle after the bond was filed, upon the filing of notice to that effect by the department in the office of the proper clerk of the district court of the county where the real estate is located. An individual surety scheduling real estate security shall furnish satisfactory evidence of title to the property and the nature and extent of all encumbrances on the property and the value of the surety's interest in the property, in the manner the judge or clerk of the district court approving the bond requires. The notice filed by the department shall contain, in addition to any other matters deemed by the department to be pertinent, a legal description of the real estate scheduled, the name of the holder of the record title, the amount for which it stands as security, and the name of the person in whose behalf proof is so being made. Upon the filing of the notice the clerk of the district court shall retain the notice as part of the records of the court and enter upon the encumbrance book the date and hour of filing, the name of the surety, the name of the record titleholder, the description of the real estate, and the further notation that a lien is charged on the real estate pursuant to the filed notice. From and after the entry of the notice upon the encumbrance book all persons are charged with notice of it. d. If the bond is canceled, the person who filed the bond shall surrender to the director all bond insurance cards issued to the person. 2. If such a judgment, rendered against the principal on such bond shall not be satisfied within sixty days after it has become final, the judgment creditor may, for the judgment creditor's own use and benefit and at the judgment creditor's sole expense, bring an action or actions in the name of the state against the company or persons executing such bond, including an action or proceeding to foreclose any lien that may exist upon the real estate of a person who has executed such bond. An action to foreclose any lien upon real estate scheduled by any surety under the provisions of this chapter shall be by equitable proceeding in the same manner as is provided for the foreclosure of real estate mortgages. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.24] 92 Acts, ch 1175, §43; 97 Acts, ch 139, §8, 17, 18; 98 Acts, ch 1121, §8 Referred to in §321.1, 321A.13, 321A.18, 602.8102(54)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321A - MOTOR VEHICLE FINANCIAL RESPONSIBILITY Section 321A.25 - Certificate of deposit as proof.

321A.25 Certificate of deposit as proof. 1. Proof of financial responsibility may be evidenced by filing with the department fifty-five thousand dollars in the form of a certificate of deposit made payable to the department. The certificate of deposit shall be obtained

from an Iowa financial institution in the amount of fifty-five thousand dollars plus any early withdrawal penalty fee. Upon receipt of the certificate of deposit, the department shall issue to the person a security insurance card for each motor vehicle registered in this state by the person. The security insurance card shall state the name and address of the person and the registration number of the motor vehicle for which the card is issued. The department shall not accept a certificate of deposit unless accompanied by evidence that there are no unsatisfied judgments of any character against the person in the county where the person resides. 2. Such certificate of deposit shall be held by the department to satisfy, in accordance with this chapter, any execution on a judgment issued against the person filing the certificate of deposit, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use of property, resulting from the ownership, maintenance, use, or operation of a motor vehicle after the certificate of deposit was filed. A certificate of deposit so filed shall not be subject to attachment or execution unless the attachment or execution arises out of a suit for damages as previously provided in this subsection. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.25] 92 Acts, ch 1175, §43; 97 Acts, ch 139, §9, 17; 2000 Acts, ch 1025, §3, 6; 2013 Acts, ch 37, §3 Referred to in §321.1, 321A.13, 321A.18

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321A - MOTOR VEHICLE FINANCIAL RESPONSIBILITY Section 321A.26 - Owner may give proof for others.

321A.26 Owner may give proof for others. Whenever any person required to give proof of financial responsibility under this chapter is or later becomes an operator in the employ of any owner, or is or later becomes a member of the immediate family or household of the owner, the department shall accept proof given by such owner in lieu of proof by such other person to permit such other person to operate a motor vehicle for which the owner has given proof as provided in this subchapter or has qualified as a self-insurer under section 321A.34. The department shall designate the restrictions imposed by this section on the face of such person's license. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.26] 92 Acts, ch 1175, §43; 2020 Acts, ch 1063, §161 Referred to in §321A.13, 321A.33

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321A - MOTOR VEHICLE FINANCIAL RESPONSIBILITY Section 321A.27 - Substitution of proof.

321A.27 Substitution of proof. The department shall consent to the cancellation of a bond or certificate of insurance or the department shall return a certificate of deposit to the person entitled to the certificate of deposit upon the substitution and acceptance of other adequate proof of financial responsibility pursuant to this chapter. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.27] 92 Acts, ch 1175, §43; 2000 Acts, ch 1025, §4, 6; 2013 Acts, ch 37, §4 Referred to in §321A.13

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321A - MOTOR VEHICLE FINANCIAL RESPONSIBILITY Section 321A.28 - Other proof may be required.

321A.28 Other proof may be required. Whenever any proof of financial responsibility filed under the provisions of this chapter no longer fulfills the purposes for which required, the department shall for the purpose of this chapter, require other proof as required by this chapter and shall suspend the license and registration or the nonresident's operating privilege pending the filing of such other proof. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.28] 92 Acts, ch 1175, §43 Referred to in §321A.13

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321A - MOTOR VEHICLE FINANCIAL RESPONSIBILITY Section 321A.29 - Duration of proof — when proof may be canceled or returned.

321A.29 Duration of proof — when proof may be canceled or returned. 1. The department shall upon request consent to the immediate cancellation of a bond or certificate of insurance, or the department shall return to the person entitled thereto a certificate of deposit filed pursuant to this chapter as proof of financial responsibility, or the department shall waive the requirement of filing proof, in any of the following events: a. At any time after two years from the date such proof was required when, during the two-year period preceding the request, the department has not received record of a conviction or a forfeiture of bail which would require or permit the suspension or revocation of the license, registration, or nonresident's operating privilege of the person by or for whom such proof was furnished. b. In the event of the death of the person on whose behalf such proof was filed or the permanent incapacity of such person to operate a motor vehicle. c. In the event the person who has given proof surrenders the person's license and registration to the department. 2. The department shall not consent to the cancellation of a bond or return a certificate of deposit in the event an action for damages upon a liability covered by such proof is then pending or a judgment upon any such liability is unsatisfied, or in the event the person who has filed such bond or such certificate of deposit has within one year immediately preceding such request been involved as an operator or owner in any motor vehicle accident resulting in injury or damage to the person or property of others. An affidavit of the applicant as to the nonexistence of such facts, or that the applicant has been released from all of the applicant's liability, or has been finally adjudicated not to be liable, for such injury or damage, shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the department. 3. If a person whose proof has been canceled or returned under subsection 1, paragraph "c", applies for a license or registration within a period of two years from the date proof was originally required, such application shall be refused unless the applicant reestablishes proof for the remainder of the two-year period. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.29] 92 Acts, ch 1175, §43; 2000 Acts, ch 1025, §5, 6; 2013 Acts, ch 37, §5, 6 Referred to in §321.12, 321A.13

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321A - MOTOR VEHICLE FINANCIAL RESPONSIBILITY Section 321A.3 - Abstract of operating record — fees to be charged and disposition of fees.

321A.3 Abstract of operating record — fees to be charged and disposition of fees. 1. The department shall upon request furnish any person a certified abstract of the operating record of a person subject to chapter 321 or 321J, or this chapter. The abstract shall also fully designate the motor vehicles, if any, registered in the name of the person. If there is no record of a conviction of the person having violated any law relating to the operation of a motor vehicle or of any injury or damage caused by the person, the department shall so certify. A fee of five dollars and fifty cents shall be paid for each abstract except for abstracts requested by state, county, or city officials, court officials, public transit officials, or other officials of a political subdivision of the state or a nonprofit charitable organization described in section 501(c)(3) of the Internal Revenue Code. Except for any additional access fee collected under subsection 7, the department shall transfer the moneys collected under this section to the treasurer of state who shall credit to the general fund all moneys collected. If a fee established in this subsection is collected by the office of the chief information officer, created in section 8B.2, for a record furnished through an electronic portal maintained by the office of the chief information officer, the office of the chief information officer shall transfer the moneys collected under this subsection to the treasurer of state who shall credit the moneys to the general fund. 2. A sheriff may provide an abstract of the operating record of a person to the person or an individual authorized by the person. The sheriff shall charge a fee of five dollars and fifty cents for each abstract which the sheriff shall transfer to the department quarterly. The sheriff may charge an additional fee sufficient to cover costs incurred by the sheriff in producing the abstract. 3. The abstracts are not admissible as evidence in an action for damages or criminal proceedings arising out of a motor vehicle accident. 4. The abstract of operating record provided under this section shall designate which speeding violations occurring on or after July 1, 1986, but before May 12, 1987, are for violations of ten miles per hour or less over the legal speed limit in speed zones that have a legal speed limit greater than thirty-five miles per hour. For speeding violations occurring on or after May 12, 1987, the abstract provided under this section shall designate which speeding violations are for ten miles per hour or less over the legal speed limit in speed zones that have a legal speed limit equal to or greater than thirty-five miles per hour but not greater than fifty-five miles per hour. 5. The department shall not require a fee for a person to view their own operating record. 6. Fees under subsection 1 may be paid by credit cards, as defined in section 537.1301, subsection 17, approved for that purpose by the department of transportation. The department shall enter into agreements with financial institutions extending credit through the use of credit cards to ensure payment of the fees. The department shall adopt rules pursuant to chapter 17A to implement the provisions of this subsection. 7. Notwithstanding chapter 22 or any other law of this state, except as provided in subsection 5, the department shall not make available a certified operating record in a manner which would result in a fee of less than that provided under subsection 1. Should the department make available certified copies of abstracts of operating records on magnetic tape or on disk or through electronic data transfer, the five dollar and fifty cent fee under subsection 1 applies to each abstract supplied, and an additional access fee may be charged for each abstract supplied through electronic data transfer. 8. a. (1) A person who purchases a certified abstract of an operating record directly from the department under this section shall only use, sell, disclose, or distribute the abstract or any portion of the abstract one time, for one purpose, and the person shall not supply that abstract or any portion of that abstract to more than one other person. The person shall make a subsequent request for the abstract and pay an additional fee for the request in the same manner as provided for the initial request for any subsequent use, sale, disclosure, or distribution of the same certified abstract or any portion of the abstract or to supply the same certified abstract or any portion of the abstract to another person, except as provided in subparagraph (2). (2) Notwithstanding the limitation on use, sale, disclosure, and distribution of a certified abstract under subparagraph (1), a person who purchases a certified abstract under this section may provide a copy of the previously purchased certified abstract to the person who is an insurer who was originally supplied the certified abstract by the person who purchased the certified abstract. b. A person who is supplied a certified abstract or any portion of the abstract by a person who purchases the certified abstract under paragraph “a” shall only use the abstract one time, for one purpose, and shall not reuse, sell, disclose, or distribute the abstract or any portion of the abstract except as provided in paragraph “c”. c. A person who is an insurer or an insurance producer licensed under chapter 522B who purchases a certified abstract under this section or a person who is supplied a certified abstract or any portion of the abstract pursuant to paragraph “b” may use the certified abstract pursuant to this paragraph “c” for more than one use for the following purposes: (1) To provide a copy to a consumer with respect to a specific decision impacting the consumer and made in whole or in part based upon information contained in the certified abstract, as defined by rule of the department. (2) Internal auditing purposes, or similar internal purposes as defined by rule of the department. (3) Internal purposes in a manner consistent with the federal Driver’s Privacy Protection Act, 18 U.S.C. §2721 – 2725, by a person who is an insurer. (4) To show compliance with the retention requirements imposed under this section or other applicable law. (5) By an insurer, to provide a copy to an insurance producer licensed under chapter 522B and appointed by the insurer for purposes of a specific application for coverage. However, a producer who is provided a certified abstract pursuant to this subparagraph shall not reuse, sell, disclose, or distribute the abstract with respect to any transaction not associated with the insurer who appointed the producer. (6) To provide a copy to an insurer for purposes of a specific application for coverage if the person requesting the certified abstract is an insurance producer licensed under chapter 522B and appointed by the insurer for purposes of the specific application for coverage. (7) To provide a copy, for the purpose of a specific application for coverage or for a purpose as provided under subparagraphs (1) through (4), to an affiliate of the person who is an insurer who originally purchased or was supplied the certified abstract. An affiliate who receives a copy of a certified abstract pursuant to this subparagraph shall only use the copy of the abstract one time and shall not reuse, sell, disclose, or distribute the copy to any other person, except as provided under subparagraphs (1) through (5) in the same manner as permitted for a person who is an insurer. d. For purposes of this subsection, “affiliate” means an

insurer who directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with the person who is an insurer. e. A person who purchases a certified abstract directly from the department pursuant to this section shall keep records for a period of five years identifying the persons to whom the abstract is provided and the use of the abstract. Records maintained pursuant to this subsection shall be made available to the department upon request. A person who is otherwise supplied a certified abstract and who then provides that abstract to another person for a purpose other than the purposes identified under paragraph “c” shall also be subject to the recordkeeping requirements under this paragraph. f. A person shall not use, sell, disclose, or distribute any abstract information or portion of the abstract information acquired under this section except as authorized by this section and any applicable rules of the department. Nothing in this section shall be construed to authorize the use, sale, disclosure, or distribution of personal information, protected personal information, or highly protected personal information as prohibited under section 321.11 or the federal Driver’s Privacy Protection Act, 18 U.S.C. §2721 – 2725. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.3; 81 Acts, ch 14, §26] 83 Acts, ch 80, §1; 87 Acts, ch 120, §6; 88 Acts, ch 1158, §67; 88 Acts, ch 1214, §1; 88 Acts, ch 1278, §35 – 39; 89 Acts, ch 296, §37; 89 Acts, ch 317, §35; 90 Acts, ch 1267, §38; 92 Acts, ch 1175, §43; 93 Acts, ch 169, §19; 99 Acts, ch 207, §14; 2008 Acts, ch 1191, §58, 59; 2009 Acts, ch 126, §1; 2009 Acts, ch 179, §37; 2017 Acts, ch 39, §1 Referred to in §692.20 See annual Iowa Acts for provisions relating to the transfer of a portion of the fees collected for furnishing a certified abstract of a vehicle operating record in a fiscal year to the Iowa Access revolving fund

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321A - MOTOR VEHICLE FINANCIAL RESPONSIBILITY Section 321A.30 - Rights not affected.

321A.30 Rights not affected. This chapter shall not prevent the owner of a motor vehicle, the registration of which has been suspended under this chapter, from effecting a bona fide sale of such motor vehicle to another person whose rights or privileges are not suspended under this chapter nor prevent the registration of such motor vehicle by such transferee. This chapter shall not in any way affect the rights of any secured party or lessor of a motor vehicle registered in the name of another as owner who becomes subject to the provisions of this chapter. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.30] 2016 Acts, ch 1011, §53; 2021 Acts, ch 80, §183

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321A - MOTOR VEHICLE FINANCIAL RESPONSIBILITY Section 321A.31 - Surrender of license and registration.

321A.31 Surrender of license and registration. Any person whose license or registration has been suspended as provided in this chapter, or whose policy of insurance or bond, when required under this chapter, has been canceled or terminated, or who neglects to furnish other proof upon request of the department shall immediately return the person’s license and registration to the department. If any person fails to return to the department the license or registration as provided in this section, the department shall forthwith direct any peace officer to secure possession and to return the license or registration to the department. [C31, 35, §5079-c4; C39, §5021.01; C46, §321.275; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.31] 92 Acts, ch 1175, §43; 2020 Acts, ch 1063, §162 Referred to in §321.12, 321A.32

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321A - MOTOR VEHICLE FINANCIAL RESPONSIBILITY Section 321A.32 - Other violations — penalties.

321A.32 Other violations — penalties. 1. Any person whose license or registration or nonresident’s operating privilege has been suspended, denied, or revoked under this chapter or continues to remain suspended or revoked under this chapter, and who, during such suspension, denial, or revocation, or during such continuing suspension or continuing revocation, drives any motor vehicle upon any highway or knowingly permits any motor vehicle owned by such person to be operated by another upon any highway, except as permitted under this chapter, shall be guilty of a simple misdemeanor. In addition to any other penalties, the punishment imposed for a violation of this subsection shall include assessment of a fine of not less than two hundred fifty dollars nor more than one thousand five hundred dollars. 2. Any person willfully failing to return license or registration as required in section 321A.31 shall be guilty of a simple misdemeanor. 3. A person who forges or, without authority, signs a notice provided for under section 321A.5 that a policy or bond is in effect, or any evidence of financial responsibility, or any evidence of financial liability coverage as defined in section 321.1, or who files or offers for filing any such notice or evidence knowing or having reason to believe that it is forged or signed without authority, is guilty of a serious misdemeanor. 4. Any person who shall violate any provision of this chapter for which no penalty is otherwise provided shall be guilty of a serious misdemeanor. [C31, 35, §5079-c7; C39, §5021.05; C46, §321.279; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.32] 84 Acts, ch 1142, §2; 97 Acts, ch 139, §10, 17, 18; 98 Acts, ch 1121, §8; 99 Acts, ch 153, §5 Referred to in §321.241, 321J.4B, 321N.3, 901C.3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321A - MOTOR VEHICLE FINANCIAL RESPONSIBILITY Section 321A.33 - Exceptions.

321A.33 Exceptions. This chapter does not apply to any motor vehicle owned by the United States, this state, or any political subdivision of this state or to any operator, except for section 321A.4, while on official duty operating such motor vehicle. This chapter does not apply, except for sections 321A.4 and 321A.26, to any motor vehicle which is subject to section 325A.6. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.33; 82 Acts, ch 1150, §1] 98 Acts, ch 1100, §49; 2008 Acts, ch 1031, §112

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321A - MOTOR VEHICLE FINANCIAL RESPONSIBILITY Section 321A.34 - Self-insurers.

321A.34 Self-insurers. 1. a. Any person in whose name more than twenty-five motor vehicles are registered may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the department as provided in paragraph “b”. b. The department may, upon the application of such a person, issue a certificate of self-insurance if the department is satisfied that the person has and will continue to have the ability to pay judgments obtained against the person for damages arising out of the ownership, maintenance, or use of any vehicle owned by the person. A person issued a certificate of self-insurance pursuant to this subsection shall maintain a financial liability coverage card as provided in section 321.20B, subsection 2, paragraph “b”, subparagraph (1). 2. a. Any association of individual members that is a legal entity with the power to sue and be sued in its own name and which is composed of individual members in whose names a total of more than twenty-five motor vehicles are registered, may qualify as a self-insurer by obtaining a certificate of insurance issued by the department as provided in paragraph “b”. b. The department may, upon the application of such an association, issue a certificate of self-insurance if the department is satisfied that the association has and will continue to have the ability to pay judgments obtained against the association or against an individual member of the association for damages arising out of the ownership, maintenance, or use of any vehicle owned by an individual member of the association. An association issued a certificate of self-insurance pursuant to this paragraph shall maintain a financial liability coverage card as provided in section 321.20B, subsection 2, paragraph “b”, subparagraph (2). 3. Upon not less than five days’ notice and a hearing pursuant to the notice, the department may upon reasonable grounds cancel a certificate of self-insurance. Failure to pay a judgment for damages arising out of the ownership, maintenance, or use of any vehicle owned by the self-insurer within thirty days after the judgment becomes final constitutes a reasonable ground for the cancellation of a certificate of self-insurance. Upon the cancellation of a certificate of self-insurance, the person who was issued the certificate shall surrender to the director all self-insurance cards issued to the person. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.34] 92 Acts, ch 1175, §43; 97 Acts, ch 139, §11, 17; 2007 Acts, ch 215, §108 Referred to in §321.1, 321.20B, 321A.5, 321A.26

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321A - MOTOR VEHICLE FINANCIAL RESPONSIBILITY Section 321A.36 - Chapter not to prevent other process.

321A.36 Chapter not to prevent other process. Nothing in this chapter shall be construed as preventing the plaintiff in any action at law from relying for relief upon the other processes provided by law. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.36]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321A - MOTOR VEHICLE FINANCIAL RESPONSIBILITY Section 321A.37 - Uniformity of interpretation.

321A.37 Uniformity of interpretation. This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the laws of those states which enact it. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.37]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321A - MOTOR VEHICLE FINANCIAL RESPONSIBILITY Section 321A.38 - Title of chapter.

321A.38 Title of chapter. This chapter may be cited as the “Motor Vehicle Financial and Safety Responsibility Act”. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.38]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321A - MOTOR VEHICLE FINANCIAL RESPONSIBILITY Section 321A.39 - Liability insurance — statement.

321A.39 Liability insurance — statement. 1. Whenever any dealer licensed under chapter 322 sells a motor vehicle at retail and the transaction does not include the sale of liability insurance coverage which will protect the purchaser under this chapter the purchase order or invoice evidencing the transaction shall contain a statement in the following form: I understand that liability insurance coverage which would protect me under the Iowa Motor Vehicle Financial and Safety Responsibility Act, Iowa Code chapter 321A, IS NOT INCLUDED in my purchase of the herein described motor vehicle. I have received a copy of this statement.
..... (Purchaser’s signature) 2. The seller shall print or stamp the statement conspicuously on the purchase order or invoice. The statement shall be signed by the purchaser in the space provided on or before the date of delivery of the motor vehicle described in the purchase order or invoice and a copy of the statement shall be given to the purchaser by the seller. 3. No civil liability shall arise on account of the failure of any person to comply with the provisions of this section. 4. Any person violating any provisions of this section shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding fifty dollars. [C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.39] 2005 Acts, ch 8, §37; 2009 Acts, ch 133, §225; 2015 Acts, ch 30, §105

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321A - MOTOR VEHICLE FINANCIAL RESPONSIBILITY Section 321A.4 - Effect of failure to report accidents.

321A.4 Effect of failure to report accidents. The department shall suspend the license or any nonresident’s operating privilege of any person who willfully fails, refuses, or neglects to make reports of a traffic accident as required by the laws of this state. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.4] 92 Acts, ch 1175, §43 Referred to in §321A.2, 321A.8, 321A.9, 321A.10, 321A.11, 321A.33

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321A - MOTOR VEHICLE FINANCIAL RESPONSIBILITY Section 321A.5 - Security required following accident — exceptions.

321A.5 Security required following accident — exceptions. 1. The department shall, immediately or within sixty days after the receipt of a report of a motor vehicle accident within this state which has resulted in bodily injury or death or damage to the property of any one person in the amount of one thousand five hundred dollars or more, suspend the license of each operator and all registrations of each owner of a motor vehicle in any manner involved in the accident, and if the operator is a nonresident the privilege of operating a motor vehicle within this state, and if the owner is a nonresident the privilege of the use within this state of any motor vehicle owned by the owner, unless the operator or owner or both shall deposit security in a sum which shall be sufficient in the judgment of the department to satisfy any judgment or judgments for damages resulting from the accident as may be recovered against the operator or owner; provided notice of the suspension shall be sent by the department to the operator and owner not less than ten days prior to the effective date of the suspension and shall state the amount required as security. 2. This section shall not apply under the conditions stated in section 321A.6 or to any of the following: a. To such operator or owner if such owner had in effect at the time of such accident an automobile liability policy with respect to the motor vehicle involved in such accident; b. To such operator, if not the owner of such motor vehicle, if there was in effect at the time of such accident an automobile liability policy or bond with respect to the operator's operation of motor vehicles not owned by the operator; c. To such operator or owner if the liability of such operator or owner for damages resulting from such accident is, in the judgment of the department, covered by any other form of liability insurance policy or bonds; or d. To such owner if such owner is at the time of such accident qualified as a self-insurer under section 321A.34, or to any such operator operating such motor vehicle for such self-insurer. 3. A policy or bond is not effective under this section unless issued by an insurance company or surety company authorized to do business in this state, except that if the motor vehicle was not registered in this state, or was a motor vehicle which was registered elsewhere than in this state at the effective date of the policy or bond, or the most recent renewal thereof, the policy or bond is not effective under this section unless the insurance company or surety company if not authorized to do business in this state executes a power of attorney authorizing the department to accept service on its behalf of notice or process in any action upon the policy or bond arising out of the accident. Every such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than twenty thousand dollars because of bodily injury to or death of one person in any one accident and, subject to the limit for one person, to a limit of not less than forty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than fifteen thousand dollars because of injury to or destruction of property of others in any one accident. 4. Upon receipt of a report of a motor vehicle accident and information that an automobile liability policy or surety bond meeting the requirements of this chapter was in effect at the time of this accident covering liability for damages resulting from such accident, the department shall forward by regular mail to the insurance carrier or surety carrier which issued such policy or bond a copy of such information concerning insurance or bond coverage, and it shall be presumed that such policy or bond was in effect and provided coverage to both the operator and the owner of the motor vehicle involved in such accident unless the insurance carrier or surety carrier shall notify the department otherwise within fifteen days from the mailing of such information to such carrier; provided, however, that in the event the department shall later ascertain that erroneous information had been given the department in respect to the insurance or bond coverage of the operator or owner of a motor vehicle involved in such accident, the department shall take such action as the department is otherwise authorized to do under this chapter within sixty days after the receipt by the department of correct information with respect to such coverage. 5. Notwithstanding any provision of this section to the contrary, the department and a county treasurer shall not refuse registration and issuance or transfer of a certificate of title to a person required by this section to deposit security, but the registration, once issued, shall be immediately suspended and the suspension shall remain in effect unless and until the owner deposits security in accordance with this section. [C31, 35, §5079-c4; C39, §5021.01; C46, §321.275; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.5; 81 Acts, ch 103, §8] 92 Acts, ch 1175, §43; 97 Acts, ch 72, §2; 2006 Acts, ch 1068, §32; 2010 Acts, ch 1061, §180; 2011 Acts, ch 38, §19; 2022 Acts, ch 1021, §76; 2023 Acts, ch 67, §2 Referred to in §321.30, 321A.2, 321A.6, 321A.7, 321A.8, 321A.9, 321A.10, 321A.11, 321A.32 NEW subsection 5

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321A - MOTOR VEHICLE FINANCIAL RESPONSIBILITY Section 321A.6 - Exceptions to requirement of security.

321A.6 Exceptions to requirement of security. The requirements as to security and suspension in section 321A.5 shall not apply: 1. To the operator or the owner of a motor vehicle involved in any accident wherein no injury or damage was caused to the person or property of anyone other than such operator or owner. 2. To the operator or the owner of a motor vehicle if at the time of the accident the vehicle was stopped, standing, or parked, whether attended or unattended, except that the requirements of this chapter shall apply in the event the department determines that any such stopping, standing, or parking of the vehicle was illegal or that the vehicle was not equipped with lighted lamps or illuminating devices or flags when and as required by the laws of this state and that any such violation contributed to the accident. 3. To the owner of a motor vehicle if at the time of the accident the vehicle was being operated without the owner's permission, express or implied, or was parked by a person who had been operating such motor vehicle without such permission. 4. If, prior to the date that the department would otherwise suspend license and registration or nonresident's operating privilege under section 321A.5, there shall be filed with the department evidence satisfactory to the department that the person who would otherwise have to file security has been released from liability or been finally adjudicated not

to be liable or has executed a warrant for confession of judgment, payable when and in such installments as the parties have agreed to, or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments, with respect to all claims for injuries or damages resulting from the accident; provided, however, in the event there shall be any default in the payment of any installment under any confession of judgment, then, upon notice of such default, the department shall forthwith suspend the license and registration or nonresident's operating privilege of such person defaulting which shall not be restored unless and until the entire amount provided for in said confession of judgment has been paid; and provided, further, that in the event there shall be any default in the payment of any installment under any duly acknowledged written agreement, then, upon notice of such default, the department shall forthwith suspend the license and registration or nonresident's operating privilege of such person defaulting which shall not be restored unless and until: a. Such person deposits and thereafter maintains security as required under section 321A.5 in such amount as the department may then determine; or b. Twelve months after such security was required, provided the department has not been notified that an action upon such an agreement has been instituted in a court in this state within one year after such security was required. 5. To the operator or owner of special mobile equipment. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.6] 92 Acts, ch 1175, §43; 2005 Acts, ch 131, §3, 5 Referred to in §321A.2, 321A.5, 321A.7, 321A.8, 321A.9, 321A.10, 321A.11

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321A - MOTOR VEHICLE FINANCIAL RESPONSIBILITY Section 321A.7 - Duration of suspension.

321A.7 Duration of suspension. If a person's license and registration or nonresident's operating privilege has been suspended as provided in section 321A.5, that license and registration or privilege shall remain suspended and shall not be renewed and a new license or registration shall not be issued to that person until one of the following has occurred: 1. The person deposits, or there is deposited on the person's behalf, the security required under section 321A.5. 2. Twelve months have elapsed after such accident and the department has not been notified by any party to the action or an attorney for any party that an action for damages arising out of such accident has been instituted within one year from the date of the accident. 3. Evidence satisfactory to the department has been filed with the department of a release from liability, or a final adjudication of nonliability, or a warrant for confession of judgment, or a duly acknowledged written agreement, in accordance with section 321A.6, subsection 4. If, however, there is any default in the payment of any installment under any confession of judgment, then, upon notice of such default, the department shall immediately suspend the license and registration or nonresident's operating privilege of such person defaulting which shall not be restored unless and until the entire amount provided for in said confession of judgment has been paid. In addition, if there is any default in the payment of any installment under any duly acknowledged written agreement, then, upon notice of such default, the department shall immediately suspend the license and registration or nonresident's operating privilege of that person defaulting and the license and registration or nonresident's operating privilege shall not be restored unless and until one of the following occurs: a. Such person deposits and thereafter maintains security as required under section 321A.5 in such amount as the department may then determine. b. Twelve months have elapsed after such security was required and the department has not been notified by any party to the action or an attorney for any party that an action upon such an agreement has been instituted in a court in this state within one year after such security was required. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.7] 92 Acts, ch 1175, §43; 2009 Acts, ch 133, §124 Referred to in §321A.2, 321A.8, 321A.9, 321A.10, 321A.11

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321A - MOTOR VEHICLE FINANCIAL RESPONSIBILITY Section 321A.8 - Application to unlicensed drivers and unregistered motor vehicles.

321A.8 Application to unlicensed drivers and unregistered motor vehicles. In case the operator or the owner of a motor vehicle involved in an accident within this state has no license or registration, the operator or owner shall not be allowed a license or registration until the operator or owner has complied with the requirements of sections 321A.4 through 321A.7, this section, and sections 321A.9 through 321A.11 to the same extent that would be necessary if, at the time of the accident, the operator or owner had held a license and registration. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.8] 2014 Acts, ch 1092, §81 Referred to in §321A.2, 321A.9, 321A.10, 321A.11

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321A - MOTOR VEHICLE FINANCIAL RESPONSIBILITY Section 321A.9 - Form and amount of security.

321A.9 Form and amount of security. 1. The security required under sections 321A.4 through 321A.8, this section, and sections 321A.10 and 321A.11 shall be in such form and in such amount as the department may require but in no case in excess of the limits specified in section 321A.5 in reference to the acceptable limits of a policy or bond. The person depositing security shall specify in writing the person or persons on whose behalf the deposit is made and, at any time while such deposit is in the custody of the department or state treasurer, the person depositing it may, in writing, amend the specification of the person or persons on whose behalf the deposit is made to include an additional person or persons; provided, however, that a single deposit of security shall be applicable only on behalf of persons required to furnish security because of the same accident. 2. The department may reduce the amount of security ordered in any case within six months after the date of the accident if, in the department's judgment, the amount ordered is excessive. In case the security originally ordered has been deposited the excess deposited over the reduced amount ordered shall be returned to the depositor or the depositor's personal representative forthwith, notwithstanding the provisions of section 321A.10. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §321A.9] 92 Acts, ch 1175, §43; 2014 Acts, ch 1092, §82 Referred to

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321C - INTERSTATE DRIVERS LICENSE COMPACTS Section 321C.1 - Power to enter into compact — terms.

321C.1 Power to enter into compact — terms. The director of transportation may enter into drivers license compacts with other jurisdictions in substantially the following form and the contracting states agree: 1. Article I — Findings and declaration of policy. a. The party states find that: (1) The safety of their streets and highways is materially affected by the degree of compliance with state laws and local ordinances relating to the operation of motor vehicles. (2) Violation of such a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property. (3) The continuance in force of a license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated. b. It is the policy of each of the party states to: (1) Promote compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles. (2) Make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the overall compliance with motor vehicle laws, ordinances and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states. 2. Article II — Definitions. As used in this compact: a. “State” means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico. b. “Home state” means the state which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle. c. “Conviction” means a conviction of any offense related to the use or operation of a motor vehicle which is prohibited by state law, municipal ordinance or administrative rule or regulation, or a forfeiture of bail, bond or other security deposited to secure appearance by a person charged with having committed any such offense, and which conviction or forfeiture is required to be reported to the licensing authority. 3. Article III — Reports of conviction. The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty or not guilty was entered, or the conviction was a result of the forfeiture of bail, bond or other security; and shall include any special findings made in connection therewith. 4. Article IV — Effect of conviction. a. The licensing authority in the home state, for the purposes of suspension, revocation or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to article III of this compact, as it would if such conduct had occurred in the home state, in the case of convictions for: (1) Manslaughter or negligent homicide resulting from the operation of a motor vehicle. (2) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle. (3) Any felony in the commission of which a motor vehicle is used. (4) Failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another. b. As to other convictions, reported pursuant to article III, the licensing authority in the home state shall give such effect to the conduct as is provided by the laws of the home state. c. If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words employed in paragraph “a” of this article, such party state shall construe the denominations and descriptions appearing in paragraph “a” hereof as being applicable to and identifying those offenses or violations of a substantially similar nature, and the laws of such party state shall contain such provisions as may be necessary to ensure that full force and effect is given to this article. 5. Article V — Applications for new licenses. Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of a license to drive issued by any other party state. The licensing authority in the state where application is made shall not issue a license to drive to the applicant if: a. The applicant has held such a license, but the same has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated. b. The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation and if such revocation has not terminated, except that after the expiration of one year from the date the license was revoked, such person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways. c. The applicant is the holder of a license to drive issued by another party state and currently in force unless the applicant surrenders such license. 6. Article VI — Applicability of other laws. Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party state to apply any of its other laws relating to licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a nonparty state. 7. Article VII — Compact administrator and interchange of information. a. The head of the licensing authority of each party state shall be the administrator of this compact for that state. The administrators, acting jointly, shall have the power to formulate all necessary and proper procedures for the exchange of information under this compact. b. The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this compact. 8. Article VIII — Entry into force and withdrawal. a. This compact shall enter into force and become effective as to any state when it has enacted the same into law. b. Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until six months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. No withdrawal shall affect the validity or applicability by the licensing authorities of states remaining party to

the compact of any report of conviction occurring prior to the withdrawal. 9. Article IX — Construction and severability. This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable. [C66, 71, 73, 75, 77, 79, 81, §321C.1] 86 Acts, ch 1245, §1938; 2008 Acts, ch 1032, §201

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321C - INTERSTATE DRIVERS LICENSE COMPACTS Section 321C.2 - Enforcement.

321C.2 Enforcement. The agencies and officers of this state and its subdivisions and municipalities shall enforce this compact and do all things appropriate to effect its purpose and intent which may be within their respective jurisdictions. [C66, 71, 73, 75, 77, 79, 81, §321C.2]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321D - VEHICLE EQUIPMENT COMPACTS Section 321D.1 - Power to enter into compact — terms.

321D.1 Power to enter into compact — terms. The director of transportation may enter into vehicle equipment safety compacts with other jurisdictions in substantially the following form and the contracting states agree: 1. Article I — Findings and purposes. a. The party states find that: (1) Accidents and deaths on their streets and highways present a very serious human and economic problem with a major deleterious effect on the public welfare. (2) There is a vital need for the development of greater interjurisdictional cooperation to achieve the necessary uniformity in the laws, rules, regulations and codes relating to vehicle equipment, and to accomplish this by such means as will minimize the time between the development of demonstrably and scientifically sound safety features and their incorporation into vehicles. b. The purposes of this compact are to: (1) Promote uniformity in regulation of and standards for equipment. (2) Secure uniformity of law and administrative practice in vehicular regulation and related safety standards to permit incorporation of desirable equipment changes in vehicles in the interest of greater traffic safety. (3) To provide means for the encouragement and utilization of research which will facilitate the achievement of the foregoing purposes, with due regard for the findings set forth in paragraph “a” of this article. c. It is the intent of this compact to emphasize performance requirements and not to determine the specific detail of engineering in the manufacture of vehicles or equipment except to the extent necessary for the meeting of such performance requirements. 2. Article II — Definitions. As used in this compact: a. “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. b. “State” means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico. c. “Equipment” means any part of a vehicle or any accessory for use thereon which affects the safety of operation of such vehicle or the safety of the occupants. 3. Article III — The commission. a. There is hereby created an agency of the party states to be known as the “Vehicle Equipment Safety Commission” hereinafter called the commission. The commission shall be composed of one commissioner from each party state who shall be appointed, serve and be subject to removal in accordance with the laws of the state which the commissioner represents. If authorized by the laws of the commissioner’s party state, a commissioner may provide for the discharge of the commissioner’s duties and the performance of the commissioner’s functions on the commission, either for the duration of the commissioner’s membership or for any lesser period of time, by an alternate. No such alternate shall be entitled to serve unless notification of the alternate’s identity and appointment shall have been given to the commission in such form as the commission may require. Each commissioner, and each alternate, when serving in the place and stead of a commissioner, shall be entitled to be reimbursed by the commission for expenses actually incurred in attending commission meetings or while engaged in the business of the commission. b. The commissioners shall be entitled to one vote each on the commission. No action of the commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the commission are cast in favor thereof. Action of the commission shall be only at a meeting at which a majority of the commissioners, or their alternates, are present. c. The commission shall have a seal. d. The commission shall elect annually, from among its members, a chairperson, a vice chairperson and a treasurer. The commission may appoint an executive director and fix the executive director’s duties and compensation. Such executive director shall serve at the pleasure of the commission, and together with the treasurer shall be bonded in such amount as the commission shall determine. The executive director also shall serve as secretary. If there be no executive director, the commission shall elect a secretary in addition to the other officers provided by this paragraph. e. Irrespective of the civil service, personnel or other merit system laws of any of the party states, the executive director with the approval of the commission, or the commission if there be no executive director, shall appoint, remove or discharge such personnel as may be necessary for the performance of the commission’s functions, and shall fix the duties and compensation of such personnel. f. The commission may establish and maintain independently or in conjunction with any one or more of the party states, a suitable retirement system for its full-time employees. Employees of the commission shall be eligible for social security coverage in respect of old-age and survivor’s insurance provided that the commission takes such steps as may be necessary pursuant to the laws of the United States, to participate in such program of insurance as a governmental agency or unit. The commission may establish and maintain or participate in such additional programs of employee benefits as may be appropriate. g. The commission may borrow, accept or contract for the services of personnel from any party state, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party states or their subdivisions. h. The commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any state, the United States, or any other governmental agency and may receive, utilize and dispose of the same. i. The commission may establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire,

hold, and convey real and personal property and any interest therein. j. The commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party states. The bylaws shall provide for appropriate notice to the commissioners of all commission meetings and hearings and the business to be transacted at such meetings or hearings. Such notice shall also be given to such agencies or officers of each party state as the laws of such party state may provide. k. The commission annually shall make to the governor and legislature of each party state a report covering the activities of the commission for the preceding year, and embodying such recommendations as may have been issued by the commission. The commission may make such additional reports as it may deem desirable. 4. Article IV — Research and testing. The commission shall have power to: a. Collect, correlate, analyze and evaluate information resulting or derivable from research and testing activities in equipment and related fields. b. Recommend and encourage the undertaking of research and testing in any aspect of equipment or related matters when, in its judgment, appropriate or sufficient research or testing has not been undertaken. c. Contract for such equipment research and testing as one or more governmental agencies may agree to have contracted for by the commission, provided that such governmental agency or agencies shall make available the funds necessary for such research and testing. d. Recommend to the party states changes in law or policy with emphasis on uniformity of laws and administrative rules, regulations or codes which would promote effective governmental action or coordination in the prevention of equipment-related highway accidents or the mitigation of equipment-related highway safety problems. 5. Article V — Vehicular equipment. a. In the interest of vehicular and public safety, the commission may study the need for or desirability of the establishment of or changes in performance requirements or restrictions for any item of equipment. As a result of such study, the commission may publish a report relating to any item or items of equipment, and the issuance of such a report shall be a condition precedent to any proceedings or other action provided or authorized by this article. No less than sixty days after the publication of a report containing the results of such study, the commission upon due notice shall hold a hearing or hearings at such place or places as it may determine. b. Following the hearing or hearings provided for in paragraph “a” of this article, and with due regard for standards recommended by appropriate professional and technical associations and agencies, the commission may issue rules, regulations or codes embodying performance requirements or restrictions for any item or items of equipment covered in the report, which in the opinion of the commission will be fair and equitable and effectuate the purposes of this compact. c. Each party state obligates itself to give due consideration to any and all rules, regulations and codes issued by the commission and hereby declares its policy and intent to be the promotion of uniformity in the laws of the several party states relating to equipment. d. The commission shall send prompt notice of its action in issuing any rule, regulation or code pursuant to this article to the appropriate motor vehicle agency of each party state and such notice shall contain the complete text of the rule, regulation or code. e. If the constitution of a party state requires, or if its statutes provide, the approval of the legislature by appropriate resolution or act may be made a condition precedent to the taking effect in such party state of any rule, regulation or code. In such event, the commissioner of such party state shall submit any commission rule, regulation or code to the legislature as promptly as may be in lieu of administrative acceptance or rejection thereof by the party state. f. Except as otherwise specifically provided in or pursuant to paragraphs “e” and “g” of this article, the appropriate motor vehicle agency of a party state shall in accordance with its constitution or procedural laws adopt the rule, regulation or code within six months of the sending of the notice, and, upon such adoption, the rule, regulation or code shall have the force and effect of law therein. g. The appropriate motor vehicle agency of a party state may decline to adopt a rule, regulation or code issued by the commission pursuant to this article if such agency specifically finds, after public hearing on due notice, that a variation from the commission’s rule, regulation or code is necessary to the public safety, and incorporates in such finding the reasons upon which it is based. Any such finding shall be subject to review by such procedure for review of administrative determinations as may be applicable pursuant to the laws of the party state. Upon request, the commission shall be furnished with a copy of the transcript of any hearings held pursuant to this paragraph. 6. Article VI — Finance. a. The commission shall submit to the executive head or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that party state for presentation to the legislature thereof. b. Each of the commission’s budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. The total amount of appropriations under any such budget shall be apportioned among the party states as follows: One-third in equal shares; and the remainder in proportion to the number of motor vehicles registered in each party state. In determining the number of such registrations, the commission may employ such source or sources of information as in its judgment present the most equitable and accurate comparisons among the party states. Each of the commission’s budgets of estimated expenditures and requests for appropriations shall indicate the source or sources used in obtaining information concerning vehicular registrations. c. The commission shall not pledge the credit of any party state. The commission may meet any of its obligations in whole or in part with funds available to it under article III, paragraph “h” of this compact, provided that the commission takes specific action setting aside such funds prior to incurring any obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it under article III, paragraph “h” hereof, the commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same. d. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its rules. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant and the report of the audit shall be included in and become part of the annual reports of the commission. e. The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the commission. f. Nothing contained herein shall be construed to prevent commission compliance

with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission. 7. Article VII — Conflict of interest. a. The commission shall adopt rules and regulations with respect to conflict of interest for the commissioners of the party states, and their alternates, if any, and for the staff of the commission and contractors with the commission to the end that no member or employee or contractor shall have a pecuniary or other incompatible interest in the manufacture, sale or distribution of motor vehicles or vehicular equipment or in any facility or enterprise employed by the commission or on its behalf for testing, conduct of investigations or research. In addition to any penalty for violation of such rules and regulations as may be applicable under the laws of the violator's jurisdiction of residence, employment or business, any violation of a commission rule or regulation adopted pursuant to this article shall require the immediate discharge of any violating employee and the immediate vacating of membership, or relinquishing of status as a member on the commission by any commissioner or alternate. In the case of a contractor, any violation of any such rule or regulation shall make any contract of the violator with the commission subject to cancellation by the commission. b. Nothing contained in this article shall be deemed to prevent a contractor for the commission from using any facilities subject to the contractor's control in the performance of the contract even though such facilities are not devoted solely to work of or done on behalf of the commission; nor to prevent such a contractor from receiving remuneration or profit from the use of such facilities. 8. Article VIII — Advisory and technical committees. The commission may establish such advisory and technical committees as it may deem necessary, membership on which may include private citizens and public officials, and may cooperate with and use the services of any such committees and the organizations which the members represent in furthering any of its activities. 9. Article IX — Entry into force and withdrawal. a. This compact shall enter into force when enacted into law by any six or more states. Thereafter, this compact shall become effective as to any other state upon its enactment thereof. b. Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the executive head of the withdrawing state has given notice in writing of the withdrawal to the executive heads of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal. [C66, 71, 73, 75, 77, 79, 81, §321D.1] 86 Acts, ch 1245, §1939; 2008 Acts, ch 1032, §201

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321D - VEHICLE EQUIPMENT COMPACTS Section 321D.2 - Enforcement.

321D.2 Enforcement. The agencies and officers of this state and its subdivisions and municipalities shall enforce this compact and do all things appropriate to effect its purpose and intent which may be within their respective jurisdictions. [C66, 71, 73, 75, 77, 79, 81, §321D.2]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321E - VEHICLES OF EXCESSIVE SIZE AND WEIGHT Section 321E.1 - Definition.

321E.1 Definition. As used in this chapter, unless the context otherwise requires, "department" means the state department of transportation. [C75, 77, 79, 81, §321E.27] 2013 Acts, ch 49, §28 C2014, §321E.1

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321E - VEHICLES OF EXCESSIVE SIZE AND WEIGHT Section 321E.10 - Semitrailers and trailers manufactured in Iowa.

321E.10 Semitrailers and trailers manufactured in Iowa. The department or local authorities may upon application issue annual permits for the movement of semitrailers and trailers manufactured or assembled in this state that exceed the maximum length specified in section 321.457 and the maximum width specified in section 321.454. Movement of the semitrailers and trailers shall be solely for the purpose of delivery or transfer from the point of manufacture or assembly to another point of manufacture or assembly within the state or to a point outside the state; shall be only on roadways of twenty-four feet or more in width or on four-lane highways; shall be on the most direct route necessary for such movement; and shall display the special plates designated in section 321.57. All semitrailers and trailers under permit for such movement shall not contain freight or additional load. A vehicle or combination of two or more vehicles inclusive of front and rear bumpers, including towing units, involved in the movement of semitrailers and trailers shall not exceed an overall width of ten feet. [C31, 35, §5067-d7, -d8; C39, §5035.16; C46, 50, 54, 58, 62, 66, §321.467; C71, 73, 75, 77, 79, 81, §321E.10] 83 Acts, ch 116, §5; 92 Acts, ch 1100, §5; 2013 Acts, ch 49, §9 Referred to in §321E.2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321E - VEHICLES OF EXCESSIVE SIZE AND WEIGHT Section 321E.11 - Movement under permit — penalty.

321E.11 Movement under permit — penalty. 1. Movements under permit in accordance with this chapter shall be permitted only during the hours from thirty minutes prior to sunrise to thirty minutes following sunset unless the permit-issuing authority determines that the movement can be better accomplished at another period of time because of traffic volume or other roadway-related conditions or the vehicle subject to the permit qualifies for nighttime movement as specified in subsection 2. 2. A permitted vehicle which has an overall length not to exceed one hundred feet, an overall width not to exceed eleven feet, and an overall height not to exceed fourteen feet six inches, may operate under permit from thirty minutes following sunset to thirty minutes prior to sunrise on primary and nonprimary highway system roadways that are at least twenty-two feet in total width with at

least eleven feet of lane width. Vehicles operating under the provisions of this subsection shall be equipped with operating projecting-load lighting devices which are in addition to the required vehicle lighting and the signs, flags, and warning lights required for vehicles operating under permit. Additional safety lighting and escorts may be required for movement at night as determined by the permit-issuing authority. 3. Except as provided in section 321.457, no movement under permit shall be permitted on holidays, after 12:00 noon on days preceding holidays and holiday weekends, or special events when abnormally high traffic volumes can be expected. Such restrictions shall not be applicable to urban transit systems as defined in section 324A.1. 4. For the purposes of this chapter, "holidays" shall include Memorial Day, Independence Day, and Labor Day. 5. A person who violates this section commits a simple misdemeanor. [C71, 73, 75, 77, 79, 81, §321E.11] 94 Acts, ch 1087, §13; 95 Acts, ch 67, §27; 95 Acts, ch 118, §28; 97 Acts, ch 104, §28; 2010 Acts, ch 1061, §121; 2010 Acts, ch 1140, §21; 2013 Acts, ch 49, §10; 2015 Acts, ch 30, §106 Referred to in §321E.2, 321E.9

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321E - VEHICLES OF EXCESSIVE SIZE AND WEIGHT Section 321E.12 - Registration must be consistent.

321E.12 Registration must be consistent. 1. A vehicle traveling under permit shall be registered for the gross weight of the vehicle and load. A trip permit issued according to section 326.23 shall not be used in lieu of the registration provided for in this section. 2. A private carrier who is not for hire may transport special mobile equipment on a vehicle registered for the gross weight of the transport vehicle and cargo, minus the weight of the special mobile equipment, when the special mobile equipment is owned, leased, or rented and under exclusive control of the private carrier. 3. Vehicles, while being used for the transportation of buildings other than mobile homes and factory-built structures, may be registered for the combined gross weight of the vehicle and load on a single-trip basis. The fee is five cents per ton exceeding the weight registered under section 321.122 per mile of travel. Fees shall not be prorated for fractions of miles. This subsection does not exempt these vehicles from any other provision of this chapter. [C71, 73, 75, 77, 79, 81, §321E.12; 82 Acts, ch 1143, §1] 99 Acts, ch 13, §21, 29; 2005 Acts, ch 8, §38; 2013 Acts, ch 49, §11; 2018 Acts, ch 1026, §114 Referred to in §321E.2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321E - VEHICLES OF EXCESSIVE SIZE AND WEIGHT Section 321E.13 - Financial responsibility.

321E.13 Financial responsibility. Prior to the issuance of any permit, the applicant for a permit shall be required to file proof of financial responsibility or post a bond with the permit-issuing authority. The amount of the bond shall be determined by the permit-issuing authority and shall be used as security for repair or replacement of official signs, signals, and roadway foundations, surfaces, or structures which may be damaged or destroyed during the movement of a vehicle and load operating under the permit. The duration of the bond shall be determined by the permit-issuing authority for a period not to exceed one year. [C71, 73, 75, 77, 79, 81, §321E.13] 2013 Acts, ch 49, §12 Referred to in §321E.2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321E - VEHICLES OF EXCESSIVE SIZE AND WEIGHT Section 321E.14 - Fees for permits.

321E.14 Fees for permits. 1. Permit-issuing authorities may charge the following fees: a. Fifty dollars for an annual permit issued pursuant to section 321E.8, subsection 1. b. Four hundred dollars for an annual permit issued pursuant to section 321E.8, subsection 3 or 4. c. Two hundred dollars for a multi-trip permit issued pursuant to section 321E.9A. d. Six hundred dollars for a special alternative energy multi-trip permit issued pursuant to section 321E.9B. e. Thirty-five dollars for a single-trip permit issued pursuant to section 321E.9. f. Twenty-five dollars for an annual permit for special mobile equipment, as defined in section 321.1, subsection 74, issued pursuant to section 321E.7, subsection 3, with a combined gross weight of not more than eighty thousand pounds. g. Twenty-five dollars for a permit issued pursuant to section 321E.29 or 321E.29A. h. One hundred dollars for a permit issued pursuant to section 321E.30. i. One hundred sixty dollars for an annual all-systems permit issued pursuant to section 321E.8, subsection 1, which shall be deposited in the road use tax fund. j. Five hundred dollars for an annual all-systems permit issued pursuant to section 321E.8, subsection 2, which shall be deposited in the road use tax fund. k. One hundred seventy-five dollars for a permit issued pursuant to section 321E.26. l. Four hundred dollars for a fluid milk products annual permit issued pursuant to section 321E.29B. 2. Fees for the movement of buildings, parts of buildings, or unusual vehicles or loads may be increased to cover the costs of inspections by the permit-issuing authority. 3. A fee not to exceed two hundred fifty dollars per day or a prorated fraction of that fee per person and car for escort service may be charged when requested or when required under this chapter. Proration of escort fees between state and local authorities when more than one governmental authority provides or is required to provide escort for a movement during the period of a day shall be determined by rule under section 321E.15. 4. The department and local authorities may charge a permit applicant for the cost of trimming trees and removal and replacement of natural obstructions or official signs and signals or other public or private property required to be removed during the movement of a vehicle and load. [C71, 73, 75, 77, 79, 81, §321E.14] 83 Acts, ch 116, §6; 86 Acts, ch 1210, §8; 87 Acts, ch 186, §11; 91 Acts, ch 133, §3; 96 Acts, ch 1089, §10; 97 Acts, ch 23, §34; 97 Acts, ch 100, §11; 2001 Acts, ch 32, §28; 2002 Acts, ch 1063, §37; 2008 Acts, ch 1124, §15, 40; 2013 Acts, ch 49, §13; 2015 Acts, ch 2, §3, 15; 2019 Acts, ch 158, §5; 2021 Acts, ch 140, §2, 4; 2022 Acts, ch 1076, §5, 6, 8; 2022 Acts, ch 1086, §2, 3 Referred to in §312.2, 321E.2, 321E.3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321E - VEHICLES OF EXCESSIVE SIZE AND

WEIGHTSection 321E.15 - Rules made available.

321E.15 Rules made available. The department may adopt and make available upon request to interested parties printed rules and regulations necessary for the movement by permit of vehicles and indivisible loads under the provisions of this chapter. No rule or regulation shall be adopted without prior notice to city and county officials and without a hearing on the proposed rule or regulation. All rules and regulations adopted shall have due regard for the safety of the traveling public and the protection of the highway surfaces and structures. Rules and regulations for permit travel on the interstate system shall be consistent with the federal requirements for the system. [C71, 73, 75, 77, 79, 81, §321E.15] Referred to in §321E.2, 321E.14, 321E.16

2024 Iowa CodeTitle VIII - TRANSPORTATIONChapter 321E - VEHICLES OF EXCESSIVE SIZE AND WEIGHTSection 321E.16 - Violations — penalties.

321E.16 Violations — penalties. 1. A person who violates a provision of a permit issued pursuant to this chapter or rules adopted under section 321E.15, other than a provision relating to weight, shall be subject to a scheduled fine under section 805.8A, subsection 12, paragraph “f”. 2. The fine for violation of the weight allowed by a permit shall be based upon the difference between the actual weight of the vehicle and load and the maximum allowable by permit in accordance with section 321.463. If a vehicle with an indivisible load traveling under permit is found to be in violation of weight limitations, the vehicle operator shall be allowed a reasonable amount of time to remove any ice, mud, snow, and other weight attributable to climatic conditions accumulated along the route prior to application of the penalties prescribed in section 321.463. 3. A person operating a civilian escort vehicle in violation of rules adopted pursuant to section 321E.15 shall be subject to a scheduled fine under section 805.8A, subsection 12, paragraph “f”. [C71, 73, 75, 77, 79, 81, §321E.16] 83 Acts, ch 116, §7; 90 Acts, ch 1099, §1; 90 Acts, ch 1233, §19; 96 Acts, ch 1090, §8; 2001 Acts, ch 137, §5; 2013 Acts, ch 49, §14 Referred to in §321E.17, 805.8A(12)(f)

2024 Iowa CodeTitle VIII - TRANSPORTATIONChapter 321E - VEHICLES OF EXCESSIVE SIZE AND WEIGHTSection 321E.17 - Serious violations.

321E.17 Serious violations. Proof of imposition of a penalty for a violation of section 321.256, 321.454, 321.456, 321.457, 321.463, 321.471, 321.474, or 321E.16 or any combination of penalties for violation of those sections with respect to the operation of one or more vehicles by any one permit holder, whether operated personally or through agents, servants, or employees of the permit holder, shall constitute prima facie evidence that the permit holder has willfully operated or caused to be operated a vehicle or vehicles in violation of this chapter. [C71, 73, 75, 77, 79, 81, §321E.17] 2013 Acts, ch 49, §15

2024 Iowa CodeTitle VIII - TRANSPORTATIONChapter 321E - VEHICLES OF EXCESSIVE SIZE AND WEIGHTSection 321E.18 - Overall operations considered.

321E.18 Overall operations considered. In any proceeding brought under this chapter, the permit-issuing authority shall consider evidence relating to the nature and severity of the violations and the extent of the operations of any vehicles by or on behalf of the permit holder upon the public highways of this state, which did not involve any violations. [C71, 73, 75, 77, 79, 81, §321E.18] 2013 Acts, ch 49, §16

2024 Iowa CodeTitle VIII - TRANSPORTATIONChapter 321E - VEHICLES OF EXCESSIVE SIZE AND WEIGHTSection 321E.19 - Permit denial, change, suspension, or revocation.

321E.19 Permit denial, change, suspension, or revocation. The permit-issuing authority may deny, change, suspend, or revoke any permit issued by the authority pursuant to this chapter for good cause. A decision of the department may be appealed in accordance with chapter 17A, and a decision of a local authority may be appealed in accordance with the appeal procedures of the local authority. [C71, 73, 75, 77, 79, 81, §321E.19] 83 Acts, ch 116, §8; 89 Acts, ch 273, §2; 2013 Acts, ch 49, §17

2024 Iowa CodeTitle VIII - TRANSPORTATIONChapter 321E - VEHICLES OF EXCESSIVE SIZE AND WEIGHTSection 321E.2 - Permits by department and local authorities.

321E.2 Permits by department and local authorities. 1. The department and local authorities may in their discretion and upon application and with good cause shown issue permits for the movement of special mobile equipment being temporarily moved on streets, roads, or highways and for vehicles with indivisible loads, or divisible loads where expressly authorized under this chapter, which exceed the maximum dimensions and weights specified in sections 321.452 through 321.466, but not to exceed the limitations imposed in this section and sections 321E.3 through 321E.15 except as provided in section 321E.29. 2. Vehicles permitted to transport indivisible loads may do any of the following: a. Exceed the width and length limitations specified in sections 321.454 and 321.457 for the purpose of picking up an indivisible load or returning from delivery of the indivisible load. Vehicles with retractable body extensions used to support cargo must be reduced to legal dimensions unless the vehicle is loaded and the extension is in use. b. Move indivisible special mobile equipment which does not otherwise exceed the maximum dimensions and weights specified in sections 321.452 through 321.466 if the vehicle has an overall width not to exceed nine feet and all other conditions of the vehicle’s permit are met. 3. A permit issued under this chapter shall be in writing or in an electronic format and shall be carried in the cab of the vehicle for which the permit has been issued. Permits issued under this chapter and the vehicle for which the permit has been issued shall be open to inspection at all times by any peace officer or an authorized agent of any permit-issuing authority. 4. When in

the judgment of the permit-issuing authority the movement of a vehicle with an indivisible or divisible load or special mobile equipment which exceeds the maximum dimensions and weights will be unduly hazardous to public safety or will cause undue damage to infrastructure or other public or private property, the permit shall be denied and the reasons for denial endorsed on the application. Permits shall designate the days when and routes upon which loads and special mobile equipment may be moved within a county on other than primary roads. 5. A permit-issuing authority may allow persons requesting permits under this chapter to do so in person, through the internet, by facsimile machine, or by telephone, authorizing payment for the permits to be made upon receipt of an invoice sent to the persons by the permit-issuing authority. [C31, 35, §5067-d7, -d8; C39, §5035.16, 5035.18, 5035.19; C46, 50, 54, 58, 62, 66, §321.467, 321.469, 321.470; C71, 73, 75, 77, 79, 81, §321E.1] 83 Acts, ch 116, §3; 85 Acts, ch 257, §20; 94 Acts, ch 1087, §9, 10; 96 Acts, ch 1089, §5; 96 Acts, ch 1152, §19; 2008 Acts, ch 1124, §9; 2013 Acts, ch 49, §2, 28 C2014, §321E.2 2022 Acts, ch 1076, §2, 8 Referred to in §321E.8, 321E.9, 321E.9A, 321E.9B

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321E - VEHICLES OF EXCESSIVE SIZE AND WEIGHT Section 321E.20 - Suspension period.

321E.20 Suspension period. Whenever the permit-issuing authority finds from the evidence adduced at hearing that a permit holder has willfully operated or caused to be operated a vehicle or vehicles in violation of this chapter, the permit-issuing authority may enter an order suspending, modifying, or revoking the permit in whole or in part at its discretion for a period not to exceed one hundred eighty days. If the permit-issuing authority finds in a subsequent proceeding within twelve months from the date of the initial suspension, modification, or revocation that a permit holder has again willfully operated in violation of this chapter, the permit-issuing authority shall order suspension, modification, or revocation of permit privileges in whole or in part for a period not to exceed two years. [C71, 73, 75, 77, 79, 81, §321E.20] 83 Acts, ch 116, §9; 2013 Acts, ch 49, §18

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321E - VEHICLES OF EXCESSIVE SIZE AND WEIGHT Section 321E.24 - Warning and lighting devices on oversize vehicles and loads.

321E.24 Warning and lighting devices on oversize vehicles and loads. The department shall adopt rules pursuant to chapter 17A regarding oversize load signs, warning flags, vehicle length warning lights, and projecting-load lights. A vehicle or combination of vehicles with a gross weight or combined gross weight exceeding eighty thousand pounds shall not be required to display warning lights based on the vehicle's weight, but may otherwise be required to display warning lights based on length, a projecting load, or other factors, as provided by law. [C71, 73, 75, 77, 79, 81, §321E.24] 83 Acts, ch 116, §10; 2013 Acts, ch 49, §19; 2023 Acts, ch 60, §2 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321E - VEHICLES OF EXCESSIVE SIZE AND WEIGHT Section 321E.25 - Use of interstate road system.

321E.25 Use of interstate road system. Use of the national system of interstate and defense highways under the provisions of this chapter shall be restricted by regulation and other appropriate action of the department in such a manner as to not be in conflict with the applicable provisions of 23 U.S.C. §127. [C71, 73, 75, 77, 79, 81, §321E.25] 2013 Acts, ch 49, §20

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321E - VEHICLES OF EXCESSIVE SIZE AND WEIGHT Section 321E.26 - Transportation of raw forest products.

321E.26 Transportation of raw forest products. 1. The department may issue annual permits for the operation of a vehicle or combination of vehicles transporting divisible loads of raw forest products from fields to storage, processing, or other commercial facilities. The combined gross weight or gross weight on any one axle or group of axles on a vehicle or combination of vehicles issued a permit under this section may exceed the maximum weights specified in section 321.463, if the gross weight on any one axle does not exceed the limitations specified in section 321E.7. 2. A vehicle or combination of vehicles for which a permit is issued under this section shall not exceed the maximum dimensions specified in sections 321.454 through 321.457. 3. A vehicle or combination of vehicles for which a permit is issued under this section shall not travel on any portion of the interstate highway system. 4. Notwithstanding section 321E.3 or any other provision of law to the contrary, a permit issued by the department pursuant to this section is valid for the operation of a vehicle or combination of vehicles on a nonprimary highway if the local authority having jurisdiction over the nonprimary highway has approved the route within the local authority's jurisdiction used by the vehicle or combination of vehicles traveling under the permit. 5. For the purposes of this section, "raw forest products" means logs, pilings, posts, poles, cordwood products, wood chips, sawdust, pulpwood, intermediary lumber, fuel wood, mulch, tree bark, and Christmas trees not altered by a manufacturing process off the land, sawmill, or factory from which the products were taken. 2019 Acts, ch 158, §6 Referred to in §321.463, 321E.7, 321E.9, 321E.14

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321E - VEHICLES OF EXCESSIVE SIZE AND WEIGHT Section 321E.27 - Special permits — relief supplies during periods of national emergency.

321E.27 Special permits — relief supplies during periods of national emergency. 1. During an emergency, the department may issue special permits pursuant to 23 U.S.C. §127(i) authorizing the transportation of divisible loads of relief supplies that exceed the weight limits established under section 321.463 on the interstate highway system if the president of the United States has declared

the emergency to be a major disaster under the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. No. 93-288, as amended, 42 U.S.C. §5121 et seq. 2. The department shall only issue special permits under this section exclusively for vehicles and loads that are delivering relief supplies. 3. The department may issue a special permit under this section to a commercial motor carrier that covers all vehicles operated under the commercial motor carrier's interstate or intrastate motor carrier number, as those terms are defined in section 325A.1, provided all vehicles operating under the permit comply with subsection 2. 4. The department shall adopt rules pursuant to chapter 17A to administer this section. 2021 Acts, ch 32, §1

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321E - VEHICLES OF EXCESSIVE SIZE AND WEIGHT Section 321E.29 - Excess size divisible load permits.

321E.29 Excess size divisible load permits. Vehicles or a combination of vehicles with divisible loads in excess of the width, length, or height requirements of chapter 321 may be moved on the highways of this state if the department or permit-issuing authority determines there is a special or emergency situation which warrants the issuance of a special permit. The combined gross weight or gross weight on any one axle or group of axles may exceed the limits established in section 321.463, subject to the limits and routes established by the permit-issuing authority. [C79, 81, §321E.29] 2013 Acts, ch 49, §21; 2015 Acts, ch 123, §35; 2020 Acts, ch 1054, §4 Referred to in §321E.2, 321E.14

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321E - VEHICLES OF EXCESSIVE SIZE AND WEIGHT Section 321E.29A - Raw milk transporters.

321E.29A Raw milk transporters. A permit-issuing authority may issue annual permits authorizing a raw milk transporter to transport by motor truck raw milk to or from a milk plant, receiving station, or transfer station. The combined gross weight or gross weight on any axle or group of axles of the motor truck shall not exceed the limits established under section 321.463. The permit-issuing authority may specify weight limits or routes for each raw milk transporter or establish weight limits or routes under section 321E.8. 98 Acts, ch 1103, §1; 2013 Acts, ch 49, §22 Referred to in §321.463, 321E.7, 321E.14

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321E - VEHICLES OF EXCESSIVE SIZE AND WEIGHT Section 321E.29B - Fluid milk products annual permit.

321E.29B Fluid milk products annual permit. 1. Notwithstanding section 321E.8, the department may issue annual permits for the operation of vehicles or combinations of vehicles transporting fluid milk products to or from a milk plant, receiving station, or transfer station, exceeding the weight limitation of section 321.463 but not exceeding a gross weight of ninety-six thousand pounds, on primary roads and primary road extensions in cities. 2. A vehicle or combination of vehicles for which a permit is issued under this section shall not exceed the maximum dimensions specified in sections 321.454 through 321.457. 3. For purposes of this section, "fluid milk product" means as defined in 7 C.F.R. §1000.15. 4. The department shall adopt rules pursuant to chapter 17A governing the issuance of permits under this section. 2021 Acts, ch 140, §3, 4 Referred to in §321.463, 321E.14

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321E - VEHICLES OF EXCESSIVE SIZE AND WEIGHT Section 321E.3 - Permit-issuing authorities.

321E.3 Permit-issuing authorities. 1. a. Permits issued under this chapter shall be issued by the authority responsible for the maintenance of the system of highways or streets. However, the department may issue permits on primary road extensions in cities in conjunction with movements on the rural primary road system. b. (1) The department may issue all-systems permits under section 321E.8 which are valid for movement on all paved highways or streets, except the interstate road system if prohibited under section 321E.8, and except any highways or streets under the jurisdiction of local authorities upon which an all-systems permit is not valid as determined by the applicable local authority if the local authority indicates such highways and streets to the department in writing, including by means of electronic communication. However, a local authority shall not determine that any paved farm-to-market road, or highway or street designated as a truck route, is not valid for purposes of an all-systems permit without justification. A highway or street under the jurisdiction of a local authority upon which movement under an all-systems permit is valid shall connect with a highway or street under the jurisdiction of the state, or with another highway or street upon which movement under an all-systems permit is valid that ultimately connects with a highway or street under the jurisdiction of the state. (2) A local authority that indicates a highway or street, including a paved farm-to-market road, upon which an all-systems permit is not valid under subparagraph (1) shall provide a written justification report to the department explaining the local authority's determination. If the department disagrees with the local authority's determination, the dispute shall be resolved in accordance with chapter 17A. (3) Notwithstanding a local authority's determination under this paragraph, a person who is issued an all-systems permit may operate a permitted vehicle over the most direct route between the location where the vehicle is loaded or is to be unloaded and the nearest highway or street upon which movement under an all-systems permit is valid. 2. At the request of a local authority, the department shall issue permits under this chapter for highways or streets that are under the jurisdiction of the local authority if the local authority has indicated to the department in writing, including by means of electronic communication, those streets or highways for which a permit is not valid. 3. Notwithstanding any other provision of this chapter to the contrary, the department shall develop and implement a single statewide system to receive applications for and issue permits authorized under this chapter that allow for the operation of vehicles of excessive size or weight on highways or streets under the jurisdiction of the

state or local authorities. The department is authorized to determine, in consultation with the applicable local authorities, the network of highways and streets under the jurisdiction of local authorities, including the appropriate routes, on which vehicles issued permits under the system are authorized to operate. Permits issued under the system shall be issued by the department for a fee established by the department by rule, which fees shall be proportionate to the fees set forth in section 321E.14. The department shall allocate a portion of the fees collected under this subsection to local authorities having jurisdiction over highways or streets on which vehicles issued permits under the system are authorized to operate. [C71, 73, 75, 77, 79, 81, §321E.2] 86 Acts, ch 1210, §7; 94 Acts, ch 1087, §11; 96 Acts, ch 1089, §6; 2007 Acts, ch 143, §18; 2013 Acts, ch 49, §3, 28 C2014, §321E.3 2019 Acts, ch 15, §2; 2019 Acts, ch 158, §2; 2022 Acts, ch 1076, §3, 8; 2023 Acts, ch 60, §1 Referred to in §321E.2, 321E.26 Farm-to-market roads, see chapter 310 On or before July 1, 2025, every county shall authorize vehicles issued a permit under section 321E.8, subsection 2, to operate on certain secondary roads and indicate to the department of transportation in writing, including by means of electronic communication, those secondary roads for which a permit under section 321E.8, subsection 2, is not valid; 2022 Acts, ch 1076, §7 Subsection 1, paragraph b amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321E - VEHICLES OF EXCESSIVE SIZE AND WEIGHT Section 321E.30 - Compacted rubbish transporters.

321E.30 Compacted rubbish transporters. 1. A permit-issuing authority may issue annual permits for the operation of compacted rubbish vehicles and vehicles which transport compacted rubbish from a rubbish collection point to a landfill area, exceeding the weight limitation of section 321.463 but not exceeding twenty thousand pounds per axle, and for tandem axle vehicles or transferrable axle vehicles, not exceeding a gross weight on the rear axles of thirty-six thousand pounds. 2. Vehicles operated pursuant to an annual permit issued under this section shall be operated only over routes designated by the permit-issuing authority. 3. Annual permits approved by the permit-issuing authority shall be issued upon payment of an annual fee, in addition to other registration fees imposed, to be paid to the permit-issuing authority for all nongovernmental vehicles. 2013 Acts, ch 49, §23 Referred to in §321E.7, 321E.14

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321E - VEHICLES OF EXCESSIVE SIZE AND WEIGHT Section 321E.32 - Movement of structures and other loads on dolly axles.

321E.32 Movement of structures and other loads on dolly axles. The movement of structures and other indivisible loads on dolly axles shall be subject to the same weight limits that apply to all other indivisible loads. However, when an indivisible load is moved and the transverse dolly axles under the load have a clear inside spacing of five feet or more, each axle shall be considered a separate axle in determining the axle weight limitations provided by law. 88 Acts, ch 1208, §4; 2013 Acts, ch 49, §24 Referred to in §321E.9

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321E - VEHICLES OF EXCESSIVE SIZE AND WEIGHT Section 321E.34 - Escort requirements.

321E.34 Escort requirements. 1. The operator of an escort vehicle serving as an escort in the movement of vehicles and loads of excess size and weight under permits required by this chapter shall have a driver's license as defined in section 321.1 valid for the operation of the escort vehicle. 2. The department shall adopt rules pursuant to chapter 17A for all escort requirements. The rules shall include 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. 97 Acts, ch 104, §29; 98 Acts, ch 1073, §9; 2013 Acts, ch 49, §25

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321E - VEHICLES OF EXCESSIVE SIZE AND WEIGHT Section 321E.7 - Load limits per axle.

321E.7 Load limits per axle. 1. The gross weight on any axle of any vehicle or combination of vehicles traveling under a permit issued in accordance with this chapter shall not exceed the maximum axle load prescribed in section 321.463, except for the following: a. Cranes being temporarily moved on streets, roads, or highways may have a gross weight of twenty-four thousand pounds on any single axle. b. (1) Special mobile equipment other than cranes being temporarily moved on streets, roads, or highways may have a maximum gross weight of thirty-six thousand pounds on any single axle equipped with flotation pneumatic tires with a minimum size of twenty-six point five inches by twenty-five inches and a maximum gross weight of twenty thousand pounds on any single axle equipped with flotation pneumatic tires with a minimum size of eighteen inches by twenty-five inches. (2) The department is authorized to adopt rules to permit the use of tire sizes and weights within the minimum and maximum specifications provided in subparagraph (1), provided that the total gross weight of the vehicle or combination of vehicles does not exceed one hundred twenty-six thousand pounds. (3) A manufacturer of machinery or equipment manufactured or assembled in Iowa may be granted a permit for the movement of such machinery or equipment mounted on pneumatic tires with axle loads exceeding the maximum axle load prescribed in section 321.463 for distances not to exceed twenty-five miles at a speed not greater than twenty miles per hour. The movement of such machinery or equipment shall be over a specified route between the place of assembly or manufacture and a storage area, shipping point, proving ground, experimental area, weighing station, or another manufacturing plant. c. Raw milk transporters operating under a permit issued pursuant to section 321E.29A shall not exceed the axle and gross weights specified in that section. d. Compacted rubbish vehicles operating under a permit issued pursuant to section

321E.30 shall not exceed the axle and gross weights specified in that section. e. Vehicles operating under a permit issued pursuant to section 321E.8, 321E.9, 321E.9A, or 321E.26 may have a gross weight not to exceed forty-six thousand pounds on a single tandem axle of the truck tractor and a gross weight not to exceed forty-six thousand pounds on a single tandem axle of the trailer or semitrailer if each axle of each tandem group has at least four tires. 2. The gross weight on any one axle of any vehicle or combination of vehicles traveling under a permit issued in accordance with this chapter shall not exceed the maximum axle load prescribed in section 321.463; except that any one axle on a vehicle or combination of vehicles transporting special mobile equipment shall be allowed a one thousand pound weight tolerance, provided the total gross weight of the vehicle or combination of vehicles does not exceed the gross weight allowed by the permit. 3. Special mobile equipment, as defined in section 321.1, subsection 74, is not subject to the requirements for distance in feet between the extremes of any group of axles or the extreme axles of the vehicle or combination of vehicles as required by this chapter when being moved upon the highways if the operator has a permit issued under this chapter. [C31, 35, §5067-d7, -d8; C39, §5035.16; C46, 50, 54, 58, 62, 66, §321.467; C71, 73, 75, 77, 79, 81, §321E.7] 83 Acts, ch 116, §4; 96 Acts, ch 1089, §7, 8; 96 Acts, ch 1152, §20; 97 Acts, ch 100, §7; 2003 Acts, ch 8, §20, 29; 2007 Acts, ch 143, §19; 2008 Acts, ch 1124, §10; 2013 Acts, ch 49, §4; 2016 Acts, ch 1098, §35; 2019 Acts, ch 15, §3; 2019 Acts, ch 158, §3 Referred to in §321.463, 321E.2, 321E.8, 321E.9, 321E.9A, 321E.14, 321E.26

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321E - VEHICLES OF EXCESSIVE SIZE AND WEIGHT Section 321E.8 - Annual permits.

321E.8 Annual permits. Subject to the discretion and judgment provided for in section 321E.2, annual permits shall be issued in accordance with the following provisions: 1. Vehicles with indivisible loads, or manufactured or mobile homes including appurtenances, having an overall width not to exceed sixteen feet zero inches, an overall length not to exceed one hundred twenty feet zero inches, an overall height not to exceed fifteen feet five inches, and except for vehicles in compliance with section 321.463, subsection 6, paragraph “c”, subparagraph (1), a total gross weight not to exceed eighty thousand pounds, may be moved as follows: a. Vehicles with indivisible loads, or manufactured or mobile homes including appurtenances, having an overall width not to exceed twelve feet five inches, an overall length not to exceed one hundred twenty feet zero inches, and an overall height not to exceed thirteen feet ten inches may be moved for unlimited distances without route approval from the permit-issuing authority. b. Vehicles with indivisible loads, or manufactured or mobile homes including appurtenances, having an overall width not to exceed fourteen feet six inches, an overall length not to exceed one hundred twenty feet zero inches, and an overall height not to exceed fifteen feet five inches may be moved on the interstate highway system and primary highways with more than one lane traveling in each direction for unlimited distances and no more than fifty miles from the point of origin on all other highways without route approval from the permit-issuing authority. c. All other vehicles with indivisible loads operating under this subsection shall obtain route approval from the permit-issuing authority. d. Vehicles with indivisible loads may operate under an all-systems permit in compliance with paragraph “a”, “b”, or “c”. 2. Vehicles with indivisible or divisible loads having an overall width not to exceed the width authorized under section 321.454, an overall length not to exceed the length authorized under section 321.457, an overall height not to exceed the height authorized under section 321.456, and a total gross weight not to exceed the gross weight authorized under section 321.463 by more than twelve percent, may operate under an all-systems permit and shall obtain route approval from the department. Permitted vehicles under this subsection with a gross weight exceeding eighty thousand pounds shall not be allowed to travel on any portion of the interstate road system. 3. Vehicles with indivisible loads, or manufactured or mobile homes including appurtenances, having an overall width not to exceed thirteen feet five inches and an overall length not to exceed one hundred twenty feet zero inches may be moved on highways specified by the permit-issuing authority for unlimited distances if the height of the vehicle and load does not exceed fifteen feet five inches and the total gross weight of the vehicle does not exceed one hundred fifty-six thousand pounds. a. The vehicle owner or operator shall verify with the permit-issuing authority prior to movement of the load that highway conditions have not changed so as to prohibit movement of the vehicle. b. Any cost to repair damage to highways or highway structures shall be borne by the owner or operator of the vehicle causing the damage. c. Permitted vehicles under this subsection shall not be allowed to travel on any portion of the interstate highway system. d. Vehicles with indivisible loads operating under the permit provisions of this subsection may operate under the permit provisions of subsection 1 provided the vehicle and load comply with the limitations described in subsection 1. 4. Cranes that are being temporarily moved on highways and that have an overall width not to exceed the width authorized under section 321.454, an overall height not to exceed the height authorized under section 321.456, and an overall length not to exceed the length authorized under section 321.457 may be moved on highways specified by the permit-issuing authority if the total gross weight of the crane does not exceed eighty thousand pounds. The department shall adopt rules pursuant to chapter 17A to administer this subsection. 5. Notwithstanding any other provision of law to the contrary, cranes exceeding the maximum gross weight on any axle as prescribed in section 321.463 or 321E.7 and used in the construction of alternative energy facilities may be moved with approval from the permit-issuing authority. [C31, 35, §5067-d7, -d8; C39, §5035.16; C46, 50, 54, 58, 62, 66, §321.467; C71, 73, 75, 77, 79, §321E.3, 321E.8; C81, §321E.8; 82 Acts, ch 1075, §1] 88 Acts, ch 1208, §2; 91 Acts, ch 133, §1; 92 Acts, ch 1173, §1; 97 Acts, ch 100, §8; 97 Acts, ch 104, §25; 99 Acts, ch 13, §20, 29; 2001 Acts, ch 32, §26, 27; 2002 Acts, ch 1063, §36, 55; 2003 Acts, ch 44, §59; 2008 Acts, ch 1124, §11, 40; 2013 Acts, ch 49, §5; 2022 Acts, ch 1076, §4, 8; 2022 Acts, ch 1086, §1, 3 Referred to in §312.2, 321.463, 321E.2, 321E.3, 321E.7, 321E.14, 321E.29A, 321E.29B

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321E - VEHICLES OF EXCESSIVE SIZE AND

WEIGHTSection 321E.9 - Single-trip permits.

321E.9 Single-trip permits. Subject to the discretion and judgment provided for in section 321E.2, single-trip permits, which may include a round trip to and from a job or delivery site, shall be issued in accordance with the following provisions: 1. The maximum height, width, length, and weight of vehicles and loads operating under permits authorized by this section 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 on any one axle does not exceed the maximum prescribed in section 321.463, pursuant to rules adopted pursuant to chapter 17A. The permit-issuing authority shall make the final determination regarding the issuance of a permit and the suitability of the intended route based upon known roadway clearances and capacities. Permits shall be authorized only when the movement will not cause undue stress or damage to highway pavement, bridges, or other highway infrastructure. In addition to the dimension and weight limitations of an intended route, a permit-issuing authority shall consider the interests of public safety and, at the discretion of the permit-issuing authority, may deny the issuance of a permit when the intended movement of any vehicle or load poses a potential risk to the public. 2. Vehicles with indivisible loads may be moved in special or emergency situations, provided the permit-issuing authority has reviewed the route and has approved the movement of the vehicle and load. a. The permit-issuing authority may impose any special restrictions on movements as deemed necessary or exempt movements from the restrictions of sections 321E.7, 321E.11, and 321E.32 by permit under this subsection. b. When the department determines a special or emergency situation exists, the combined gross weight or gross weight on any one axle or group of axles on a vehicle or combination of vehicles issued a permit under this subsection may exceed the maximum weights specified in section 321.463, subject to the limits and routes established by the permit-issuing authority. 3. Notwithstanding any other provision of law to the contrary, cranes exceeding the maximum gross weight on any axle as prescribed in section 321.463 or 321E.7 and used in the construction of alternative energy facilities may be moved with approval from the permit-issuing authority. 4. Containers for international shipment shall be considered an indivisible load for purposes of transportation under a permit issued pursuant to this section if all of the following conditions are met: a. The combination of vehicles transporting the container under the permit does not exceed the maximum dimensions specified in sections 321.454 through 321.457. b. The container is sealed for international shipment and is either en route for export to a foreign country or en route to the container's destination from a foreign country. c. Documentation, such as a bill of lading or another similar document, is carried in the vehicle, in written or electronic form, that ties the container being moved to the container listed in the documentation using the unique container number marked on the container. The documentation shall clearly state the foreign country of origin or destination, and shall be provided to a peace officer upon request. d. The container's contents are exclusively raw forest products as defined in section 321E.26. [C39, §5035.18; C46, 50, 54, 58, 62, 66, §321.469; C71, 73, 75, 77, 79, 81, §321E.9] 91 Acts, ch 133, §2; 94 Acts, ch 1087, §12; 96 Acts, ch 1152, §21; 97 Acts, ch 100, §9; 97 Acts, ch 104, §26, 27; 2008 Acts, ch 1124, §13, 40; 2013 Acts, ch 49, §6; 2019 Acts, ch 158, §4; 2023 Acts, ch 3, §1 Referred to in §321.463, 321E.2, 321E.7, 321E.14 Subsection 2 amended

2024 Iowa CodeTitle VIII - TRANSPORTATIONChapter 321E - VEHICLES OF EXCESSIVE SIZE AND WEIGHTSection 321E.9A - Multi-trip permits.

321E.9A Multi-trip permits. Subject to the discretion and judgment provided for in section 321E.2, a multi-trip permit shall be issued for operation of vehicles, in accordance with the following: 1. Vehicles with indivisible loads having an overall length not to exceed one hundred twenty feet, an overall width not to exceed sixteen feet, and a height not to exceed fifteen feet five inches may be moved on highways specified by the permit-issuing authority, provided the gross weight on any one axle shall not exceed the maximum prescribed in section 321.463 and the total gross weight is not greater than one hundred fifty-six thousand pounds. 2. Vehicles or combinations of vehicles consisting of special mobile equipment not exceeding the height, length, and width limitations of this section being temporarily moved on highways with a maximum total gross weight limitation and a single axle weight limitation in accordance with section 321E.7 may be moved. 3. The department shall adopt rules pursuant to chapter 17A governing the issuance of permits under this section. 96 Acts, ch 1089, §9; 97 Acts, ch 100, §10; 2013 Acts, ch 49, §7; 2013 Acts, ch 140, §63 Referred to in §321E.2, 321E.7, 321E.14

2024 Iowa CodeTitle VIII - TRANSPORTATIONChapter 321E - VEHICLES OF EXCESSIVE SIZE AND WEIGHTSection 321E.9B - Special alternative energy multi-trip permit.

321E.9B Special alternative energy multi-trip permit. Subject to the discretion and judgment provided for in section 321E.2, a multi-trip permit shall be issued for operation of vehicles in accordance with the following provisions: 1. Vehicles with an indivisible load having an overall length not to exceed two hundred twenty-five feet, an overall width not to exceed sixteen feet, a height not to exceed sixteen feet, and a total gross weight not to exceed two hundred fifty-six thousand pounds may be moved on highways specified by the permit-issuing authority to an alternative energy construction site or staging area for alternative energy transportation, provided the gross weight on any one axle shall not exceed twenty thousand pounds. 2. The special alternative energy multi-trip permit shall not exceed twelve months in duration. 3. The permit-issuing authority shall have discretion to include restrictions and require special considerations, such as responsibility for protection or repair of the roadway and bridges, prior to issuance of the permit. 2008 Acts, ch 1124, §14, 40; 2013 Acts, ch 49, §8 Referred to in §321E.2, 321E.14

2024 Iowa CodeTitle VIII - TRANSPORTATIONChapter 321F - LEASING AND RENTING OF VEHICLESSection 321F.1 - Definitions.

321F.1 Definitions. When used in this chapter, unless the context requires otherwise: 1. “Business” means the business of leasing motor vehicles for use by others for compensation. 2. “Director” means the director of transportation or the director’s designee. 3. “Evidence of financial responsibility” means: a. A certificate of an insurance carrier certifying that the lessor under a lease is insured against liability for a judgment in the amount of fifty thousand dollars for personal injury to one individual and in an aggregate amount of one hundred thousand dollars for personal injuries to all individuals involved in a single accident, and in the amount of ten thousand dollars for property damage, resulting from any such single accident in which a motor vehicle under a lease is involved; or b. A bond executed by a surety company authorized to do business in this state providing for the payment of judgments, against a lessor under a lease, within the limits set forth in paragraph “a” of this subsection. 4. “Judgment” means any judgment which shall have become final. 5. “Lease” means a written agreement providing for the leasing of a motor vehicle for a period of more than sixty days. 6. “Licensee” means a person licensed under the provisions of this chapter to engage in business. 7. “Motor vehicle” means every vehicle which is self-propelled and subject to registration under the laws of this state. 8. “Person” means an individual, partnership, corporation, association, or other business entity. [C71, 73, 75, 77, 79, 81, §321F.1] Referred to in §321.69

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321F - LEASING AND RENTING OF VEHICLES Section 321F.10 - Department employees.

321F.10 Department employees. Section 322.1, as it pertains to employees and the expenditure of funds shall apply to the provisions of this chapter. [C71, 73, 75, 77, 79, 81, §321F.10]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321F - LEASING AND RENTING OF VEHICLES Section 321F.11 - Rules adopted — deposit of fees.

321F.11 Rules adopted — deposit of fees. The director shall adopt rules for the purpose of administering this chapter. All fees and funds accruing from the administration of this chapter shall be remitted to the treasurer of state monthly and deposited in the road use tax fund. [C71, 73, 75, 77, 79, 81, §321F.11]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321F - LEASING AND RENTING OF VEHICLES Section 321F.12 - Penalty.

321F.12 Penalty. Any person violating any provision of this chapter shall be guilty of a simple misdemeanor. [C71, 73, 75, 77, 79, 81, §321F.12]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321F - LEASING AND RENTING OF VEHICLES Section 321F.2 - License required.

321F.2 License required. No person shall engage in business in this state without first having obtained a license as provided in this chapter. [C71, 73, 75, 77, 79, 81, §321F.2]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321F - LEASING AND RENTING OF VEHICLES Section 321F.3 - Application.

321F.3 Application. The application for a license to engage in business in this state shall be filed with the director and shall provide such information relating to applicant’s business as the director may require. [C71, 73, 75, 77, 79, 81, §321F.3]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321F - LEASING AND RENTING OF VEHICLES Section 321F.4 - Fees and expiration.

321F.4 Fees and expiration. 1. The license fee for a license to engage in the business of leasing vehicles in this state is thirty dollars for a two-year period or part thereof, to be paid at the time the application for a license is filed. If the application is denied, the amount of the fee shall be refunded to the applicant. 2. A license expires on December 31 of even-numbered years. A licensee shall have the month of expiration and the month after the month of expiration to renew the license. A person who fails to renew a license by the end of this time period and desires to hold a license shall file a new license application and pay the required fee. [C71, 73, 75, 77, 79, 81, §321F.4] 92 Acts, ch 1175, §6; 2000 Acts, ch 1016, §18; 2006 Acts, ch 1068, §45, 57

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321F - LEASING AND RENTING OF VEHICLES Section 321F.5 - Denial or suspension of license.

321F.5 Denial or suspension of license. A license shall be denied if the applicant has engaged in business in this state within one year prior to the date of application without first having obtained a license as provided in this chapter, or has violated any rules and regulations of the director adopted for the administration of this chapter. The license of any licensee who shall have violated any provision of this chapter or any rules and regulations of the director adopted for the administration of this chapter shall be suspended and such license shall not be renewed nor shall a new license be issued to such licensee within one year after the date of suspension of the license; provided that the suspension of a license shall not invalidate any lease entered into by lessor prior to suspension and the parties to the lease shall have the authority and remain liable to perform their respective obligations under such leases. [C71, 73, 75, 77, 79, 81, §321F.5]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321F - LEASING AND RENTING OF VEHICLES Section 321F.6 - Financial responsibility — lease.

321F.6 Financial responsibility — lease. The lessee shall carry in the vehicle being leased, evidence of financial responsibility as required by this chapter and a copy of the lease, setting forth the name and address of the lessee, period of the lease, and other information as the director may require. The lease shall be shown to any peace officer upon request. [C71, 73, 75, 77, 79, 81, §321F.6] 92 Acts, ch 1175, §8; 95 Acts, ch 118, §29 Referred to in §321.484

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321F - LEASING AND RENTING OF VEHICLES Section 321F.8 - Registration of vehicle required.

321F.8 Registration of vehicle required. All motor vehicles which are primarily garaged or located in this state and which are the subject of a lease shall be registered in this state. This section shall not be construed to exempt any motor vehicle from registration which is otherwise subject to registration under the provisions of chapter 321, provided, however, that the provisions of this section shall not apply to motor vehicles in fleets whose registrations are apportioned under the provisions of chapter 326. [C71, 73, 75, 77, 79, 81, §321F.8] 2012 Acts, ch 1093, §15

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321F - LEASING AND RENTING OF VEHICLES Section 321F.9 - Option to purchase — dealer's license.

321F.9 Option to purchase — dealer's license. Any person engaged in business in this state shall not enter into any agreement for the use of a motor vehicle under the terms of which that person grants to another an option to purchase the motor vehicle without first having obtained a motor vehicle dealer's license under the provisions of chapter 322, and all sales of motor vehicles under such options shall be subject to sales or use taxes imposed under the provisions of chapter 423. Nothing contained in this section shall require such person to have a place of business as provided by section 322.6, subsection 1, paragraph "h". [C71, 73, 75, 77, 79, 81, §321F.9] 2003 Acts, 1st Ex, ch 2, §172, 205; 2009 Acts, ch 130, §28

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321G - SNOWMOBILES Section 321G.1 - Definitions.

321G.1 Definitions. As used in this chapter, unless the context otherwise requires: 1. "All-terrain vehicle" means the same as defined in section 321I.1. 2. "'A' scale" means the physical scale marked "A" graduated in decibels on a sound level meter which meets the requirements of the American national standards institute, incorporated, publication S1.4-1961, general purpose sound level meters. 3. "Commission" means the natural resource commission of the department. 4. "Dealer" means a person engaged in the business of buying, selling, or exchanging snowmobiles required to be registered under this chapter and who has an established place of business for that purpose in this state. 5. "Department" means the department of natural resources. 6. "Designated snowmobile trail" means a snowmobile riding trail on any public land, private land, or public ice that has been designated by the department, a political subdivision, or a controlling authority for snowmobile use. 7. "Direct supervision" means to provide supervision of another person while maintaining visual and verbal contact at all times. 8. "Director" means the director of the department. 9. "Distributor" means a person, resident or nonresident, who sells or distributes snowmobiles to snowmobile dealers in this state or who maintains distributor representatives. 10. "Education certificate" means a snowmobile education certificate, approved by the commission, which is issued to a qualified applicant who is twelve years of age or older. 11. "Established place of business" means the place actually occupied either continuously or at regular periods by a dealer or manufacturer where the books and records are kept and the dealer's or manufacturer's business is primarily transacted. 12. "Manufacturer" means a person engaged in the business of constructing or assembling snowmobiles required to be registered under this chapter and who has an established place of business for that purpose in this state. 13. "Measurable snow" means one-tenth of one inch of snow. 14. "Nonambulatory person" means an individual with paralysis of the lower half of the body with the involvement of both legs, usually caused by disease of or injury to the spinal cord, or caused by the loss of both legs or the loss of a part of both legs. 15. "Nonresident" means a person who is not a resident of this state. 16. "Operate" means to ride in or on, other than as a passenger, use, or control the operation of a snowmobile in any manner, whether or not the snowmobile is moving. 17. "Operator" means a person who operates or is in actual physical control of a snowmobile. 18. "Owner" means a person, other than a lienholder, having the property right in or title to a snowmobile. The term includes a person entitled to the use or possession of a snowmobile subject to an interest in another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security. 19. "Person" means an individual, partnership, firm, corporation, association, and the state, its agencies, and political subdivisions. 20. "Public ice" means any frozen, navigable waters within the territorial limits of this state and the frozen marginal river areas adjacent to this state, other than farm ponds, that are under the jurisdiction of the commission. 21. "Public land" means land owned by the federal government, the state, or political subdivisions of the state and land acquired or developed for public recreation pursuant to section 321G.7. "Public land" includes but is not limited to a roadway or highway. However, this subsection shall not be construed to permit the operation of snowmobiles on a roadway or highway except as provided in section 321G.9. 22. "Public water" means any navigable waters within the territorial limits of this state and the marginal river areas adjacent to this state, other than farm ponds, that are under the jurisdiction of the commission. 23. "Railroad right-of-way" means the full width of property owned, leased, or subject to easement for railroad purposes and is not limited to those areas on which tracks are located. 24. "Resident" means as defined in section 483A.1A. 25. "Roadway" means that

portion of a highway improved, designed, or ordinarily used for vehicular travel. 26. “Snowmobile” means a motorized vehicle weighing less than one thousand pounds which uses sled-type runners or skis, endless belt-type tread with a width of forty-eight inches or less, or any combination of runners, skis, or tread, and is designed for travel on snow or ice. “Snowmobile” does not include an all-terrain vehicle, as defined in section 321I.1, which has been altered or equipped with runners, skis, belt-type tracks, or treads. 27. “Special event” means an organized race, exhibition, or demonstration of limited duration which is conducted on public land, public ice, or a designated snowmobile trail under the jurisdiction of the commission according to a prearranged schedule and in which general public interest is manifested. 28. “Street” or “highway” means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular travel, except in public areas in which the boundary shall be thirty-three feet each side of the center line of the roadway. 29. “Water skipping” means the operation of a snowmobile on the surface of water by utilizing the skis, track, and bottom surface area of the snowmobile for flotation while the snowmobile is in motion. [C71, 73, 75, 77, 79, 81, §321G.1; 81 Acts, ch 113, §2] 86 Acts, ch 1245, §1877, 1883; 89 Acts, ch 244, §1 – 3; 91 Acts, ch 236, §1; 95 Acts, ch 177, §1; 97 Acts, ch 148, §8, 9; 99 Acts, ch 113, §1; 2002 Acts, ch 1027, §1; 2004 Acts, ch 1132, §1, 2; 2005 Acts, ch 138, §1; 2007 Acts, ch 141, §2; 2012 Acts, ch 1100, §1 – 3; 2014 Acts, ch 1141, §63; 2016 Acts, ch 1073, §104; 2017 Acts, ch 40, §1 Referred to in §321.23, 321I.1, 322D.1

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321G - SNOWMOBILES Section 321G.10 - Accident reports.

321G.10 Accident reports. If a snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand five hundred dollars or more, either the operator or someone acting for the operator shall immediately notify the county sheriff or another law enforcement agency in the state. If the accident occurred on public land, public ice, or a designated snowmobile trail under the jurisdiction of the commission, the operator shall file with the commission a report of the accident, within seventy-two hours, containing information as the commission may require. All other accidents shall be reported as required under section 321.266. [C71, 73, 75, 77, 79, 81, §321G.10; 81 Acts, ch 113, §7] 89 Acts, ch 244, §22; 2004 Acts, ch 1132, §16; 2010 Acts, ch 1157, §2; 2011 Acts, ch 38, §21; 2012 Acts, ch 1100, §15

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321G - SNOWMOBILES Section 321G.11 - Mufflers required.

321G.11 Mufflers required. 1. The exhaust of every internal combustion engine used in any snowmobile shall be effectively muffled by equipment constructed and used to muffle all snowmobile noise in a reasonable manner in accordance with rules adopted by the commission. 2. The commission may adopt rules with respect to the inspection of snowmobiles and testing of snowmobile mufflers. 3. A separate placard shall be affixed, permanently and conspicuously, to any new snowmobile sold or offered for sale in this state that does not meet the muffler requirements as stated above. The placard shall designate each snowmobile which does not meet the muffler requirements. 4. A snowmobile manufactured after July 1, 1975, which is sold, offered for sale or used in this state, except in an authorized special event, shall have a muffler system that limits engine noise to not more than seventy-eight decibels as measured on the “A” scale at a distance of fifty feet. [C71, 73, 75, 77, 79, 81, §321G.11] 89 Acts, ch 244, §23; 2004 Acts, ch 1132, §17; 2009 Acts, ch 144, §3 Referred to in §805.8B(2)(b) For applicable scheduled fines, see §805.8B, subsection 2, paragraph b

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321G - SNOWMOBILES Section 321G.12 - Headlight — taillight — brakes.

321G.12 Headlight — taillight — brakes. Every snowmobile shall be equipped with at least one headlight and one taillight. Every snowmobile shall be equipped with brakes. [C71, 73, 75, 77, 79, 81, §321G.12] 89 Acts, ch 244, §24; 98 Acts, ch 1080, §8; 2004 Acts, ch 1132, §18; 2012 Acts, ch 1100, §16 Referred to in §805.8B(2)(c) For applicable scheduled fines, see §805.8B, subsection 2, paragraph c

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321G - SNOWMOBILES Section 321G.13 - Unlawful operation.

321G.13 Unlawful operation. 1. A person shall not drive or operate a snowmobile: a. At a rate of speed greater than reasonable or proper under all existing circumstances. b. In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto. c. While under the influence of intoxicating liquor or narcotics or habit-forming drugs. d. Without a lighted headlight and taillight from sunset to sunrise and at such other times when conditions provide insufficient lighting to render clearly discernible persons and vehicles at a distance of five hundred feet ahead. e. In any tree nursery or planting in a manner which damages or destroys growing stock. f. On any public land, public ice, or designated snowmobile trail, in violation of official signs of the commission prohibiting such operation in the interest of safety for persons, property, or the environment. Any officer appointed by the commission may post an official sign in an emergency for the protection of persons, property, or the environment. g. (1) In any park, wildlife area, preserve, refuge, game management area, or any portion of a meandered stream, or any portion of the bed of a nonmeandered stream which has been identified as a navigable stream or river by rule adopted by the department and which is covered by water, except on designated snowmobile trails. (2) This paragraph “g” does not prohibit the use of ford crossings of public or private roads or any other ford crossing when used for agricultural purposes; the operation of construction vehicles engaged in lawful construction, repair, or maintenance in a streambed; or the operation of snowmobiles on ice. h. Upon an operating railroad right-of-way. A snowmobile may be driven directly across a railroad right-of-way only at an established crossing and, notwithstanding any other provisions of law, may, if necessary, use the improved portion of the established

crossing after yielding to all oncoming traffic. This paragraph does not apply to a law enforcement officer or railroad employee in the lawful discharge of the officer's or employee's duties or to an employee of a utility with authority to enter upon the railroad right-of-way in the lawful performance of the employee's duties. i. Upon the surface of any public water in a maneuver known as water skipping. This paragraph "i" does not apply to operation on rivers or streams between November 1 and April 1. 2. a. A person shall not operate or ride a snowmobile with a firearm in the person's possession unless it is unloaded and enclosed in a carrying case, except as otherwise provided. However, a nonambulatory person may carry an uncased and unloaded firearm while operating or riding a snowmobile. b. (1) A person may operate or ride a snowmobile with a loaded firearm, whether concealed or not, without a permit to carry weapons, if the person operates or rides on land owned, possessed, or rented by the person and the person's conduct is otherwise lawful. (2) A person may operate or ride a snowmobile with a loaded pistol or revolver, whether concealed or not, if the person is operating or riding the snowmobile on land that is not owned, possessed, or rented by the person, and the person's conduct is otherwise lawful. c. A person shall not discharge a firearm while on a snowmobile, except that a nonambulatory person may discharge a firearm from a snowmobile while lawfully hunting if the person is not operating or riding a moving snowmobile. 3. A person shall not drive or operate a snowmobile on public land or a designated snowmobile trail without a measurable snow cover. 4. As used in this section, "rented by the person" includes a person who does not necessarily rent the land but who principally provides labor for the production of crops located on agricultural land or for the production of livestock principally located on agricultural land. The person must personally provide such labor on a regular, continuous, and substantial basis. [C71, 73, 75, 77, 79, 81, §321G.13; 81 Acts, ch 113, §8] 89 Acts, ch 244, §25, 26; 91 Acts, ch 236, §3; 99 Acts, ch 97, §1; 2002 Acts, ch 1001, §2; 2002 Acts, ch 1027, §7, 8; 2004 Acts, ch 1132, §19 – 22; 2005 Acts, ch 138, §9; 2007 Acts, ch 22, §69; 2010 Acts, ch 1061, §180; 2012 Acts, ch 1100, §17 – 19; 2016 Acts, ch 1070, §1; 2017 Acts, ch 29, §97, 98; 2017 Acts, ch 69, §46; 2018 Acts, ch 1058, §1, 2; 2018 Acts, ch 1172, §28 Referred to in §805.8B(2)(b) For applicable scheduled fines, see §805.8B, subsection 2, paragraph b

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321G - SNOWMOBILES Section 321G.14 - Penalty.

321G.14 Penalty. 1. A person who violates this chapter or a rule of the commission or director of transportation is guilty of a simple misdemeanor. 2. Chapter 232 shall have no application in the prosecution of offenses which are committed in violation of this chapter and which constitute simple misdemeanors. [C71, 73, 75, 77, 79, 81, §321G.14] 2004 Acts, ch 1132, §23

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321G - SNOWMOBILES Section 321G.15 - Operation pending registration.

321G.15 Operation pending registration. The commission shall furnish snowmobile dealers with pasteboard cards bearing the words "registration applied for" and space for the date of purchase. An unregistered snowmobile sold by a dealer shall bear one of these cards which entitles the purchaser to operate it for forty-five days immediately following the purchase. The purchaser of a registered snowmobile may operate it for forty-five days immediately following the purchase, without having completed a transfer of registration. A snowmobile dealer shall make application and pay all registration and title fees if applicable on behalf of the purchaser of a snowmobile. [C73, 75, 77, 79, 81, §321G.15] 86 Acts, ch 1245, §1877; 89 Acts, ch 244, §27; 97 Acts, ch 148, §5, 9; 98 Acts, ch 1076, §1; 2004 Acts, ch 1132, §24; 2007 Acts, ch 141, §11

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321G - SNOWMOBILES Section 321G.16 - Special events.

321G.16 Special events. The department may authorize the holding of organized special events as defined in this chapter within this state. The department shall adopt rules relating to the conduct of special events held under department permits and designating the equipment and facilities necessary for safe operation of snowmobiles or for the safety of operators, participants, and observers in the special events. At least thirty days before the scheduled date of a special event in this state, an application shall be filed with the department for authorization to conduct the special event. The application shall set forth the date, time, and location of the proposed special event and any other information the department requires. The special event shall not be conducted without written authorization of the department. Copies of the rules shall be furnished by the department to any person making an application. [C73, 75, 77, 79, 81, §321G.16] 89 Acts, ch 244, §28; 91 Acts, ch 236, §4; 2004 Acts, ch 1132, §25 Referred to in §321G.8

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321G - SNOWMOBILES Section 321G.17 - Violation of stop signal.

321G.17 Violation of stop signal. A person who has received a visual or audible signal from a peace officer to come to a stop, shall not operate a snowmobile in willful or wanton disregard of the signal, interfere with or endanger the officer or any other person or vehicle, increase speed, or attempt to flee or elude the officer. [C73, 75, 77, 79, 81, §321G.17] 89 Acts, ch 244, §29; 2004 Acts, ch 1132, §26; 2012 Acts, ch 1100, §20 Referred to in §805.8B(2)(f) For applicable scheduled fine, see §805.8B, subsection 2, paragraph f

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321G - SNOWMOBILES Section 321G.18 - Negligence.

321G.18 Negligence. The owner and operator of a snowmobile are liable for any injury or damage occasioned by the negligent operation of the snowmobile. The owner of a snowmobile shall be liable for any such injury or damage only if the owner was the

operator of the snowmobile at the time the injury or damage occurred or if the operator had the owner's consent to operate the snowmobile at the time the injury or damage occurred. [C73, 75, 77, 79, 81, §321G.18] 89 Acts, ch 244, §30; 98 Acts, ch 1074, §26; 2000 Acts, ch 1133, §14; 2004 Acts, ch 1132, §27

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321G - SNOWMOBILES Section 321G.19 - Rented snowmobiles.

321G.19 Rented snowmobiles. 1. The owner of a rented snowmobile shall keep a record of the name and address of each person renting the snowmobile, its registration certificate, the departure date and time, and the expected time of return. The records shall be preserved for six months. 2. The owner of a snowmobile operated for hire shall not permit the use or operation of a rented snowmobile unless it has been provided with all equipment required by this chapter or rules of the commission or the director of transportation, properly installed and in good working order. [C73, 75, 77, 79, 81, §321G.19] 89 Acts, ch 244, §31; 2003 Acts, ch 44, §61; 2004 Acts, ch 1132, §28; 2007 Acts, ch 141, §12 Referred to in §805.8B(2)(d) For applicable scheduled fines, see §805.8B, subsection 2, paragraph d

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321G - SNOWMOBILES Section 321G.2 - Rules.

321G.2 Rules. 1. The commission may adopt rules for the following purposes: a. Registration and titling of snowmobiles. b. Use of snowmobiles as far as game and fish resources or habitats are affected. c. Use of snowmobiles on designated snowmobile trails and public lands under the jurisdiction of the commission. d. Use of snowmobiles on any waters of the state under the jurisdiction of the commission, while the waters are frozen. e. Establishment of a program of grants, subgrants, and contracts to be administered by the department for the development, maintenance, signing, and operation of designated snowmobile trails and the operation of grooming equipment by political subdivisions and incorporated private organizations. f. Issuance of education certificates. g. Issuance of competition registrations and the participation of snowmobiles so registered in special events. h. Issuance of annual user permits and establishment of administrative fees for issuance of the permits. i. Establishment of a certified education course for the operation of snowmobile grooming equipment. j. Establishment of a certified education course for the safe use and operation of snowmobiles. k. Certification of volunteer snowmobile education instructors. l. Maintenance, signing, and operation of designated snowmobile trails. 2. The director of transportation may adopt rules not inconsistent with this chapter regulating the use of snowmobiles on streets and highways. Cities may designate streets under the jurisdiction of cities within their respective corporate limits which may be used for snowmobiling. 3. In adopting the rules, consideration shall be given to the need to protect the environment and the public health, safety, and welfare; to protect private property, public parks, and other public lands; to protect wildlife and wildlife habitat; and to promote uniformity of rules relating to the use, operation, and equipment of snowmobiles. The rules shall be in conformance with chapter 17A. [C71, 73, 75, 77, 79, 81, §321G.2] 86 Acts, ch 1031, §1; 89 Acts, ch 244, §4; 2002 Acts, ch 1027, §2; 2004 Acts, ch 1132, §3; 2007 Acts, ch 141, §3; 2009 Acts, ch 144, §1, 2; 2012 Acts, ch 1100, §4, 5 Referred to in §321G.23, 321G.24

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321G - SNOWMOBILES Section 321G.20 - Operation by persons under sixteen.

321G.20 Operation by persons under sixteen. A person under sixteen years of age shall not operate a snowmobile on a designated snowmobile trail, public land, or public ice unless the operation is under the direct supervision of a parent, legal guardian, or another person of at least eighteen years of age authorized by the parent or guardian, who is experienced in snowmobile operation and who possesses a valid driver's license, as defined in section 321.1, or an education certificate issued under this chapter. [C73, 75, 77, 79, 81, §321G.20] 89 Acts, ch 244, §32; 90 Acts, ch 1230, §81; 98 Acts, ch 1073, §9; 2004 Acts, ch 1132, §29; 2012 Acts, ch 1100, §21; 2013 Acts, ch 90, §85; 2014 Acts, ch 1141, §56 Referred to in §805.8B(2)(g) For applicable scheduled fine, see §805.8B, subsection 2, paragraph g

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321G - SNOWMOBILES Section 321G.21 - Manufacturer, distributor, or dealer — special registration.

321G.21 Manufacturer, distributor, or dealer — special registration. 1. A manufacturer, distributor, or dealer owning a snowmobile required to be registered under this chapter may operate the snowmobile for purposes of transporting, testing, demonstrating, or selling it without the snowmobile being registered, except that a special registration decal issued to the owner as provided in this chapter shall be displayed on the snowmobile in the manner prescribed by rules of the commission. The special registration decal shall not be used on a snowmobile offered for hire or for any work or service performed by a manufacturer, distributor, or dealer. 2. Every manufacturer, distributor, or dealer shall register with the department by making application to the commission, upon forms prescribed by the commission, for a special registration certificate and decal. The applicant shall pay a registration fee of forty-five dollars and submit reasonable proof of the applicant's status as a bona fide manufacturer, distributor, or dealer as may be required by the commission. 3. The commission, upon granting an application, shall issue to the applicant a special registration certificate and decal. The special registration certificate shall contain the applicant's name, address, and general identification number; the word "manufacturer", "dealer", or "distributor"; and other information the commission prescribes. 4. The commission shall also issue duplicate special registration certificates and decals which shall have displayed thereon the general identification number assigned to the applicant. A county recorder may issue duplicate special registration certificates and decals electronically pursuant to rules adopted by the commission. The fee for each additional duplicate special registration certificate and decal shall be five dollars, plus

a writing fee. 5. Each special registration certificate issued under this section shall be for a period of three years and shall expire on December 31 of the renewal year. A new special registration certificate for the three-year renewal period may be obtained upon application to the commission and payment of the fee provided by law. A county recorder may issue special registration certificate renewals electronically pursuant to rules adopted by the commission. 6. If a manufacturer, distributor, or dealer has an established place of business in more than one location, the manufacturer, distributor, or dealer shall secure a separate and distinct special registration certificate and general identification number for each place of business. 7. A dealer shall make application and pay all registration and title fees if applicable on behalf of the purchaser of a snowmobile. If the registration has expired while in the dealer's possession, the purchaser may renew the registration for the same fee and writing fee as if the purchaser is securing the original registration. 8. Nothing in this section shall prohibit a dealer from obtaining a new registration and transfer of registration in the same manner as other purchasers. 9. The commission may adopt rules consistent with this chapter establishing minimum requirements for dealers. In adopting such rules, the commission shall consider the need to protect persons, property, and the environment and to promote uniformity of practices relating to the sale and use of snowmobiles. The commission may also adopt rules providing for the suspension or revocation of a dealer's special registration certificate issued pursuant to this section. [C73, 75, 77, 79, 81, §321G.21] 89 Acts, ch 244, §33; 2002 Acts, ch 1027, §9; 2004 Acts, ch 1132, §30; 2007 Acts, ch 141, §13 – 17; 2009 Acts, ch 144, §4; 2012 Acts, ch 1100, §22 Referred to in §331.602, 805.8B(2)(h) For applicable scheduled fine, see §805.8B, subsection 2, paragraph h

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321G - SNOWMOBILES Section 321G.22 - Limitation of liability by public bodies and adjoining owners.

321G.22 Limitation of liability by public bodies and adjoining owners. 1. The state, its political subdivisions, and the owners or tenants of property adjoining public lands or the right-of-way of a public highway and their agents and employees owe no duty of care to keep the public lands, ditches, or land contiguous to a highway or roadway under the control of the state or a political subdivision safe for entry or use by persons operating a snowmobile, or to give any warning of a dangerous condition, use, structure, or activity on the premises to persons entering for such purposes, except in the case of willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity. The state, its political subdivisions, and the owners or tenants of property adjoining public lands or the right-of-way of a public highway and their agents and employees are not liable for actions taken to allow or facilitate the use of public lands, ditches, or land contiguous to a highway or roadway except in the case of a willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity. 2. This section does not create a duty of care or ground of liability on behalf of the state, its political subdivisions, or the owners or tenants of property adjoining public lands or the right-of-way of a public highway and their agents and employees for injury to persons or property in the operation of snowmobiles in a ditch or on land contiguous to a highway or roadway under the control of the state or a political subdivision. The state, its political subdivisions, and the owners or tenants of property adjoining public lands or the right-of-way of a public highway and their agents and employees are not liable for the operation of a snowmobile in violation of this chapter. [C73, 75, 77, 79, 81, §321G.22] 86 Acts, ch 1070, §1; 89 Acts, ch 244, §34; 2004 Acts, ch 1132, §31

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321G - SNOWMOBILES Section 321G.23 - Course of instruction.

321G.23 Course of instruction. 1. The commission shall provide, by rules adopted pursuant to section 321G.2, for the establishment of certified courses of instruction to be conducted throughout the state for the safe use and operation of snowmobiles. The curriculum shall include instruction in the lawful and safe use, operation, and equipping of snowmobiles consistent with this chapter and rules adopted by the commission and the director of transportation and other matters the commission deems pertinent for a qualified snowmobile operator. The commission may establish a fee for the course which shall not exceed the actual cost of instruction minus moneys received by the department from education certificate fees under section 321G.24. 2. The commission may certify any experienced, qualified operator to be an instructor of a class established under subsection 1. Each instructor shall be at least eighteen years of age. 3. Upon completion of the course of instruction, the commission shall provide for the administration of a written test to any student who wishes to qualify for an education certificate. 4. The commission shall provide education material relating to the operation of snowmobiles for the use of nonpublic or public elementary and secondary schools in this state. 5. The department may develop requirements and standards for online education offerings. Only vendors who have entered into a memorandum of understanding with the department shall be permitted to offer an online course that results in the issuance of an education certificate approved by the commission. Vendors may charge for their courses and collect the education certificate fee required under section 321G.24, subsection 2, on behalf of the department as agreed to in the memorandum of understanding. [C75, 77, 79, 81, §321G.23] 89 Acts, ch 244, §35; 2004 Acts, ch 1132, §32; 2007 Acts, ch 141, §18; 2012 Acts, ch 1100, §23

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321G - SNOWMOBILES Section 321G.24 - Education certificate — fee.

321G.24 Education certificate — fee. 1. A person twelve through seventeen years of age shall not operate a snowmobile on public land, public ice, a designated snowmobile trail, or land purchased with snowmobile registration funds in this state without obtaining an education certificate approved by the department and having the certificate in the person's possession, unless the person is accompanied on the same snowmobile by a responsible person of at least eighteen years of age who is experienced in snowmobile operation and possesses a valid driver's license, as defined in section 321.1, or an education certificate issued under this chapter. 2.

Upon successful completion of the course and payment of a fee of five dollars, a qualified applicant shall be issued an education certificate which is valid until the certificate is suspended or revoked by the director for a violation of a provision of this chapter or a rule adopted pursuant to this chapter. 3. Any person who is required to have an education certificate under this chapter and who has completed a course of instruction established under section 321G.2, subsection 1, paragraph “j”, including the successful passage of an examination which includes a written test relating to such course of instruction, shall be considered qualified to receive an education certificate. 4. The certificate fees collected under this section shall be credited to the special snowmobile fund created under section 321G.7 and shall be used for safety and educational programs. 5. A valid snowmobile safety or education certificate or license issued by a governmental authority of another state shall be considered a valid certificate or license in this state if the certification or licensing requirements of the governmental authority are substantially the same as the requirements of this chapter as determined by the commission. [C75, 77, 79, 81, §321G.24; 81 Acts, ch 113, §9] 89 Acts, ch 244, §36; 90 Acts, ch 1230, §82; 91 Acts, ch 236, §5; 98 Acts, ch 1073, §9; 2004 Acts, ch 1132, §33; 2007 Acts, ch 141, §19; 2009 Acts, ch 144, §5; 2012 Acts, ch 1100, §24; 2014 Acts, ch 1141, §57 Referred to in §321G.23, 805.8B(2)(g) For applicable scheduled fine, see §805.8B, subsection 2, paragraph g

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321G - SNOWMOBILES Section 321G.25 - Stopping and inspecting — warnings.

321G.25 Stopping and inspecting — warnings. A peace officer may stop and inspect a snowmobile operated, parked, or stored on public streets, highways, public lands, public ice, or designated snowmobile trails of the state to determine if the snowmobile is registered, numbered, or equipped as required by this chapter and commission rules. The officer shall not inspect an area that is not essential to determine compliance with the requirements. If the officer determines that the snowmobile is not in compliance, the officer may issue a warning memorandum to the operator and forward a copy to the commission. The warning memorandum shall indicate the items found not in compliance and shall direct the owner or operator of the snowmobile to have the snowmobile in compliance and return a copy of the warning memorandum with the proof of compliance to the commission within fourteen days. If the proof of compliance is not provided within fourteen days, the owner or operator is in violation of this chapter. [81 Acts, ch 113, §1] 89 Acts, ch 244, §37; 2004 Acts, ch 1132, §34; 2012 Acts, ch 1100, §25

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321G - SNOWMOBILES Section 321G.26 - Termination of use.

321G.26 Termination of use. A person who receives a warning memorandum for a snowmobile shall stop using the snowmobile as soon as possible and shall not operate it on public streets, highways, public lands, public ice, or designated snowmobile trails of the state until the snowmobile is in compliance. [81 Acts, ch 113, §1] 89 Acts, ch 244, §38; 2004 Acts, ch 1132, §35; 2012 Acts, ch 1100, §26

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321G - SNOWMOBILES Section 321G.27 - Writing fees.

321G.27 Writing fees. 1. a. The county recorder shall collect a writing fee of two dollars for each privilege under this chapter. b. Writing fees collected or retained by the county recorder under this chapter shall be deposited in the general fund of the county. 2. a. A license agent shall collect a writing fee of one dollar for a snowmobile registration or for renewal of a registration by the license agent. b. A license agent shall retain a writing fee of one dollar from the sale of each user permit issued by the license agent. [S81, §321G.27; 81 Acts, ch 113, §1] 89 Acts, ch 244, §39; 2004 Acts, ch 1132, §36; 2007 Acts, ch 141, §20; 2012 Acts, ch 1100, §27; 2023 Acts, ch 71, §101, 102 Referred to in §321G.4, 321G.4A, 321G.6, 321G.29, 321G.31, 321G.32 Subsection 1 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321G - SNOWMOBILES Section 321G.28 - Consistent local laws — special local rules.

321G.28 Consistent local laws — special local rules. 1. This chapter and other applicable laws of this state shall govern the operation, equipment, numbering, and all other matters relating to a snowmobile when the snowmobile is operated or maintained in this state. However, this chapter does not prevent the adoption of an ordinance or local law relating to the operation or equipment of snowmobiles. The ordinances or local laws are operative only so long as they are not inconsistent with this chapter or the rules adopted by the commission. 2. A subdivision of this state, after public notice by publication in a newspaper having a general circulation in the subdivision, may make formal application to the commission for special rules concerning the operation of snowmobiles within the territorial limits of the subdivision and shall provide the commission with the reasons the special rules are necessary. 3. The commission, upon application by local authorities and in conformity with this chapter, may make special rules concerning the operation of snowmobiles within the territorial limits of a subdivision of this state. [S81, §321G.28; 81 Acts, ch 113, §1] 89 Acts, ch 244, §40; 2004 Acts, ch 1132, §37

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321G - SNOWMOBILES Section 321G.29 - Owner’s certificate of title — in general.

321G.29 Owner’s certificate of title — in general. 1. The owner of a snowmobile acquired on or after January 1, 1998, other than a snowmobile used exclusively as a farm implement or a snowmobile more than thirty years old registered as provided in section 321G.4, subsection 4, shall apply to the county recorder of the county in which the owner resides for a certificate of title for the

snowmobile. The owner of a snowmobile used exclusively as a farm implement may obtain a certificate of title. A person who owns a snowmobile that is not required to have a certificate of title may apply for and receive a certificate of title for the snowmobile and, subsequently, the snowmobile shall be subject to the requirements of this chapter as if the snowmobile were required to be titled. All snowmobiles that are titled shall be registered. 2. A certificate of title shall contain the information and shall be issued on a form the department prescribes. 3. An owner of a snowmobile shall apply to the county recorder for issuance of a certificate of title within thirty days after acquisition. The application shall be on forms the department prescribes and accompanied by the required fee specified in section 321G.30 and the writing fee specified in section 321G.27. The application shall include a certification signed in writing containing substantially the representation that statements made are true and correct to the best of the applicant's knowledge, information, and belief, under penalty of perjury. The application shall contain the date of sale and gross price of the snowmobile or the fair market value if no sale immediately preceded the transfer and any additional information the department requires. If the application is made for a snowmobile last previously registered or titled in another state or foreign country, the application shall contain this information and any other information the department requires. 4. If a dealer buys or acquires a snowmobile for resale, the dealer may apply for and obtain a certificate of title as provided in this chapter. If a dealer buys or acquires a used snowmobile, the dealer may apply for a certificate of title in the dealer's name within thirty days. If a dealer buys or acquires a new snowmobile for resale, the dealer may apply for a certificate of title in the dealer's name. 5. A manufacturer or dealer shall not transfer ownership of a new snowmobile without supplying the transferee with the manufacturer's or importer's certificate of origin signed by the manufacturer's or importer's authorized agent. The certificate shall contain information the department requires. The department may adopt rules providing for the issuance of a certificate of origin for a snowmobile by the department upon good cause shown by the owner. 6. A dealer transferring ownership of a snowmobile under this chapter shall assign the title to the new owner, or in the case of a new snowmobile, assign the certificate of origin. Within thirty days the dealer shall forward all moneys and applications to the county recorder. 7. The county recorder shall maintain an electronic record of any certificate of title which the county recorder issues until the certificate of title has been inactive for five years. When issuing a title for a new snowmobile, the county recorder shall obtain and keep the certificate of origin on file. When issuing a title and registration for a used snowmobile for which there is no title or registration, the county recorder shall obtain and keep on file the affidavit for the unregistered and untitled snowmobile. 8. Once titled, a person shall not sell or transfer ownership of a snowmobile without delivering to the purchaser or transferee a certificate of title with an assignment on it showing title in the purchaser's or transferee's name. A person shall not purchase or otherwise acquire a snowmobile without obtaining a certificate of title for it in that person's name. 9. If the county recorder is not satisfied as to the ownership of the snowmobile or that there are no undisclosed security interests in the snowmobile, the county recorder may issue a certificate of title for the snowmobile but, as a condition of such issuance, may require the applicant to file with the department a bond in the form prescribed by the department and executed by the applicant, and also executed by a person authorized to conduct a surety business in this state. The form and amount of the bond shall be established by rule of the department. The bond shall be conditioned to indemnify any prior owner and secured party and any subsequent purchaser of the snowmobile or person acquiring any security interest in the snowmobile, and their respective successors in interest, against any expense, loss, or damage, including reasonable attorney fees, by reason of the issuance of the certificate of title of the snowmobile on account of any defect in or undisclosed security interest upon the right, title, and interest of the applicant in and to the snowmobile. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond shall be returned at the end of three years or prior thereto if the snowmobile is no longer registered in this state and the certificate of title is surrendered to the department, unless the department has been notified of the pendency of an action to recover on the bond. 97 Acts, ch 148, §1, 9; 99 Acts, ch 113, §4; 2002 Acts, ch 1027, §10; 2002 Acts, ch 1113, §3; 2004 Acts, ch 1132, §38; 2007 Acts, ch 141, §21, 22; 2011 Acts, ch 34, §81; 2012 Acts, ch 1050, §42, 60; 2012 Acts, ch 1100, §28; 2013 Acts, ch 132, §54; 2014 Acts, ch 1141, §64; 2019 Acts, ch 80, §1; 2023 Acts, ch 71, §103
Subsection 3 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321G - SNOWMOBILES Section 321G.3 - Registration and user permit required — penalties.

321G.3 Registration and user permit required — penalties. 1. Each snowmobile used by a resident on public land, public ice, or a designated snowmobile trail of this state shall be currently registered in this state pursuant to section 321G.4. A resident shall not operate, maintain, or give permission for the operation or maintenance of a snowmobile on public land, public ice, or a designated snowmobile trail unless the snowmobile is registered in accordance with this chapter. The owner of a snowmobile must also obtain a user permit in accordance with section 321G.4A. 2. A violation of subsection 1 is punishable as a scheduled violation under section 805.8B, subsection 2, paragraph "a". When the scheduled fine is paid, the violator shall submit proof to the department that a valid registration and user permit have been obtained by providing a copy of the registration and user permit to the department within thirty days of the date the fine is paid. A person who violates this subsection is guilty of a simple misdemeanor. [C71, 73, 75, 77, 79, 81, §321G.3] 86 Acts, ch 1031, §2; 89 Acts, ch 244, §5; 2002 Acts, ch 1027, §3; 2004 Acts, ch 1132, §4; 2005 Acts, ch 138, §2; 2007 Acts, ch 141, §4; 2012 Acts, ch 1100, §6; 2014 Acts, ch 1141, §53 Referred to in §805.8B(2)(a)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321G - SNOWMOBILES Section 321G.30 - Fees — duplicates.

321G.30 Fees — duplicates. 1. The county recorder shall charge a ten dollar fee to issue a certificate of title, a transfer of title, a duplicate, or a corrected certificate of title. 2. If a certificate of title is lost, stolen, mutilated, destroyed, or becomes illegible, the first

lienholder or, if there is none, the owner named in the certificate, as shown by the county recorder's records, shall within thirty days obtain a duplicate by applying to the county recorder. The applicant shall furnish information the department requires concerning the original certificate and the circumstances of its loss, mutilation, or destruction. 3. The duplicate certificate of title shall be marked plainly "duplicate" across its face and mailed or delivered to the applicant. 4. If a lost or stolen original certificate of title for which a duplicate has been issued is recovered, the original shall be surrendered promptly to the county recorder for cancellation. 5. Five dollars of the certificate of title fees collected under this section shall be remitted by the county recorder to the treasurer of state for deposit in the special snowmobile fund created under section 321G.7. The remaining five dollars shall be retained by the county and deposited into the general fund of the county. 97 Acts, ch 148, §2, 9; 2004 Acts, ch 1132, §39; 2007 Acts, ch 141, §23 Referred to in §321G.29

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321G - SNOWMOBILES Section 321G.31 - Transfer or repossession by operation of law.

321G.31 Transfer or repossession by operation of law. 1. If ownership of a snowmobile is transferred by operation of law, such as by inheritance, order in bankruptcy, insolvency, replevin, or execution sale, the transferee, within thirty days after acquiring the right to possession of the snowmobile, shall mail or deliver to the county recorder of the transferee's county of residence satisfactory proof of ownership as the county recorder requires, together with an application for a new certificate of title, and the required fee, plus the writing fee specified in section 321G.27. However, if the transferee is the surviving spouse of the deceased owner, the county recorder shall waive the required fees. 2. If a lienholder repossesses a snowmobile by operation of law and holds it for resale, the lienholder shall secure a new certificate of title and shall pay the required fee, plus the writing fee specified in section 321G.27. 97 Acts, ch 148, §3, 9; 99 Acts, ch 113, §5; 2004 Acts, ch 1132, §40; 2012 Acts, ch 1100, §29; 2021 Acts, ch 138, §1; 2023 Acts, ch 71, §104 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321G - SNOWMOBILES Section 321G.32 - Security interest — perfection and titles — fees.

321G.32 Security interest — perfection and titles — fees. 1. A security interest created in this state in a snowmobile is not perfected until the security interest is noted on the certificate of title. a. To perfect the security interest, an application for security interest must be presented along with the original title. The county recorder shall note the security interest on the face of the title and in the electronic record maintained by the recorder's office. b. The application fee for a security interest is ten dollars. Five dollars of the fee shall be credited to the special snowmobile fund created under section 321G.7. The remaining five dollars shall be retained by the county and deposited into the general fund of the county. c. The application shall be accompanied by the writing fee specified in section 321G.27. 2. The certificate of title shall be presented to the county recorder when the application for security interest or for assignment of the security interest is presented and a new or endorsed certificate of title shall be issued to the secured party with the name and address of the secured party upon it. 3. When a security interest is discharged, the secured party shall note the cancellation of the security interest on the face of the certificate of title and send the title by first class mail to the office of the county recorder where the title was issued. If the title has been lost or destroyed, the secured party may discharge the security interest by sending a signed, notarized statement to the office of the county recorder where the title was issued. The county recorder shall note the release of the security interest in the county records and attach the statement to the certificate of title as evidence of the release of the security interest. 97 Acts, ch 148, §4, 9; 99 Acts, ch 113, §6; 2004 Acts, ch 1132, §41, 42; 2007 Acts, ch 141, §24; 2014 Acts, ch 1141, §65; 2023 Acts, ch 71, §105 Subsection 1, NEW paragraph c

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321G - SNOWMOBILES Section 321G.33 - Vehicle identification number.

321G.33 Vehicle identification number. 1. The department may assign a distinguishing number to a snowmobile when the serial number on the snowmobile is destroyed or obliterated and issue to the owner a special decal bearing the distinguishing number which shall be affixed to the snowmobile in a position to be determined by the department. The snowmobile shall be registered and titled under the distinguishing number in lieu of the former serial number. Every snowmobile shall have a vehicle identification number assigned and affixed as required by the department. 2. The commission shall adopt, by rule, the procedures for application and for issuance of a vehicle identification number for homebuilt snowmobiles. 3. A person shall not destroy, remove, alter, cover, or deface the manufacturer's vehicle identification number, the plate or decal bearing it, or any vehicle identification number the department assigns to a snowmobile without the department's permission. 4. A person other than a manufacturer who constructs or rebuilds a snowmobile for which there is no legible vehicle identification number shall submit to the department an affidavit which describes the snowmobile. In cooperation with the county recorder, the department shall assign a vehicle identification number to the snowmobile. The applicant shall permanently affix the vehicle identification number to the snowmobile in a manner that such alteration, removal, or replacement of the vehicle identification number would be obvious. 2002 Acts, ch 1027, §11; 2003 Acts, ch 44, §62; 2004 Acts, ch 1132, §43; 2012 Acts, ch 1100, §30

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321G - SNOWMOBILES Section 321G.34 - Repeat offender — records, enforcement, and penalties.

321G.34 Repeat offender — records, enforcement, and penalties. 1. The commission shall establish by rule a recordkeeping system and other administrative procedures necessary to administer this section. 2. A person who pleads guilty to or is convicted of a violation of any provision of this chapter while the person's registration privilege is suspended or revoked under administrative procedures is guilty of a simple misdemeanor if the person had no other violations within the previous three years which occurred while the person's registration privilege was suspended or revoked. 3. A person who pleads guilty to or is convicted of a violation of any provision of this chapter while the person's registration privilege is suspended or revoked under administrative procedures is guilty of a serious misdemeanor if the person had one other violation within the previous three years which occurred while the person's registration privilege was suspended or revoked. 4. A person who pleads guilty to or is convicted of a violation of any provision of this chapter while the person's registration privilege is suspended or revoked under administrative procedures is guilty of an aggravated misdemeanor if the person had two or more convictions within the previous three years which occurred while the person's registration privilege was suspended or revoked. 5. a. Upon the conviction of a person of any violation of this chapter or a rule adopted under this chapter, the court, as a part of the judgment, may suspend or revoke one or more snowmobile registration or user permit privileges of the person for any definite period. b. The court shall revoke all of the person's snowmobile registrations or user permits and suspend the privilege of procuring a registration or user permit for a period of one year for any person who has been convicted twice within one year of trespassing while operating a snowmobile. A person shall not be issued a registration or user permit during the period of suspension or revocation. 2007 Acts, ch 141, §25 Trespass, see §716.7 and 716.8

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321G - SNOWMOBILES Section 321G.4 - Registration — fee.

321G.4 Registration — fee. 1. The owner of each snowmobile required to be registered shall register it annually with the department through a county recorder. The department shall develop and maintain an electronic system for the registration of snowmobiles pursuant to this chapter. The department shall establish forms and procedures as necessary for the registration of snowmobiles. 2. a. The owner of the snowmobile shall file an application for registration with the department through the county recorder of the county of residence in the manner established by the commission. The application shall be completed by the owner and shall be accompanied by a fee of fifteen dollars and a writing fee as provided in section 321G.27. A snowmobile shall not be registered by the county recorder until the county recorder is presented with receipts, bills of sale, or other satisfactory evidence that the sales or use tax has been paid for the purchase of the snowmobile or that the owner is exempt from paying the tax. A snowmobile that has an expired registration certificate from another state may be registered in this state upon proper application, payment of all applicable registration and writing fees, and payment of a penalty of five dollars. b. If the owner of the snowmobile is unable to present satisfactory evidence that the sales or use tax has been paid, the county recorder shall collect the tax. On or before the tenth day of each month, the county recorder shall remit to the department of revenue the amount of the taxes collected during the preceding month, in a manner prescribed by the department. 3. Upon receipt of the application in approved form accompanied by the required fees, the county recorder shall issue to the applicant a registration certificate and registration decal. The registration decal shall be displayed on the snowmobile as provided in section 321G.5. The registration certificate shall be carried either in the snowmobile or on the person of the operator of the snowmobile when in use. The operator of a snowmobile shall exhibit the registration certificate to a peace officer upon request, to a person injured in an accident involving a snowmobile, to the owner or operator of another snowmobile or the owner of personal or real property when the snowmobile is involved in a collision or accident of any nature with another snowmobile or the property of another person, or to the property owner or tenant when the snowmobile is being operated on private property without permission from the property owner or tenant. 4. Notwithstanding subsections 1 and 2, a snowmobile manufactured prior to 1984 may be registered as an antique snowmobile for a one-time fee of twenty-five dollars, which shall exempt the owner from annual registration and fee requirements for that snowmobile. However, if ownership of an antique snowmobile is transferred, the new owner shall register the snowmobile and pay the one-time fee as required under this subsection. An antique snowmobile may be registered with only a signed bill of sale as evidence of ownership. [C71, 73, 75, 77, 79, 81, §321G.4; 81 Acts, ch 113, §3] 86 Acts, ch 1235, §1; 89 Acts, ch 244, §6; 99 Acts, ch 113, §2; 99 Acts, ch 114, §21; 2003 Acts, ch 44, §60; 2004 Acts, ch 1132, §5, 97; 2005 Acts, ch 138, §3; 2007 Acts, ch 141, §5; 2012 Acts, ch 1100, §7; 2014 Acts, ch 1141, §54; 2015 Acts, ch 30, §107; 2020 Acts, ch 1118, §34; 2021 Acts, ch 86, §36 Referred to in §321G.3, 321G.29, 331.602, 331.605

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321G - SNOWMOBILES Section 321G.4A - User permit — fee.

321G.4A User permit — fee. 1. A person wishing to operate a snowmobile on public land, public ice, or a designated snowmobile trail of this state shall obtain a user permit from the department. A user permit shall be issued for use on only one snowmobile and is not transferable. A user permit shall be valid for the calendar year or time period specified in the permit. 2. A county recorder or a license agent designated by the director pursuant to section 483A.11 may issue user permits. The fee for a user permit shall be fifteen dollars plus an administrative fee established by the commission. A county recorder or a license agent shall retain a writing fee from the sale of each user permit as provided in section 321G.27. 2005 Acts, ch 138, §4; 2007 Acts, ch 141, §6; 2012 Acts, ch 1100, §8 Referred to in §321G.3, 321G.4B, 321G.7, 331.602, 331.605

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321G - SNOWMOBILES Section 321G.4B - Nonresident requirements — penalties.

321G.4B Nonresident requirements — penalties. 1. A nonresident wishing to operate a snowmobile on public land, public ice, or a designated snowmobile trail of this state shall obtain a user permit in accordance with section 321G.4A. In addition to obtaining a

user permit, a nonresident shall display a current registration decal or other evidence of registration or numbering required by the owner's state of residence unless the owner resides in a state that does not register or number snowmobiles. 2. A violation of subsection 1 is punishable as a scheduled violation under section 805.8B, subsection 2, paragraph "a". When the scheduled fine is paid, the violator shall submit proof to the department that a user permit has been obtained and provide evidence of registration or numbering as required by the owner's state of residence, if applicable, to the department within thirty days of the date the fine is paid. A person who violates this section is guilty of a simple misdemeanor. 2014 Acts, ch 1141, §55 Referred to in §805.8B(2)(a)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321G - SNOWMOBILES Section 321G.5 - Display of registration and user permit decals.

321G.5 Display of registration and user permit decals. The owner of a snowmobile shall display the registration decal and user permit decal on the snowmobile in the manner prescribed by the rules of the commission. [C71, 73, 75, 77, 79, 81, §321G.5] 86 Acts, ch 1031, §3; 89 Acts, ch 244, §7; 2002 Acts, ch 1027, §4; 2004 Acts, ch 1132, §6; 2007 Acts, ch 141, §7; 2012 Acts, ch 1100, §9 Referred to in §321G.4, 805.8B(2)(e) For applicable scheduled fine, see §805.8B, subsection 2, paragraph e

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321G - SNOWMOBILES Section 321G.6 - Registration — renewal.

321G.6 Registration — renewal. 1. Every snowmobile registration certificate and registration decal issued expires at midnight December 31 unless sooner terminated or discontinued in accordance with this chapter or rules of the commission. After the first day of September each year, an unregistered snowmobile may be registered and a registration may be renewed in one transaction. The fee is five dollars for the remainder of the current year, in addition to the registration fee of fifteen dollars for the subsequent year beginning January 1, and a writing fee as provided in section 321G.27. 2. An expired registration may be renewed for the same fee as if the owner is securing the original registration plus a penalty of five dollars and a writing fee as provided in section 321G.27. 3. Duplicate registrations may be issued by a county recorder or a license agent upon the payment of a five dollar fee plus a writing fee as provided in section 321G.27. 4. A county recorder or a license agent designated by the director pursuant to section 483A.11 may issue snowmobile registration renewals electronically pursuant to rules adopted by the commission. The fee for a registration renewal issued using an electronic system is fifteen dollars plus an administrative fee established by the commission and a writing fee as provided in section 321G.27. [C71, 73, 75, 77, 79, 81, S81, §321G.6; 81 Acts, ch 113, §4, 5] 86 Acts, ch 1031, §4; 86 Acts, ch 1235, §2; 89 Acts, ch 244, §8 – 11; 91 Acts, ch 236, §2; 97 Acts, ch 148, §6, 9; 99 Acts, ch 113, §3; 2000 Acts, ch 1019, §1; 2002 Acts, ch 1027, §5; 2004 Acts, ch 1132, §7; 2005 Acts, ch 138, §5, 6; 2007 Acts, ch 141, §8; 2012 Acts, ch 1100, §10 Referred to in §331.602

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321G - SNOWMOBILES Section 321G.7 - Fees remitted to commission — appropriation — trail equipment donation.

321G.7 Fees remitted to commission — appropriation — trail equipment donation. 1. A county recorder or license agent shall remit to the commission the snowmobile fees collected by the recorder or license agent in the manner and time prescribed by the department. 2. The department shall remit the fees, including user permit fees collected pursuant to section 321G.4A, to the treasurer of state, who shall place the money in a special snowmobile fund. The money is appropriated to the department for the snowmobile programs of the state. The programs shall include grants, subgrants, contracts, or cost-sharing of snowmobile programs with political subdivisions or incorporated private organizations or both, which may include the purchase, ownership, and maintenance of trail grooming equipment, in accordance with rules adopted by the commission. Snowmobile fees may be used to support snowmobile programs on a usage basis. At least seventy percent of the special fund shall be available for political subdivisions or incorporated private organizations or both. Moneys from the special fund not used by the political subdivisions or incorporated private organizations or both shall remain in the fund and may be used by the department for the administration of the snowmobile programs. Notwithstanding section 8.33, moneys in the special fund shall not revert to the general fund of the state at the end of a fiscal year. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the special fund shall remain in the fund. 3. Notwithstanding any provision of law to the contrary, the department may donate trail grooming equipment owned by the department to a political subdivision or incorporated private organization receiving moneys from the fund after the useful life of the trail grooming equipment to the department has expired. [C71, 73, 75, 77, 79, 81, S81, §321G.7; 81 Acts, ch 113, §6] 89 Acts, ch 102, §2; 89 Acts, ch 244, §12; 2004 Acts, ch 1132, §8; 2005 Acts, ch 138, §7; 2007 Acts, ch 141, §9; 2012 Acts, ch 1100, §11; 2017 Acts, ch 40, §2, 3 Referred to in §321G.1, 321G.24, 321G.30, 321G.32, 331.427

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321G - SNOWMOBILES Section 321G.8 - Exempt vehicles.

321G.8 Exempt vehicles. Registration and user permits shall not be required for the following described snowmobiles: 1. Snowmobiles owned by the United States, this state, or another state, or by a governmental subdivision thereof, and used for enforcement, search and rescue, or official research and studies, but not for recreational or commercial purposes. 2. Snowmobiles used exclusively as farm implements. 3. Snowmobiles registered in an organized special event authorized pursuant to section 321G.16 when such snowmobiles are operated within the boundaries of the event. [C71, 73, 75, 77, 79, 81, §321G.8] 89 Acts, ch 244, §13; 2002 Acts, ch 1027, §6; 2004 Acts, ch 1132, §9; 2005 Acts, ch 138, §8; 2007 Acts, ch 141, §10; 2012 Acts, ch 1100, §12,

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321G - SNOWMOBILES Section 321G.9 - Operation on roadways and highways.

321G.9 Operation on roadways and highways. A person shall not operate a snowmobile upon roadways or highways, as defined in section 321.1, except as provided in this chapter. 1. A snowmobile shall not be operated at any time within the right-of-way of any interstate highway or freeway within this state. However, a snowmobile may be operated within the right-of-way of an interstate highway or freeway when using an underpass or crossing a bridge located on the interstate highway or freeway if the snowmobile is brought to a complete stop before entering onto the right-of-way and the driver yields the right-of-way to any approaching vehicle on the roadway. 2. A snowmobile may make a direct crossing of a street or highway provided all of the following occur: a. The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing. b. The snowmobile is brought to a complete stop before crossing the shoulder or main traveled way of the highway. c. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard. d. In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway. 3. A snowmobile shall not be operated on public highways under any of the following conditions: a. On the roadway portion of a highway and adjacent shoulder, or at least five feet on either side of the roadway, except as provided in subsection 4. b. On limited access highways and approaches. c. For racing any moving object. d. Abreast with one or more other snowmobiles on a city highway. 4. A registered snowmobile may be operated under the following conditions: a. Upon city highways which have not been plowed during the snow season or on such highways as designated by the governing body of a municipality. b. On that portion of county roadways that have not been plowed during the snow season or not maintained or utilized for the operation of conventional two-wheel drive motor vehicles. c. On highways in an emergency during the period of time when and at locations where snow upon the roadway renders travel by conventional motor vehicles impractical. d. On the roadways of that portion of county highways designated by the county board of supervisors for such use during a specified period. The county board of supervisors shall evaluate the traffic conditions on all county highways and designate roadways on which snowmobiles may be operated for the specified period without unduly interfering with or constituting an undue hazard to conventional motor vehicle traffic. Signs warning of the operation of snowmobiles on the roadway shall be placed and maintained on the portions of highway thus designated during the period specified for the operation. e. On the roadway or shoulder when necessary to cross a bridge or culvert, or avoid an obstruction which makes it impossible to travel on the portion of the highway not intended for motor vehicles, if the snowmobile is brought to a complete stop before entering onto the roadway or shoulder and the driver yields the right-of-way to any approaching vehicle on the roadway. f. Snowmobiles shall not be operated on all-terrain vehicle trails except where designated by the controlling authority and the primary all-terrain vehicle trail sponsor. 5. The headlight and taillight shall be lighted during the operation on a public highway at any time from sunset to sunrise, and at such other times when conditions such as fog, snow, sleet or rain provide insufficient lighting to render clearly discernible persons and vehicles at a distance of five hundred feet ahead. 6. A snowmobile shall not be operated within the right-of-way of a primary highway between the hours of sunset and sunrise except on the right-hand side of the right-of-way and in the same direction as the motor vehicular traffic on the nearest lane of traveled portion of the right-of-way. [C71, 73, 75, 77, 79, 81, §321G.9] 89 Acts, ch 244, §14 – 21; 90 Acts, ch 1230, §80; 92 Acts, ch 1168, §1; 98 Acts, ch 1073, §9; 2004 Acts, ch 1132, §10 – 15; 2012 Acts, ch 1100, §14; 2015 Acts, ch 38, §1 Referred to in §321G.1, 331.362, 805.8B(2)(b) For applicable scheduled fines, see §805.8B, subsection 2, paragraph b

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321H - VEHICLE RECYCLERS Section 321H.1 - Administration.

321H.1 Administration. The administration of this chapter shall be vested in the director of transportation. The department may employ such employees as are necessary for the administration of this chapter, within applicable budget limitations. [C79, 81, §321H.1] 2015 Acts, ch 29, §114

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321H - VEHICLE RECYCLERS Section 321H.2 - Definitions.

321H.2 Definitions. As used in this chapter and unless a different meaning appears from the context: 1. “Authorized vehicle recycler” means a person licensed to operate as a vehicle rebuilder, used vehicle parts dealer or vehicle salvager. 2. “Department” means the state department of transportation. 3. “Extension” means a place of business of an authorized vehicle recycler other than the principal place of business within the county of the principal place of business. 4. “National motor vehicle title information system” means the federally mandated motor vehicle title history database established pursuant to 49 U.S.C. §30502 and maintained by the United States department of justice that links the states’ motor vehicle title records, including the department’s title records, and that requires the reporting of junk and salvage motor vehicles in order to ensure that states, law enforcement agencies, insurers, and consumers have access to information that enables the verification of a vehicle’s history, and the accuracy and legality of a motor vehicle’s title, before a purchase or title transfer occurs. 5. “Person” includes any individual, firm, corporation, partnership, joint adventure, or association, and the plural as well as the singular number. 6. “Selling” includes bartering, exchanging, or otherwise dealing in. 7. “Used vehicle parts dealer” means a person engaged in, or advertising as being engaged in, the business of selling bodies, parts of bodies, frames, or component parts of used vehicles subject to registration. 8. “Vehicle” means any vehicle as defined in chapter 321. 9. “Vehicle rebuilder” means a person engaged in, or advertising as being engaged in, the business of

rebuilding or restoring to operating condition vehicles subject to registration which have been damaged or wrecked. 10. “Vehicle salvager” means a person engaged in, or advertising as being engaged in, the business of scrapping, recycling, dismantling, or storing wrecked or damaged vehicles or selling reusable parts of vehicles or storing vehicles not currently registered which vehicles are vehicles subject to registration. 11. “Vehicle subject to registration” means any vehicle that is of a type required to be registered under chapter 321 when operated on a public highway, including but not limited to a vehicle that is inoperable, salvage, or rebuilt. 12. “Wrecked or salvage vehicle” means a damaged vehicle for which the cost of repair exceeds seventy percent of the fair market value of the vehicle before the vehicle became damaged. [C79, 81, §321H.2] 97 Acts, ch 108, §32; 2008 Acts, ch 1032, §106; 2009 Acts, ch 130, §29, 30; 2014 Acts, ch 1027, §2; 2015 Acts, ch 52, §7, 14; 2016 Acts, ch 1073, §105; 2021 Acts, ch 30, §2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321H - VEHICLE RECYCLERS Section 321H.3 - Prohibitions.

321H.3 Prohibitions. Except for educational institutions; persons licensed as new vehicle dealers under chapter 322; persons engaged in a hobby not for profit; persons engaged in the business of purchasing bodies, parts of bodies, frames, or component parts of vehicles only for sale as scrap metal; insurance companies governed by chapter 515; county mutual insurance associations governed by chapter 518; state mutual insurance associations governed by chapter 518A; or persons licensed under the provisions of this chapter as authorized vehicle recyclers, a person in this state shall not engage in, or advertise as being engaged in, the business of any of the following: 1. Selling or offering for sale used bodies, parts of bodies, frames, or component parts of more than six used vehicles subject to registration in a twelve-month period. 2. Dismantling, scrapping, recycling, or salvaging more than six vehicles subject to registration in a twelve-month period. 3. Rebuilding or restoring for sale more than six wrecked or salvage vehicles subject to registration in a twelve-month period. 4. Storing more than six vehicles not currently registered or storing damaged vehicles except where such storing of damaged vehicles is incidental to the primary purpose of the repair of vehicles for others. [C79, 81, §321H.3] 88 Acts, ch 1089, §8; 97 Acts, ch 108, §33; 2009 Acts, ch 130, §31; 2009 Acts, ch 179, §74; 2010 Acts, ch 1035, §3; 2014 Acts, ch 1027, §3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321H - VEHICLE RECYCLERS Section 321H.4 - License application and fees.

321H.4 License application and fees. 1. Upon application and payment of a fee, a person may apply for a license to operate as an authorized vehicle recycler to engage in the business as one or more of the following: a. A vehicle rebuilder. b. A used vehicle parts dealer. c. A vehicle salvager. 2. a. Application for a license as an authorized vehicle recycler shall be made to the department on forms provided by the department. The application shall be accompanied by a fee of seventy dollars for a two-year period or part thereof and proof of registration with the national motor vehicle title information system. The license shall be approved or disapproved within thirty days after application for the license. A license expires on December 31 of even-numbered years. A licensee shall have the month of expiration and the month after the month of expiration to renew the license. A person who fails to renew a license by the end of this time period and desires to hold a license shall file a new license application and pay the required fee. A separate license shall be obtained for each county in which an applicant conducts operations. b. The applicant shall specify which business or businesses, as enumerated in subsection 1, the applicant is applying for a license to engage in. An applicant shall have or demonstrate that the applicant will have the facilities and equipment necessary to engage in the business or businesses for which the applicant is applying for a license. The license shall specify which business or businesses the applicant has been authorized to engage in. 3. Each licensee shall file with the department a supplemental statement form when the licensee’s principal place of business, an extension, or the operation of business in the county is changed to differ from the information contained on the initial license application form at least ten days prior to any operational change. The department shall notify each licensee of the approval of a change in license status. If a change in license status is approved by the department, the licensee shall surrender the old license to the department together with a thirty-five dollar fee. The department shall issue a new license modified to reflect the principal place of business, each extension, and the operations of the licensee. [C79, 81, §321H.4] 92 Acts, ch 1104, §5; 92 Acts, ch 1175, §10; 2000 Acts, ch 1016, §19; 2006 Acts, ch 1068, §46, 57; 2009 Acts, ch 130, §32; 2015 Acts, ch 52, §8, 14 Referred to in §455D.11

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321H - VEHICLE RECYCLERS Section 321H.4A - National motor vehicle title information system.

321H.4A National motor vehicle title information system. 1. A vehicle recycler licensed under this chapter and subject to the requirements of 28 C.F.R. §25.56 shall register with the national motor vehicle title information system. 2. a. Except as provided in paragraph “b”, for any vehicle subject to registration under chapter 321 purchased by a vehicle recycler licensed under this chapter and subject to the requirements of 28 C.F.R. §25.56, the vehicle recycler shall comply with the reporting requirements of 28 C.F.R. §25.56 within two business days of purchasing the vehicle. Records of the vehicle recycler’s compliance shall be kept by the vehicle recycler for at least three years after the purchase of the vehicle, and shall be open for inspection by any peace officer during normal business hours. The department shall adopt rules to implement this section, including but not limited to rules requiring the submission and retention of records not required by 28 C.F.R. §25.56. b. Paragraph “a” does not apply to a vehicle that has been crushed or flattened by mechanical means in such a way that it no longer resembles the vehicle described by the certificate of title if the vehicle recycler who purchased the vehicle verifies that the seller of the vehicle has met the requirements of paragraph “a”. The department shall adopt rules relating to the form of the verification, and the manner in which the verification shall be retained. 2015

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321H - VEHICLE RECYCLERS Section 321H.5 - Contents and display of license.

321H.5 Contents and display of license. A license issued under the provisions of this chapter shall specify the location of the principal place of business, the location of each extension within the county of the principal place of business, and for licenses issued on or after January 1, 2016, the licensee's registration number for the national motor vehicle title information system. The license shall be conspicuously displayed at the principal place of business except during periods when the license is surrendered for modifications. [C79, 81, §321H.5] 2015 Acts, ch 52, §10, 14

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321H - VEHICLE RECYCLERS Section 321H.6 - Denial, suspension, or revocation of license.

321H.6 Denial, suspension, or revocation of license. The license of a person issued under the provisions of this chapter may be denied, revoked, or suspended, and an application for a license under this chapter may be denied, if the department finds any of the following: 1. The licensee has violated any provision of this chapter. 2. The licensee has made any material misrepresentation to the department in connection with an application for a license, junking certificate, salvage certificate, certificate of title, or registration of a vehicle. 3. The licensee has been convicted of a fraudulent practice or any indictable offense in connection with selling or other activity relating to vehicles, in this state or any other state, or has been convicted of three or more violations of section 321.92, subsection 2, or section 321.99. 4. The licensee has failed to maintain an established principal place of business in the county without notification to the department. 5. The licensee has had a license issued under the provisions of this chapter denied, suspended, or revoked within the previous three years. 6. The licensee has been determined in a final judgment of a court of competent jurisdiction to have violated section 714.16 in connection with selling or other activity relating to vehicles. 7. The licensee has failed to comply with section 321H.4A or 28 C.F.R. §25.56. [C79, 81, §321H.6] 2009 Acts, ch 130, §33; 2010 Acts, ch 1035, §4, 5; 2015 Acts, ch 52, §11, 12, 14 Fraudulent practices, §714.8 – 714.14

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321H - VEHICLE RECYCLERS Section 321H.7 - Fees.

321H.7 Fees. All fees of whatever character accruing from the administration of this chapter shall be accounted for and paid by the department into the state treasury monthly and shall be credited to the road use tax fund. [C79, 81, §321H.7]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321H - VEHICLE RECYCLERS Section 321H.8 - Penalties.

321H.8 Penalties. 1. a. Except as provided in paragraph “b”, a person convicted of violating a provision of this chapter is guilty of a serious misdemeanor. b. A person convicted of violating section 321H.4A is guilty of a simple misdemeanor punishable by a fine of not less than two hundred fifty dollars nor more than one thousand five hundred dollars or by imprisonment not to exceed thirty days. 2. A person who has been convicted of a fraudulent practice, has been convicted of three or more violations of section 321.92, subsection 2, or section 321.99, or has been convicted of any indictable offense in connection with selling or other activity relating to vehicles, in this state or any other state, shall not for a period of five years from the date of conviction be an owner, salesperson, employee, officer of a corporation, or representative of an authorized vehicle recycler or represent themselves as an owner, salesperson, employee, officer of a corporation, or representative of an authorized vehicle recycler. [C81, §321H.8] 97 Acts, ch 108, §34; 2009 Acts, ch 130, §34; 2010 Acts, ch 1035, §6; 2015 Acts, ch 52, §13, 14 Fraudulent practices, §714.8 – 714.14

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321I - ALL-TERRAIN VEHICLES Section 321I.1 - Definitions.

321I.1 Definitions. As used in this chapter, unless the context otherwise requires: 1. a. “All-terrain vehicle” means a motorized vehicle with not less than three and not more than six nonhighway tires that is limited in engine displacement to less than one thousand cubic centimeters and in total dry weight to less than one thousand two hundred pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control. b. Off-road motorcycles shall be considered all-terrain vehicles for the purpose of registration. Off-road motorcycles shall also be considered all-terrain vehicles for the purpose of titling if a title has not previously been issued pursuant to chapter 321. An operator of an off-road motorcycle is subject to provisions governing the operation of all-terrain vehicles in this chapter, but is exempt from the education instruction and certification program requirements of sections 321I.25 and 321I.26. 2. “A’ scale” means the physical scale marked “A” graduated in decibels on a sound level meter which meets the requirements of the American national standards institute, incorporated, publication S1.4-1961, general purpose sound level meters. 3. “Commission” means the natural resource commission of the department. 4. “Dealer” means a person engaged in the business of buying, selling, or exchanging all-terrain vehicles required to be registered under this chapter and who has an established place of business for that purpose in this state. 5. “Department” means the department of natural resources. 6. “Designated riding area” means an all-terrain vehicle riding area on any public land or public ice under the jurisdiction of the department that has been designated by the department for all-terrain vehicle use. 7. “Designated riding trail” means an all-terrain vehicle riding trail on any public land, private land, or public ice that has been designated by the department, a political subdivision, or a controlling authority for all-terrain vehicle use. 8. “Director” means the director of the department. 9. “Direct supervision” means to provide supervision of another person while maintaining visual and verbal contact at all times. 10. “Distributor” means a

person, resident or nonresident, who sells or distributes all-terrain vehicles to all-terrain vehicle dealers in this state or who maintains distributor representatives. 11. “Education certificate” means an all-terrain vehicle education certificate, approved by the commission, which is issued to a qualified applicant who is twelve years of age or older. 12. “Established place of business” means the place actually occupied either continuously or at regular periods by a dealer or manufacturer where the books and records are kept and the dealer’s or manufacturer’s business is primarily transacted. 13. “Manufacturer” means a person engaged in the business of constructing or assembling all-terrain vehicles required to be registered under this chapter and who has an established place of business for that purpose in this state. 14. “Nonambulatory person” means an individual with paralysis of the lower half of the body with the involvement of both legs, usually caused by disease of or injury to the spinal cord, or caused by the loss of both legs or the loss of a part of both legs. 15. “Nonresident” means a person who is not a resident of this state. 16. “Off-road motorcycle” means a two-wheeled motor vehicle that has a seat or saddle designed to be straddled by the operator and handlebars for steering control and that is intended by the manufacturer for use on natural terrain. “Off-road motorcycle” includes a motorcycle that was originally issued a certificate of title and registered for highway use under chapter 321, but which contains design features that enable operation over natural terrain. 17. a. “Off-road utility vehicle” means a motorized vehicle with not less than four and not more than eight nonhighway tires or rubberized tracks that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control. “Off-road utility vehicle” includes the following vehicles: (1) “Off-road utility vehicle — type 1” means an off-road utility vehicle with a total dry weight of one thousand two hundred pounds or less and a width of fifty inches or less. (2) “Off-road utility vehicle — type 2” means an off-road utility vehicle, other than a type 1 off-road utility vehicle, with a total dry weight of two thousand pounds or less, and a width of sixty-five inches or less. (3) “Off-road utility vehicle — type 3” means an off-road utility vehicle with a total dry weight of more than two thousand pounds or a width of more than sixty-five inches, or both. b. The operator of an off-road utility vehicle is subject to provisions governing the operation of all-terrain vehicles in section 321.234A, this chapter, and administrative rules, but is exempt from the education instruction and certification program requirements of sections 321I.25 and 321I.26. An operator of an off-road utility vehicle shall not operate the vehicle on a designated riding area or designated riding trail unless the department has posted signage indicating the riding area or trail is open to the operation of off-road utility vehicles. Off-road utility vehicles are subject to the dealer registration and titling requirements of this chapter. A motorized vehicle that was previously titled or is currently titled under chapter 321 shall not be registered or operated as an off-road utility vehicle. 18. “Operate” means to ride in or on, other than as a passenger, use, or control the operation of an all-terrain vehicle in any manner, whether or not the all-terrain vehicle is moving. 19. “Operator” means a person who operates or is in actual physical control of an all-terrain vehicle. 20. “Owner” means a person, other than a lienholder, having the property right in or title to an all-terrain vehicle. The term includes a person entitled to the use or possession of an all-terrain vehicle subject to an interest in another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security. 21. “Person” means an individual, partnership, firm, corporation, association, and the state, its agencies, and political subdivisions. 22. “Public ice” means any frozen, navigable waters within the territorial limits of this state and the frozen marginal river areas adjacent to this state, other than farm ponds, that are under the jurisdiction of the commission. 23. “Public land” means land owned by the federal government, the state, or political subdivisions of the state and land acquired or developed for public recreation pursuant to section 321I.8. 24. “Railroad right-of-way” means the full width of property owned, leased, or subject to easement for railroad purposes and is not limited to those areas on which tracks are located. 25. “Resident” means as defined in section 483A.1A. 26. “Roadway” means that portion of a highway improved, designed, or ordinarily used for vehicular travel. 27. “Snowmobile” means the same as defined in section 321G.1. 28. “Special event” means an organized race, exhibition, or demonstration of limited duration which is conducted on public land, public ice, or a designated riding trail under the jurisdiction of the commission according to a prearranged schedule and in which general public interest is manifested. 29. “Street” or “highway” means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular travel, except in public areas in which the boundary shall be thirty-three feet each side of the center line of the roadway. 2004 Acts, ch 1132, §44; 2007 Acts, ch 141, §26, 27; 2009 Acts, ch 144, §6, 7; 2012 Acts, ch 1013, §3, 4; 2012 Acts, ch 1100, §31 – 34; 2014 Acts, ch 1005, §1; 2014 Acts, ch 1141, §66; 2016 Acts, ch 1073, §106 Referred to in §321G.1, 322F.1, 423.3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321I - ALL-TERRAIN VEHICLES Section 321I.10 - Operation on roadways, highways, and trails.

321I.10 Operation on roadways, highways, and trails. 1. A person shall not operate an all-terrain vehicle or off-road utility vehicle upon roadways or highways except as provided in section 321.234A and this section. 2. A registered all-terrain vehicle or off-road utility vehicle may be operated on an undivided two-lane primary highway that is not part of the interstate road system over the most direct and accessible route between any of the following locations: a. An all-terrain vehicle park or trail. b. A secondary road on which such vehicles are authorized to operate under subsection 3. c. A city street on which such vehicles are authorized to operate under subsection 4. d. The vehicle operator’s residence. 3. a. A registered all-terrain vehicle or off-road utility vehicle may be operated on any of the following secondary roads: (1) An unpaved secondary road. (2) A paved, undivided two-lane secondary road over the most direct and accessible route between any of the following locations: (a) An all-terrain vehicle park or trail. (b) Another secondary road on which such vehicles are authorized to operate under this paragraph. (c) A city street on which such vehicles are authorized to operate under subsection 4. (d) The vehicle operator’s residence. (3) A paved, undivided secondary road or segment thereof, if authorized by the county board of supervisors. The board shall evaluate the traffic conditions on all such secondary roads

under its jurisdiction and designate roadways on which all-terrain vehicles or off-road utility vehicles may be operated without unduly interfering with or constituting an undue hazard to conventional motor vehicle traffic. In designating such roadways, the board may authorize all-terrain vehicles and off-road utility vehicles to stop at service stations or convenience stores along a designated roadway. b. Notwithstanding paragraph “a”, a county may prohibit the operation of all-terrain vehicles and off-road utility vehicles on a secondary road or segment thereof under its jurisdiction as follows: (1) When the secondary road or segment thereof is closed to motor vehicle traffic pursuant to section 306.41. (2) When the secondary road or segment thereof is designated as a detour route pursuant to section 306.41. (3) For any other secondary road or segment thereof, for no more than seven consecutive days and no more than thirty days in a calendar year when the prohibited days are established by ordinance. 4. A city may regulate the operation of registered all-terrain vehicles and off-road utility vehicles and may designate streets under the jurisdiction of the city within its corporate limits, and two-lane primary and secondary road extensions in the city, which may be used for the operation of such vehicles. In designating such streets, the city may authorize all-terrain vehicles and off-road utility vehicles to stop at service stations or convenience stores along a designated street. However, a city shall not charge a fee to operate a registered all-terrain vehicle or off-road utility vehicle within the city. 5. All-terrain vehicles shall not be operated on snowmobile trails except where designated by the controlling authority and the primary snowmobile trail sponsor. 6. An all-terrain vehicle or off-road utility vehicle may make a direct crossing of a highway that is not part of the interstate road system provided all of the following occur: a. The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing. b. The all-terrain vehicle or off-road utility vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway. c. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard. d. In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway. e. The crossing is made from a street, roadway, or highway on which the all-terrain vehicle or off-road utility vehicle is authorized to operate to a street, roadway, or highway on which such vehicle is authorized to operate. 2004 Acts, ch 1132, §53; 2004 Acts, ch 1175, §371; 2005 Acts, ch 20, §9; 2006 Acts, ch 1030, §37; 2009 Acts, ch 179, §125; 2010 Acts, ch 1186, §10; 2017 Acts, ch 32, §2; 2022 Acts, ch 1105, §8 – 11 Referred to in §321.234A, 331.362, 805.8B(2A)(b) For applicable scheduled fines, see §805.8B, subsection 2A, paragraph b

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321I - ALL-TERRAIN VEHICLES Section 321I.11 - Accident reports.

321I.11 Accident reports. If an all-terrain vehicle is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand five hundred dollars or more, either the operator or someone acting for the operator shall immediately notify the county sheriff or another law enforcement agency in the state. If the accident occurred on public land, public ice, or a designated riding trail under the jurisdiction of the commission, the operator shall file with the commission a report of the accident, within seventy-two hours, containing information as the commission may require. All other accidents shall be reported as required under section 321.266. 2004 Acts, ch 1132, §54; 2010 Acts, ch 1157, §3; 2011 Acts, ch 38, §22; 2012 Acts, ch 1100, §42

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321I - ALL-TERRAIN VEHICLES Section 321I.12 - Mufflers required — inspections.

321I.12 Mufflers required — inspections. 1. An all-terrain vehicle shall not be operated without suitable and effective muffling devices. An all-terrain vehicle shall comply with the sound level standards and testing procedures established by the society of automotive engineers under SAE J1287. 2. The commission may adopt rules with respect to the inspection of all-terrain vehicles and testing of their mufflers. 2004 Acts, ch 1132, §55; 2007 Acts, ch 141, §35 Referred to in §805.8B(2A)(b) For applicable scheduled fines, see §805.8B, subsection 2A, paragraph b

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321I - ALL-TERRAIN VEHICLES Section 321I.13 - Headlight — taillight — brakes.

321I.13 Headlight — taillight — brakes. Every all-terrain vehicle operated during the hours of darkness shall display a lighted headlight and taillight. Every all-terrain vehicle shall be equipped with brakes. 2004 Acts, ch 1132, §56; 2012 Acts, ch 1100, §43 Referred to in §805.8B(2A)(c) For applicable scheduled fines, see §805.8B, subsection 2A, paragraph c

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321I - ALL-TERRAIN VEHICLES Section 321I.14 - Unlawful operation.

321I.14 Unlawful operation. 1. A person shall not drive or operate an all-terrain vehicle: a. At a rate of speed greater than reasonable or proper under all existing circumstances. b. In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto. c. While under the influence of intoxicating liquor or narcotics or habit-forming drugs. d. Without a lighted headlight and taillight from sunset to sunrise and at such other times when conditions provide insufficient lighting to render clearly discernible persons and vehicles at a distance of five hundred feet ahead. e. In any tree nursery or planting in a manner which damages or destroys growing stock. f. On any public land, public ice, or designated riding trail, in violation of official signs of the commission prohibiting such operation in the interest of safety for persons, property, or the environment. Any officer appointed by the commission may post an official sign in an emergency for the protection of persons, property, or the

environment. g. In any park, wildlife area, preserve, refuge, game management area, or any portion of a meandered stream, or any portion of the bed of a nonmeandered stream which has been identified as a navigable stream or river by rule adopted by the department and which is covered by water, except on designated riding areas and designated riding trails. This paragraph does not prohibit the use of ford crossings of public roads or any other ford crossing when used for agricultural purposes; the operation of construction vehicles engaged in lawful construction, repair, or maintenance in a streambed; or the operation of all-terrain vehicles on ice. h. Upon an operating railroad right-of-way. An all-terrain vehicle may be driven directly across a railroad right-of-way only at an established crossing and, notwithstanding any other provisions of law, may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic. This paragraph does not apply to a law enforcement officer or railroad employee in the lawful discharge of the officer's or employee's duties or to an employee of a utility with authority to enter upon the railroad right-of-way in the lawful performance of the employee's duties. 2. a. A person shall not operate or ride an all-terrain vehicle with a firearm in the person's possession unless it is unloaded and enclosed in a carrying case, except as otherwise provided. However, a nonambulatory person may carry an uncased and unloaded firearm while operating or riding an all-terrain vehicle. b. (1) A person may operate or ride an all-terrain vehicle with a loaded firearm, whether concealed or not, without a permit to carry weapons, if the person operates or rides on land owned, possessed, or rented by the person and the person's conduct is otherwise lawful. (2) A person may operate or ride an all-terrain vehicle with a loaded pistol or revolver, whether concealed or not, if the person is operating or riding the all-terrain vehicle on land that is not owned, possessed, or rented by the person, and the person's conduct is otherwise lawful. c. A person shall not discharge a firearm while on an all-terrain vehicle, except that a nonambulatory person may discharge a firearm from an all-terrain vehicle while lawfully hunting if the person is not operating or riding a moving all-terrain vehicle. 3. a. A person shall not operate an all-terrain vehicle with more persons on the vehicle than it was designed to carry. b. Paragraph "a" does not apply to a person who operates an all-terrain vehicle as part of a farm operation as defined in section 352.2. 4. A person shall not operate an off-road utility vehicle on a designated riding area or designated riding trail unless the riding area or trail is signed by the department as open to off-road utility vehicle operation. 5. A person shall not operate a vehicle other than an all-terrain vehicle on a designated riding area or designated riding trail unless the riding area or trail is signed by the department as open to such other use. 6. As used in this section, "rented by the person" includes a person who does not necessarily rent the land but who principally provides labor for the production of crops located on agricultural land or for the production of livestock principally located on agricultural land. The person must personally provide such labor on a regular, continuous, and substantial basis. 2004 Acts, ch 1132, §57; 2007 Acts, ch 141, §36, 37; 2008 Acts, ch 1161, §4; 2012 Acts, ch 1100, §44; 2016 Acts, ch 1070, §2; 2017 Acts, ch 29, §99, 100; 2017 Acts, ch 69, §47; 2018 Acts, ch 1058, §3, 4; 2018 Acts, ch 1172, §29, 30 Referred to in §321I.15A, 805.8B(2A)(b) For applicable scheduled fines, see §805.8B, subsection 2A, paragraph b

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321I - ALL-TERRAIN VEHICLES Section 321I.15 - Penalty.

321I.15 Penalty. 1. A person who violates this chapter or a rule of the commission or director of transportation is guilty of a simple misdemeanor. 2. Chapter 232 shall have no application in the prosecution of offenses which are committed in violation of this chapter, and which constitute simple misdemeanors. 2004 Acts, ch 1132, §58; 2010 Acts, ch 1061, §180 Referred to in §321I.15A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321I - ALL-TERRAIN VEHICLES Section 321I.15A - Civil penalty and restitution.

321I.15A Civil penalty and restitution. Upon conviction for a violation of section 321I.14, subsection 1, paragraph "e", "f", or "g", the defendant, in addition to any other penalty including the criminal penalty provided in section 321I.15, shall be subject to civil remedies as follows: 1. a. The court may assess the defendant a civil penalty of two hundred fifty dollars. The civil penalty shall be deposited in the special all-terrain vehicle fund created pursuant to section 321I.8. b. The court may order the defendant to pay restitution to the titleholder of land for damages caused by the defendant's violation, to the extent that the titleholder consents to joining the action, and the titleholder's damages are established at trial. If the titleholder is the state, the amount of restitution ordered to be paid by the court shall be deposited in the special all-terrain vehicle fund created pursuant to section 321I.8. If the titleholder is a governmental entity other than the state, the moneys shall be paid to the governmental entity for deposit in any fund or account from which moneys are used for the maintenance, repair, or improvement of the land where the damage occurred. 2. The attorney general or a county attorney who prosecutes the criminal violation shall execute the civil judgment, in cooperation with the commission, as any other civil judgment. 2008 Acts, ch 1161, §5

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321I - ALL-TERRAIN VEHICLES Section 321I.16 - Operation pending registration.

321I.16 Operation pending registration. The commission shall furnish all-terrain vehicle dealers with pasteboard cards bearing the words "registration applied for" and space for the date of purchase. An unregistered all-terrain vehicle sold by a dealer shall bear one of these cards which entitles the purchaser to operate it for forty-five days immediately following the purchase. The purchaser of a registered all-terrain vehicle may operate it for forty-five days immediately following the purchase without having completed a transfer of registration. An all-terrain vehicle dealer shall make application and pay all registration and title fees if applicable on behalf of the purchaser of an all-terrain vehicle. 2004 Acts, ch 1132, §59; 2007 Acts, ch 141, §38

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321I - ALL-TERRAIN VEHICLES Section 321I.17 - Special

events.

321I.17 Special events. The department may authorize the holding of organized special events as defined in this chapter within this state. The department shall adopt rules relating to the conduct of special events held under department permits and designating the equipment and facilities necessary for the safe operation of all-terrain vehicles, off-road motorcycles, and off-road utility vehicles and for the safety of operators, participants, and observers in the special events. A special event may require an entrance fee set by the organizer of the special event. The department may require that part of the entrance fee be credited to pay costs of all-terrain vehicle programs authorized pursuant to section 321I.8. At least thirty days before the scheduled date of a special event in this state, an application shall be filed with the department for authorization to conduct the special event. The application shall set forth the date, time, and location of the proposed special event and any other information the department requires. The special event shall not be conducted without written authorization of the department. 2004 Acts, ch 1132, §60; 2012 Acts, ch 1100, §45

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321I - ALL-TERRAIN VEHICLES Section 321I.18 - Violation of stop signal.

321I.18 Violation of stop signal. A person who has received a visual or audible signal from a peace officer to come to a stop shall not operate an all-terrain vehicle in willful or wanton disregard of the signal, interfere with or endanger the officer or any other person or vehicle, increase speed, or attempt to flee or elude the officer. 2004 Acts, ch 1132, §61; 2012 Acts, ch 1100, §46 Referred to in §805.8B(2A)(f) For applicable scheduled fines, see §805.8B, subsection 2A, paragraph f

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321I - ALL-TERRAIN VEHICLES Section 321I.19 - Negligence.

321I.19 Negligence. The owner and operator of an all-terrain vehicle are liable for any injury or damage occasioned by the negligent operation of the all-terrain vehicle. The owner of an all-terrain vehicle shall be liable for any such injury or damage only if the owner was the operator of the all-terrain vehicle at the time the injury or damage occurred or if the operator had the owner's consent to operate the all-terrain vehicle at the time the injury or damage occurred. 2004 Acts, ch 1132, §62

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321I - ALL-TERRAIN VEHICLES Section 321I.2 - Rules.

321I.2 Rules. 1. The commission may adopt rules for the following purposes: a. Registration and titling of all-terrain vehicles. b. Use of all-terrain vehicles as far as game and fish resources or habitats are affected. c. Use of all-terrain vehicles on public lands under the jurisdiction of the commission. d. Use of all-terrain vehicles on any waters of the state under the jurisdiction of the commission, while the waters are frozen. e. Establishment of a program of grants, subgrants, and contracts to be administered by the department for the development, maintenance, and operation of designated all-terrain vehicle riding areas and trails by political subdivisions and incorporated private organizations. f. Issuance of education certificates. g. Issuance of competition registrations and the participation of all-terrain vehicles so registered in special events. h. Issuance of annual user permits for nonresidents and establishment of administrative fees for the issuance of the permits. i. Establishment of a certified education course for the safe use and operation of all-terrain vehicles. j. Certification of volunteer all-terrain vehicle education instructors. 2. In adopting the rules, consideration shall be given to the need to protect the environment and the public health, safety, and welfare; to protect private property, public parks, and other public lands; to protect wildlife and wildlife habitat; and to promote uniformity of rules relating to the use, operation, and equipment of all-terrain vehicles. The rules shall be in conformance with chapter 17A. 2004 Acts, ch 1132, §45; 2005 Acts, ch 20, §8; 2008 Acts, ch 1161, §3; 2009 Acts, ch 144, §8 – 10; 2012 Acts, ch 1100, §35 Referred to in §321I.25, 321I.26

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321I - ALL-TERRAIN VEHICLES Section 321I.20 - Rented all-terrain vehicles.

321I.20 Rented all-terrain vehicles. 1. The owner of a rented all-terrain vehicle shall keep a record of the name and address of each person renting the all-terrain vehicle, its registration certificate, the departure date and time, and the expected time of return. The records shall be preserved for six months. 2. The owner of an all-terrain vehicle operated for hire shall not permit the use or operation of a rented all-terrain vehicle unless it has been provided with all equipment required by this chapter or rules of the commission or the director of transportation, properly installed and in good working order. 2004 Acts, ch 1132, §63; 2007 Acts, ch 141, §39 Referred to in §805.8B(2A)(d) For applicable scheduled fines, see §805.8B, subsection 2A, paragraph d

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321I - ALL-TERRAIN VEHICLES Section 321I.21 - Minors under twelve — supervision.

321I.21 Minors under twelve — supervision. A person under twelve years of age shall not operate an all-terrain vehicle, including an off-road motorcycle, on a designated riding area or designated riding trail or on public land or public ice unless one of the following applies: 1. The person is taking a prescribed education training course and the operation is under the direct supervision of a certified all-terrain vehicle education instructor. 2. The operation is under the direct supervision of a responsible parent or guardian of at least eighteen years of age who is experienced in all-terrain vehicle operation or off-road motorcycle operation and who possesses a valid driver's license as defined in section 321.1. 2004 Acts, ch 1132, §64; 2007 Acts, ch 141, §40; 2012 Acts, ch 1100, §47, 48 Referred to in §805.8B(2A)(g) For applicable scheduled fine, see §805.8B, subsection 2A, paragraph g

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321I - ALL-TERRAIN VEHICLES Section 321I.22 - Manufacturer, distributor, or dealer — special registration.

321I.22 Manufacturer, distributor, or dealer — special registration. 1. A manufacturer, distributor, or dealer owning an all-terrain vehicle required to be registered under this chapter may operate the all-terrain vehicle for purposes of transporting, testing, demonstrating, or selling it without the all-terrain vehicle being registered, except that a special registration decal issued to the owner as provided in this chapter shall be displayed on the all-terrain vehicle in the manner prescribed by rules of the commission. The special registration decal shall not be used on an all-terrain vehicle offered for hire or for any work or service performed by a manufacturer, distributor, or dealer. 2. Every manufacturer, distributor, or dealer shall register with the department by making application to the commission, upon forms prescribed by the commission, for a special registration certificate and decal. The applicant shall pay a registration fee of forty-five dollars and submit reasonable proof of the applicant's status as a bona fide manufacturer, distributor, or dealer as may be required by the commission. 3. The commission, upon granting an application, shall issue to the applicant a special registration certificate and decal. The special registration certificate shall contain the applicant's name, address, and general identification number; the word "manufacturer", "dealer", or "distributor"; and other information the commission prescribes. 4. The commission shall also issue duplicate special registration certificates and decals which shall have displayed thereon the general identification number assigned to the applicant. A county recorder may issue duplicate special registration certificates and decals electronically pursuant to rules adopted by the commission. The fee for each additional duplicate special registration certificate and decal shall be five dollars plus a writing fee. 5. Each special registration certificate issued under this section shall be for a period of three years and shall expire on December 31 of the renewal year. A new special registration certificate for the three-year renewal period may be obtained upon application to the commission and payment of the fee provided by law. A county recorder may issue special registration certificate renewals electronically pursuant to rules adopted by the commission. 6. If a manufacturer, distributor, or dealer has an established place of business in more than one location, the manufacturer, distributor, or dealer shall secure a separate and distinct special registration certificate and general identification number for each place of business. 7. A dealer shall make application and pay all registration and title fees if applicable on behalf of the purchaser of an all-terrain vehicle. If the registration has expired while in the dealer's possession, the purchaser may renew the registration for the same fee and writing fee as if the purchaser is securing the original registration. 8. Nothing in this section shall prohibit a dealer from obtaining a new registration and transfer of registration in the same manner as other purchasers. 9. The commission may adopt rules consistent with this chapter establishing minimum requirements for dealers. In adopting such rules, the commission shall consider the need to protect persons, property, and the environment and to promote uniformity of practices relating to the sale and use of all-terrain vehicles. The commission may also adopt rules providing for the suspension or revocation of a dealer's special registration certificate issued pursuant to this section. 2004 Acts, ch 1132, §65; 2007 Acts, ch 141, §41 – 45; 2009 Acts, ch 144, §11; 2010 Acts, ch 1069, §49; 2012 Acts, ch 1100, §49 Referred to in §331.602, 805.8B(2A)(h) For applicable scheduled fine, see §805.8B, subsection 2A, paragraph h

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321I - ALL-TERRAIN VEHICLES Section 321I.23 - Limitation of liability by public bodies and adjoining owners.

321I.23 Limitation of liability by public bodies and adjoining owners. 1. The state, its political subdivisions, and the owners or tenants of property adjoining public lands or the right-of-way of a public highway and their agents and employees owe no duty of care to keep the public lands, ditches, or land contiguous to a highway or roadway under the control of the state or a political subdivision safe for entry or use by persons operating an all-terrain vehicle, or to give any warning of a dangerous condition, use, structure, or activity on the premises to persons entering for such purposes, except in the case of willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity. The state, its political subdivisions, and the owners or tenants of property adjoining public lands or the right-of-way of a public highway and their agents and employees are not liable for actions taken to allow or facilitate the use of public lands, ditches, or land contiguous to a highway or roadway except in the case of a willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity. 2. This section does not create a duty of care or ground of liability on behalf of the state, its political subdivisions, or the owners or tenants of property adjoining public lands or the right-of-way of a public highway and their agents and employees for injury to persons or property in the operation of all-terrain vehicles in a ditch or on land contiguous to a highway or roadway under the control of the state or a political subdivision. The state, its political subdivisions, and the owners or tenants of property adjoining public lands or the right-of-way of a public highway and their agents and employees are not liable for the operation of an all-terrain vehicle in violation of this chapter. 2004 Acts, ch 1132, §66; 2018 Acts, ch 1041, §127

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321I - ALL-TERRAIN VEHICLES Section 321I.24 - Recreational riding area — limitation of liability of prior landowners.

321I.24 Recreational riding area — limitation of liability of prior landowners. Prior owners of land on which an all-terrain vehicle recreational riding area is established, maintained, or operated owe no duty of care to keep the land safe for entry or use by persons operating an all-terrain vehicle or to give any warning of a dangerous condition, use, structure, or activity on such premises that would make the land unsafe for all-terrain vehicle usage. 2004 Acts, ch 1132, §67

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321I - ALL-TERRAIN VEHICLES Section 321I.25 - Course of

instruction.

321I.25 Course of instruction. 1. The commission shall provide, by rules adopted pursuant to section 321I.2, for the establishment of certified courses of instruction to be conducted throughout the state for the safe use and operation of all-terrain vehicles. The curriculum shall include instruction in the lawful and safe use, operation, and equipping of all-terrain vehicles consistent with this chapter and rules adopted by the commission. The commission may establish a fee for the course which shall not exceed the actual cost of instruction minus moneys received by the department from education certificate fees under section 321I.26. 2. The commission may certify any experienced, qualified operator to be an instructor of a class established under subsection 1. Each instructor shall be at least eighteen years of age. 3. Upon completion of the course of instruction, the commission shall provide for the administration of either a written test or the demonstration of adequate riding skills to any student who wishes to qualify for an education certificate. 4. The commission shall provide education material relating to the operation of all-terrain vehicles for the use of nonpublic or public elementary and secondary schools in this state. 5. The department may develop requirements and standards for online education offerings. Only vendors who have entered into a memorandum of understanding with the department shall be permitted to offer an online course that results in the issuance of an education certificate approved by the commission. Vendors may charge for their courses and collect the education certificate fee required under section 321I.26, subsection 2, on behalf of the department as agreed to in the memorandum of understanding. 2004 Acts, ch 1132, §68; 2007 Acts, ch 141, §46; 2012 Acts, ch 1100, §50 Referred to in §321I.1

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321I - ALL-TERRAIN VEHICLES Section 321I.26 - Education certificate — fee.

321I.26 Education certificate — fee. 1. A person twelve years of age or older but less than eighteen years of age shall not operate an all-terrain vehicle on public land, public ice, a designated riding trail, or land purchased with all-terrain vehicle registration funds in this state without obtaining a valid education certificate approved by the department and having the certificate in the person's possession. 2. Upon successful completion of the course and payment of a fee of five dollars, a qualified applicant shall be issued an education certificate which is valid until the certificate is suspended or revoked by the director for a violation of a provision of this chapter or a rule adopted pursuant to this chapter. 3. Any person who is required to have an education certificate under this chapter and who has completed a course of instruction established under section 321I.2, subsection 1, paragraph "i", including the successful passage of an examination which includes either a written test relating to such course of instruction or the demonstration of adequate riding skills, shall be considered qualified to receive an education certificate. 4. The certificate fees collected under this section shall be credited to the special all-terrain vehicle fund and shall be used for educational programs. 5. A valid all-terrain vehicle safety or education certificate or license issued by a governmental authority of another state shall be considered a valid certificate or license in this state if the certification or licensing requirements of the governmental authority are substantially the same as the requirements of this chapter as determined by the commission. 2004 Acts, ch 1132, §69; 2007 Acts, ch 141, §47; 2009 Acts, ch 144, §12; 2012 Acts, ch 1100, §51 Referred to in §321I.1, 321I.25, 805.8B(2A)(g) For applicable scheduled fine, see §805.8B, subsection 2A, paragraph g

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321I - ALL-TERRAIN VEHICLES Section 321I.27 - Stopping and inspecting — warnings.

321I.27 Stopping and inspecting — warnings. A peace officer may stop and inspect an all-terrain vehicle operated, parked, or stored on public streets, highways, public lands, public ice, or designated riding trails of the state to determine if the all-terrain vehicle is registered, numbered, or equipped as required by this chapter and commission rules. The officer shall not inspect an area that is not essential to determine compliance with the requirements. If the officer determines that the all-terrain vehicle is not in compliance, the officer may issue a warning memorandum to the operator and forward a copy to the commission. The warning memorandum shall indicate the items found not in compliance and shall direct the owner or operator of the all-terrain vehicle to have the all-terrain vehicle in compliance and return a copy of the warning memorandum with the proof of compliance to the commission within fourteen days. If the proof of compliance is not provided within fourteen days, the owner or operator is in violation of this chapter. 2004 Acts, ch 1132, §70; 2012 Acts, ch 1100, §52

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321I - ALL-TERRAIN VEHICLES Section 321I.28 - Termination of use.

321I.28 Termination of use. A person who receives a warning memorandum for an all-terrain vehicle shall stop using the all-terrain vehicle as soon as possible and shall not operate it on public streets, highways, public lands, public ice, or designated riding trails of the state until the all-terrain vehicle is in compliance. 2004 Acts, ch 1132, §71; 2012 Acts, ch 1100, §53

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321I - ALL-TERRAIN VEHICLES Section 321I.29 - Writing fees.

321I.29 Writing fees. 1. a. The county recorder shall collect a writing fee of two dollars for each privilege under this chapter. b. Writing fees collected or retained by the county recorder under this chapter shall be deposited in the general fund of the county. 2. a. A license agent shall collect a writing fee of one dollar for an all-terrain vehicle registration or for renewal of a registration issued by the license agent. b. A license agent shall retain a writing fee of one dollar from the sale of each user permit issued by the license

agent. 2004 Acts, ch 1132, §72; 2007 Acts, ch 141, §48; 2012 Acts, ch 1100, §54; 2023 Acts, ch 71, §106, 107 Referred to in §321I.4, 321I.5, 321I.7, 321I.31, 321I.33, 321I.34 Subsection 1 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321I - ALL-TERRAIN VEHICLES Section 321I.3 - Registration required — penalties.

321I.3 Registration required — penalties. 1. Each all-terrain vehicle used on public land, public ice, or a designated riding trail of this state shall be currently registered. A person shall not operate, maintain, or give permission for the operation or maintenance of an all-terrain vehicle on public land, public ice, or a designated riding trail unless the all-terrain vehicle is registered in accordance with this chapter or applicable federal laws or in accordance with an approved numbering system of another state and the evidence of registration is in full force and effect. An all-terrain vehicle registered in another state must also be issued a user permit in this state in accordance with this chapter. 2. A violation of subsection 1 is punishable as a scheduled violation under section 805.8B, subsection 2A, paragraph “a”. When the scheduled fine is paid, the violator shall submit proof to the department that a valid registration or user permit has been obtained by providing a copy of the registration or user permit to the department within thirty days of the date the fine is paid. A person who violates this subsection is guilty of a simple misdemeanor. 2004 Acts, ch 1132, §46; 2005 Acts, ch 3, §62; 2007 Acts, ch 141, §28; 2012 Acts, ch 1100, §36 Referred to in §805.8B(2A)(a)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321I - ALL-TERRAIN VEHICLES Section 321I.30 - Consistent local laws — special local rules.

321I.30 Consistent local laws — special local rules. 1. This chapter and other applicable laws of this state shall govern the operation, equipment, numbering, and all other matters relating to an all-terrain vehicle when the all-terrain vehicle is operated or maintained in this state. However, this chapter does not prevent the adoption of an ordinance or local law relating to the operation or equipment of all-terrain vehicles. The ordinances or local laws are operative only so long as they are not inconsistent with this chapter or the rules adopted by the commission. 2. A subdivision of this state, after public notice by publication in a newspaper having a general circulation in the subdivision, may make formal application to the commission for special rules concerning the operation of all-terrain vehicles within the territorial limits of the subdivision and shall provide the commission with the reasons the special rules are necessary. 3. The commission, upon application by local authorities and in conformity with this chapter, may make special rules concerning the operation of all-terrain vehicles within the territorial limits of a subdivision of this state. 2004 Acts, ch 1132, §73

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321I - ALL-TERRAIN VEHICLES Section 321I.31 - Owner’s certificate of title — in general.

321I.31 Owner’s certificate of title — in general. 1. The owner of an all-terrain vehicle acquired on or after January 1, 2000, other than an all-terrain vehicle used exclusively as a farm implement or a motorcycle previously issued a title pursuant to chapter 321, shall apply to the county recorder of the county in which the owner resides for a certificate of title for the all-terrain vehicle. The owner of an all-terrain vehicle used exclusively as a farm implement may obtain a certificate of title. A person who owns an all-terrain vehicle that is not required to have a certificate of title may apply for and receive a certificate of title for the all-terrain vehicle and, subsequently, the all-terrain vehicle shall be subject to the requirements of this chapter as if the all-terrain vehicle were required to be titled. All all-terrain vehicles that are titled shall be registered. 2. A certificate of title shall contain the information and shall be issued on a form the department prescribes. 3. An owner of an all-terrain vehicle shall apply to the county recorder for issuance of a certificate of title within thirty days after acquisition. The application shall be on forms the department prescribes and accompanied by the required fee specified in section 321I.32 and the writing fee specified in section 321I.29. The application shall include a certification signed in writing containing substantially the representation that statements made are true and correct to the best of the applicant’s knowledge, information, and belief, under penalty of perjury. The application shall contain the date of sale and gross price of the all-terrain vehicle or the fair market value if no sale immediately preceded the transfer and any additional information the department requires. If the application is made for an all-terrain vehicle last previously registered or titled in another state or foreign country, the application shall contain this information and any other information the department requires. 4. If a dealer buys or acquires an all-terrain vehicle for resale, the dealer may apply for and obtain a certificate of title as provided in this chapter. If a dealer buys or acquires a used all-terrain vehicle, the dealer may apply for a certificate of title in the dealer’s name within thirty days. If a dealer buys or acquires a new all-terrain vehicle for resale, the dealer may apply for a certificate of title in the dealer’s name. 5. A manufacturer or dealer shall not transfer ownership of a new all-terrain vehicle without supplying the transferee with the manufacturer’s or importer’s certificate of origin signed by the manufacturer’s or importer’s authorized agent. The certificate shall contain information the department requires. The department may adopt rules providing for the issuance of a certificate of origin for an all-terrain vehicle by the department upon good cause shown by the owner. 6. A dealer transferring ownership of an all-terrain vehicle under this chapter shall assign the title to the new owner, or in the case of a new all-terrain vehicle, assign the certificate of origin. Within thirty days the dealer shall forward all moneys and applications to the county recorder. 7. The county recorder shall maintain an electronic record of any certificate of title which the county recorder issues until the certificate of title has been inactive for five years. When issuing a title for a new all-terrain vehicle, the county recorder shall obtain and keep the certificate of origin on file. When issuing a title and registration for a used all-terrain vehicle for which there is no title or registration, the county recorder shall obtain and keep on file the affidavit for the unregistered and untitled all-terrain vehicle. 8. Once titled, a person shall not sell or transfer ownership of an all-terrain vehicle without delivering to the purchaser or

transferee a certificate of title with an assignment on it showing title in the purchaser's or transferee's name. A person shall not purchase or otherwise acquire an all-terrain vehicle without obtaining a certificate of title for it in that person's name. 9. If the county recorder is not satisfied as to the ownership of the all-terrain vehicle or that there are no undisclosed security interests in the all-terrain vehicle, the county recorder may issue a certificate of title for the all-terrain vehicle but, as a condition of such issuance, may require the applicant to file with the department a bond in the form prescribed by the department and executed by the applicant, and also executed by a person authorized to conduct a surety business in this state. The form and amount of the bond shall be established by rule of the department. The bond shall be conditioned to indemnify any prior owner and secured party and any subsequent purchaser of the all-terrain vehicle or person acquiring any security interest in the all-terrain vehicle, and their respective successors in interest, against any expense, loss, or damage, including reasonable attorney fees, by reason of the issuance of the certificate of title of the all-terrain vehicle or on account of any defect in or undisclosed security interest upon the right, title, and interest of the applicant in and to the all-terrain vehicle. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond shall be returned at the end of three years or prior thereto if the all-terrain vehicle is no longer registered in this state and the certificate of title is surrendered to the department, unless the department has been notified of the pendency of an action to recover on the bond. 10. A motorcycle that has been issued a certificate of title pursuant to this section may be issued a title pursuant to chapter 321 upon proper application and surrender of the existing title. Upon issuance of a title pursuant to chapter 321, the certificate of title previously issued pursuant to this section shall be returned to the issuing county recorder. 2004 Acts, ch 1132, §74; 2007 Acts, ch 141, §49, 50; 2012 Acts, ch 1050, §43, 60; 2012 Acts, ch 1100, §55; 2013 Acts, ch 132, §55; 2013 Acts, ch 140, §97; 2014 Acts, ch 1141, §67; 2019 Acts, ch 80, §2; 2023 Acts, ch 71, §108 Subsection 3 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321I - ALL-TERRAIN VEHICLES Section 321I.32 - Fees — duplicates.

321I.32 Fees — duplicates. 1. The county recorder shall charge a ten dollar fee to issue a certificate of title, a transfer of title, a duplicate, or a corrected certificate of title. 2. If a certificate of title is lost, stolen, mutilated, destroyed, or becomes illegible, the first lienholder or, if there is none, the owner named in the certificate, as shown by the county recorder's records, shall within thirty days obtain a duplicate by applying to the county recorder. The applicant shall furnish information the department requires concerning the original certificate and the circumstances of its loss, mutilation, or destruction. 3. The duplicate certificate of title shall be marked plainly "duplicate" across its face and mailed or delivered to the applicant. 4. If a lost or stolen original certificate of title for which a duplicate has been issued is recovered, the original shall be surrendered promptly to the county recorder for cancellation. 5. Five dollars of the certificate of title fees collected under this section shall be remitted by the county recorder to the treasurer of state for deposit in the special all-terrain vehicle fund created under section 321I.8. The remaining five dollars shall be retained by the county and deposited into the general fund of the county. 2004 Acts, ch 1132, §75; 2007 Acts, ch 141, §51 Referred to in §321I.31

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321I - ALL-TERRAIN VEHICLES Section 321I.33 - Transfer or repossession by operation of law.

321I.33 Transfer or repossession by operation of law. 1. If ownership of an all-terrain vehicle is transferred by operation of law, such as by inheritance, order in bankruptcy, insolvency, replevin, or execution sale, the transferee, within thirty days after acquiring the right to possession of the all-terrain vehicle, shall mail or deliver to the county recorder of the transferee's county of residence satisfactory proof of ownership as the county recorder requires, together with an application for a new certificate of title, and the required fee, plus the writing fee specified in section 321I.29. However, if the transferee is the surviving spouse of the deceased owner, the county recorder shall waive the required fees. 2. If a lienholder repossesses an all-terrain vehicle by operation of law and holds it for resale, the lienholder shall secure a new certificate of title and shall pay the required fee, plus the writing fee specified in section 321I.29. 2004 Acts, ch 1132, §76; 2012 Acts, ch 1100, §56; 2021 Acts, ch 138, §2; 2023 Acts, ch 71, §109 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321I - ALL-TERRAIN VEHICLES Section 321I.34 - Security interest — perfection and titles — fees.

321I.34 Security interest — perfection and titles — fees. 1. A security interest created in this state in an all-terrain vehicle is not perfected until the security interest is noted on the certificate of title. a. To perfect the security interest, an application for security interest must be presented along with the original title. The county recorder shall note the security interest on the face of the title and in the electronic record maintained by the recorder's office. b. The application fee for a security interest is ten dollars. Five dollars of the fee shall be credited to the special all-terrain vehicle fund created under section 321I.8. The remaining five dollars shall be retained by the county and deposited into the general fund of the county. c. The application shall be accompanied by the writing fee specified in section 321I.29. 2. The certificate of title shall be presented to the county recorder when the application for security interest or for assignment of the security interest is presented and a new or endorsed certificate of title shall be issued to the secured party with the name and address of the secured party upon it. 3. When a security interest is discharged, the secured party shall note the cancellation of the security interest on the face of the certificate of title and send the title by first class mail to the office of the county recorder where the title was issued. If the title has been lost or destroyed, the secured party may discharge the security interest by sending a signed, notarized statement to the office of the county recorder where the title was issued. The county recorder shall note the release of the security interest in the county records and attach the statement to the certificate of title as evidence of the

release of the security interest. 2004 Acts, ch 1132, §77; 2007 Acts, ch 141, §52; 2014 Acts, ch 1141, §68; 2023 Acts, ch 71, §110 Subsection 1, NEW paragraph c

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321I - ALL-TERRAIN VEHICLES Section 321I.35 - Vehicle identification number.

321I.35 Vehicle identification number. 1. The department may assign a distinguishing number to an all-terrain vehicle when the serial number on the all-terrain vehicle is destroyed or obliterated and issue to the owner a special decal bearing the distinguishing number which shall be affixed to the all-terrain vehicle in a position to be determined by the department. The all-terrain vehicle shall be registered and titled under the distinguishing number in lieu of the former serial number. Every all-terrain vehicle shall have a vehicle identification number assigned and affixed as required by the department. 2. The commission shall adopt, by rule, the procedures for application and for issuance of a vehicle identification number for homebuilt all-terrain vehicles. 3. A person shall not destroy, remove, alter, cover, or deface the manufacturer's vehicle identification number, the plate or decal bearing it, or any vehicle identification number the department assigns to an all-terrain vehicle without the department's permission. 4. A person other than a manufacturer who constructs or rebuilds an all-terrain vehicle for which there is no legible vehicle identification number shall submit to the department an affidavit which describes the all-terrain vehicle. In cooperation with the county recorder, the department shall assign a vehicle identification number to the all-terrain vehicle. The applicant shall permanently affix the vehicle identification number to the all-terrain vehicle in a manner that such alteration, removal, or replacement of the vehicle identification number would be obvious. 2004 Acts, ch 1132, §78; 2012 Acts, ch 1100, §57

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321I - ALL-TERRAIN VEHICLES Section 321I.36 - Repeat offender — records, enforcement, and penalties.

321I.36 Repeat offender — records, enforcement, and penalties. 1. The commission shall establish by rule a recordkeeping system and other administrative procedures necessary to administer this section. 2. A person who pleads guilty to or is convicted of a violation of any provision of this chapter while the person's registration privilege is suspended or revoked under administrative procedures is guilty of a simple misdemeanor if the person had no other violations within the previous three years which occurred while the person's registration privilege was suspended or revoked. 3. A person who pleads guilty to or is convicted of a violation of any provision of this chapter while the person's registration privilege is suspended or revoked under administrative procedures is guilty of a serious misdemeanor if the person had one other violation within the previous three years which occurred while the person's registration privilege was suspended or revoked. 4. A person who pleads guilty to or is convicted of a violation of any provision of this chapter while the person's registration privilege is suspended or revoked under administrative procedures is guilty of an aggravated misdemeanor if the person had two or more convictions within the previous three years which occurred while the person's registration privilege was suspended or revoked. 5. a. Upon the conviction of a person of any violation of this chapter or a rule adopted under this chapter, the court, as a part of the judgment, may suspend or revoke one or more all-terrain vehicle registration or user permit privileges of the person for any definite period. b. The court shall revoke all of the person's all-terrain vehicle registrations or user permits and suspend the privilege of procuring a registration or user permit for a period of one year for any person who has been convicted twice within one year of trespassing while operating an all-terrain vehicle. A person shall not be issued a registration or user permit during the period of suspension or revocation. 2007 Acts, ch 141, §53 Trespass, see §716.7 and 716.8

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321I - ALL-TERRAIN VEHICLES Section 321I.4 - Registration — fee.

321I.4 Registration — fee. 1. The owner of each all-terrain vehicle required to be registered shall register it annually with the department through a county recorder. The department shall develop and maintain an electronic system for the registration of all-terrain vehicles pursuant to this chapter. The department shall establish forms and procedures as necessary for the registration of all-terrain vehicles. 2. a. The owner of the all-terrain vehicle shall file an application for registration with the department through the county recorder of the county of residence, or in the case of a nonresident owner, in the county of primary use, in the manner established by the commission. The application shall be completed by the owner and shall be accompanied by a fee of fifteen dollars and a writing fee as provided in section 321I.29. An all-terrain vehicle shall not be registered by the county recorder until the county recorder is presented with receipts, bills of sale, or other satisfactory evidence that the sales or use tax has been paid for the purchase of the all-terrain vehicle or that the owner is exempt from paying the tax. An all-terrain vehicle that has an expired registration certificate from another state may be registered in this state upon proper application, payment of all applicable registration and writing fees, and payment of a penalty of five dollars. b. If the owner of the all-terrain vehicle is unable to present satisfactory evidence that the sales or use tax has been paid, the county recorder shall collect the tax. On or before the tenth day of each month, the county recorder shall remit to the department of revenue the amount of the taxes collected during the preceding month, in a manner prescribed by the department. 3. Upon receipt of the application in approved form accompanied by the required fees, the county recorder shall issue to the applicant a registration certificate and registration decal. The registration decal shall be displayed on the all-terrain vehicle as provided in section 321I.6. The registration certificate shall be carried either in the all-terrain vehicle or on the person of the operator of the all-terrain vehicle when in use. The operator of an all-terrain vehicle shall exhibit the registration certificate to a peace officer upon request, to a person injured in an accident involving an all-terrain vehicle, to the owner or operator

of another all-terrain vehicle or the owner of personal or real property when the all-terrain vehicle is involved in a collision or accident of any nature with another all-terrain vehicle or the property of another person, or to the property owner or tenant when the all-terrain vehicle is being operated on private property without permission from the property owner or tenant. 2004 Acts, ch 1132, §47, 97; 2007 Acts, ch 141, §29; 2012 Acts, ch 1100, §37; 2020 Acts, ch 1118, §35; 2021 Acts, ch 86, §37 Referred to in §331.602, 331.605

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321I - ALL-TERRAIN VEHICLES Section 321I.5 - Nonresident user permits.

321I.5 Nonresident user permits. 1. A nonresident wishing to operate an all-terrain vehicle, other than an all-terrain vehicle registered pursuant to this chapter, on public land, public ice, or a designated riding trail of this state shall obtain a user permit from the department. A user permit shall be issued for use on only one all-terrain vehicle and is not transferable. A user permit shall be valid for the calendar year or time period specified in the permit. 2. A county recorder or a license agent designated by the director pursuant to section 483A.11 may issue user permits. The fee for a user permit shall be fifteen dollars plus an administrative fee established by the commission. A county recorder or a license agent shall retain a writing fee from the sale of each user permit as provided in section 321I.29. 2004 Acts, ch 1132, §48; 2007 Acts, ch 141, §30; 2012 Acts, ch 1100, §38 Referred to in §321I.8, 331.602, 331.605

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321I - ALL-TERRAIN VEHICLES Section 321I.6 - Display of registration and user permit decals.

321I.6 Display of registration and user permit decals. The owner shall display the registration decal or nonresident user permit decal on an all-terrain vehicle in the manner prescribed by rules of the commission. 2004 Acts, ch 1132, §49; 2007 Acts, ch 141, §31 Referred to in §321I.4, 805.8B(2A)(e) For applicable scheduled fines, see §805.8B, subsection 2A, paragraph e

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321I - ALL-TERRAIN VEHICLES Section 321I.7 - Registration — renewal.

321I.7 Registration — renewal. 1. a. Every all-terrain vehicle registration certificate and registration decal issued expires at midnight December 31 unless sooner terminated or discontinued in accordance with this chapter or rules of the commission. After the first day of September each year, an unregistered all-terrain vehicle may be registered or a registration may be renewed for the subsequent year beginning January 1. b. After the first day of September an unregistered all-terrain vehicle may be registered for the remainder of the current registration year and for the subsequent registration year in one transaction. The fee shall be five dollars for the remainder of the current year, in addition to the registration fee of fifteen dollars for the subsequent year beginning January 1, and a writing fee as provided in section 321I.29. 2. An expired all-terrain vehicle registration may be renewed for the same fee as if the owner is securing the original registration plus a penalty of five dollars and a writing fee as provided in section 321I.29. 3. Duplicate registrations may be issued by a county recorder or a license agent upon the payment of a five dollar fee plus a writing fee as provided in section 321I.29. 4. A motorcycle, as defined in section 321.1, subsection 40, paragraph “a”, may be registered as an all-terrain vehicle as provided in this section. A motorcycle registered as an all-terrain vehicle may participate in all programs established for all-terrain vehicles under this chapter except for the education instruction and certification program. 5. A county recorder or a license agent designated by the director pursuant to section 483A.11 may issue all-terrain vehicle and off-road utility vehicle registration renewals electronically pursuant to rules adopted by the commission. The fee for a registration renewal issued using an electronic system is fifteen dollars plus an administrative fee established by the commission and a writing fee as provided in section 321I.29. 2004 Acts, ch 1132, §50; 2007 Acts, ch 141, §32; 2012 Acts, ch 1100, §39; 2012 Acts, ch 1138, §65; 2023 Acts, ch 59, §1 Referred to in §331.602 Subsection 5 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321I - ALL-TERRAIN VEHICLES Section 321I.8 - Fees remitted to commission — appropriation.

321I.8 Fees remitted to commission — appropriation. 1. A county recorder or license agent shall remit to the commission the all-terrain vehicle fees collected by the recorder or license agent in the manner and time prescribed by the department. 2. The department shall remit the fees, including user fees collected pursuant to section 321I.5, to the treasurer of state, who shall place the money in a special all-terrain vehicle fund. The money is appropriated to the department for the all-terrain vehicle programs of the state. The programs shall include grants, subgrants, contracts, or cost-sharing of all-terrain vehicle programs with political subdivisions or incorporated private organizations or both in accordance with rules adopted by the commission. All-terrain vehicle fees may be used for the establishment, maintenance, and operation of all-terrain vehicle recreational riding areas through the awarding of grants administered by the department, but shall not be used for law enforcement purposes outside of a designated off-highway vehicle recreational riding area or for purchasing, installing, or maintaining signs along a highway outside of a designated off-highway vehicle recreational riding area. All-terrain vehicle recreational riding areas established, maintained, or operated by the use of such grants shall not be operated for profit. All programs using cost-sharing, grants, subgrants, or contracts shall establish and implement an education instruction program either singly or in cooperation with other all-terrain vehicle programs. All-terrain vehicle fees may be used to support all-terrain vehicle programs on a usage basis. At least fifty percent of the

special fund shall be available for political subdivisions or incorporated private organizations or both. Moneys from the special fund not used by the political subdivisions or incorporated private organizations or both shall remain in the fund and may be used by the department for the administration of the all-terrain vehicle programs. Notwithstanding section 8.33, moneys in the special fund shall not revert to the general fund of the state at the end of a fiscal year. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the special fund shall remain in the fund. 2004 Acts, ch 1132, §51; 2007 Acts, ch 141, §33; 2012 Acts, ch 1100, §40; 2022 Acts, ch 1105, §7 Referred to in §321I.1, 321I.15A, 321I.17, 321I.32, 321I.34, 331.427

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321I - ALL-TERRAIN VEHICLES Section 321I.9 - Exempt vehicles.

321I.9 Exempt vehicles. Registration shall not be required for the following described all-terrain vehicles: 1. All-terrain vehicles owned by the United States, this state, or another state, or by a governmental subdivision thereof, and used for enforcement, search and rescue, or official research and studies, but not for recreational or commercial purposes. 2. All-terrain vehicles used in accordance with section 321.234A, subsection 1, paragraph “a”. 3. All-terrain vehicles used exclusively as farm implements. 2004 Acts, ch 1132, §52; 2007 Acts, ch 141, §34; 2012 Acts, ch 1100, §41

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321J - OPERATING WHILE INTOXICATED Section 321J.1 - Definitions.

321J.1 Definitions. As used in this chapter unless the context otherwise requires: 1. “Alcohol concentration” means the number of grams of alcohol per any of the following: a. One hundred milliliters of blood. b. Two hundred ten liters of breath. c. Sixty-seven milliliters of urine. 2. “Alcoholic beverage” includes alcohol, wine, spirits, beer, or any other beverage which contains ethyl alcohol and is fit for human consumption. 3. “Arrest” includes but is not limited to taking into custody pursuant to section 232.19. 4. “Controlled substance” means any drug, substance, or compound that is listed in section 124.204 or 124.206, or any metabolite or derivative of the drug, substance, or compound. 5. “Department” means the state department of transportation. 6. “Director” means the director of transportation or the director’s designee. 7. “Driver’s license” means any license or permit issued to a person to operate a motor vehicle on the highways of this state, including but not limited to a driver’s, commercial driver’s, temporary restricted, or temporary license and an instruction, chauffeur’s instruction, commercial learner’s, or temporary permit. 8. “Peace officer” means: a. A member of the state patrol. b. A police officer under civil service as provided in chapter 400. c. A sheriff. d. A regular deputy sheriff who has had formal police training. e. Any other law enforcement officer who has satisfactorily completed an approved course relating to motor vehicle operators under the influence of alcoholic beverages at the Iowa law enforcement academy or a law enforcement training program approved by the department of public safety. 9. “Serious injury” means the same as defined in section 702.18. 86 Acts, ch 1220, §1; 90 Acts, ch 1230, §83; 98 Acts, ch 1073, §9; 98 Acts, ch 1074, §27; 98 Acts, ch 1138, §10; 2001 Acts, ch 132, §16; 2005 Acts, ch 35, §31; 2010 Acts, ch 1073, §2; 2015 Acts, ch 123, §70 Referred to in §321.208, 321J.2A, 668.15A, 901D.2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321J - OPERATING WHILE INTOXICATED Section 321J.10 - Tests pursuant to warrants.

321J.10 Tests pursuant to warrants. 1. Refusal to consent to a test under section 321J.6 does not prohibit the withdrawal of a specimen for chemical testing pursuant to a search warrant issued in the investigation of a suspected violation of section 707.5 or 707.6A if all of the following grounds exist: a. A traffic accident has resulted in a death or personal injury reasonably likely to cause death. b. There are reasonable grounds to believe that one or more of the persons whose driving may have been the proximate cause of the accident was violating section 321J.2 at the time of the accident. 2. Search warrants may be issued under this section in full compliance with chapter 808 or they may be issued under subsection 3. 3. Notwithstanding section 808.3, the issuance of a search warrant under this section may be based upon sworn oral testimony communicated by telephone if the magistrate who is asked to issue the warrant is satisfied that the circumstances make it reasonable to dispense with a written affidavit. The following shall then apply: a. When a caller applies for the issuance of a warrant under this section and the magistrate becomes aware of the purpose of the call, the magistrate shall place under oath the person applying for the warrant. b. The person applying for the warrant shall prepare a duplicate warrant and read the duplicate warrant, verbatim, to the magistrate who shall enter, verbatim, what is read to the magistrate on a form that will be considered the original warrant. The magistrate may direct that the warrant be modified. c. The oral application testimony shall set forth facts and information tending to establish the existence of the grounds for the warrant and shall describe with a reasonable degree of specificity the person or persons whose driving is believed to have been the proximate cause of the accident and from whom a specimen is to be withdrawn and the location where the withdrawal of the specimen or specimens is to take place. d. If a voice recording device is available, the magistrate may record by means of that device all of the call after the magistrate becomes aware of the purpose of the call. Otherwise, the magistrate shall cause a stenographic or longhand memorandum to be made of the oral testimony of the person applying for the warrant. e. If the magistrate is satisfied from the oral testimony that the grounds for the warrant exist or that there is probable cause to believe that they exist, the magistrate shall order the issuance of the warrant by directing the person applying for the warrant to sign the magistrate’s name on the duplicate warrant. The magistrate shall immediately sign the original warrant and enter on its face the exact time when the issuance was ordered. f. The person who executes the warrant shall enter the time of execution on the face of the duplicate warrant. g. The magistrate shall cause any record of the call made by means of a voice recording device to be transcribed, shall certify the accuracy of the transcript, and shall file the

transcript and the original record with the clerk. If a stenographic or longhand memorandum was made of the oral testimony of the person who applied for the warrant, the magistrate shall file a signed copy with the clerk. h. The clerk of court shall maintain the original and duplicate warrants along with the record of the telephone call and any transcript or memorandum made of the call in a confidential file until a charge, if any, is filed. 4. a. Search warrants issued under this section shall authorize and direct peace officers to secure the withdrawal of blood specimens by medical personnel under section 321J.11. Reasonable care shall be exercised to ensure the health and safety of the persons from whom specimens are withdrawn in execution of the warrants. b. If a person from whom a specimen is to be withdrawn objects to the withdrawal of blood, the warrant may be executed as follows: (1) If the person is capable of giving a specimen of breath, and a direct breath testing instrument is readily available, the warrant may be executed by the withdrawal of a specimen of breath for chemical testing, unless the peace officer has reasonable grounds to believe that the person was under the influence of a controlled substance, a drug other than alcohol, or a combination of alcohol and another drug. (2) If the testimony in support of the warrant sets forth facts and information that the peace officer has reasonable grounds to believe that the person was under the influence of a controlled substance, a drug other than alcohol, or a combination of alcohol and another drug, a urine sample shall be collected in lieu of a blood sample, if the person is capable of giving a urine sample and the sample can be collected without the need to physically compel the execution of the warrant. 5. The act of any person knowingly resisting or obstructing the withdrawal of a specimen pursuant to a search warrant issued under this section constitutes a contempt punishable by a fine not exceeding one thousand dollars or imprisonment in a county jail not exceeding one year or by both such fine and imprisonment. Also, if the withdrawal of a specimen is so resisted or obstructed, sections 321J.9 and 321J.16 apply. 6. Nonsubstantive variances between the contents of the original and duplicate warrants shall not cause a warrant issued under subsection 3 of this section to be considered invalid. 7. Specimens obtained pursuant to warrants issued under this section are not subject to disposition under section 808.9 or chapter 809 or 809A. 8. Subsections 1 through 7 of this section do not apply where a test may be administered under section 321J.7. 9. Medical personnel who use reasonable care and accepted medical practices in withdrawing blood specimens are immune from liability for their actions in complying with requests made of them pursuant to search warrants or pursuant to section 321J.11. 86 Acts, ch 1220, §10; 90 Acts, ch 1233, §21; 96 Acts, ch 1133, §44; 98 Acts, ch 1138, §18; 2021 Acts, ch 80, §184 Referred to in §321J.10A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321J - OPERATING WHILE INTOXICATED Section 321J.10A - Blood, breath, or urine specimen withdrawal without a warrant.

321J.10A Blood, breath, or urine specimen withdrawal without a warrant. 1. Notwithstanding section 321J.10, if a person is under arrest for an offense arising out of acts alleged to have been committed while the person was operating a motor vehicle in violation of section 321J.2 or 321J.2A, and that arrest results from an accident that causes a death or personal injury reasonably likely to cause death, a chemical test of blood may be administered without the consent of the person arrested to determine the amount of alcohol or a controlled substance in that person's blood if all of the following circumstances exist: a. The peace officer reasonably believes the blood drawn will produce evidence of intoxication. b. The method used to take the blood sample is reasonable and performed in a reasonable manner by medical personnel under section 321J.11. c. The peace officer reasonably believes the officer is confronted with an emergency situation in which the delay necessary to obtain a warrant under section 321J.10 threatens the destruction of the evidence. 2. If the person from whom a specimen of blood is to be withdrawn objects to the withdrawal, a breath or urine sample may be taken under the following circumstances: a. If the person is capable of giving a specimen of breath, and a direct breath testing instrument is readily available, the withdrawal of a specimen of the person's breath may be taken for chemical testing, unless the peace officer has reasonable grounds to believe that the person was under the influence of a controlled substance, a drug other than alcohol, or a combination of alcohol and another drug. b. If the peace officer has reasonable grounds to believe that the person was under the influence of a controlled substance, a drug other than alcohol, or a combination of alcohol and another drug, a urine sample shall be collected in lieu of a blood sample, if the person is capable of giving a urine sample and the sample can be collected. 2004 Acts, ch 1098, §1

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321J - OPERATING WHILE INTOXICATED Section 321J.11 - Taking sample for test.

321J.11 Taking sample for test. 1. Only a licensed physician, licensed physician assistant as defined in section 148C.1, medical technologist, or registered nurse, acting at the request of a peace officer, may withdraw a specimen of blood for the purpose of determining the alcohol concentration or the presence of a controlled substance or other drugs. However, any peace officer, using devices and methods approved by the commissioner of public safety, may take a specimen of a person's breath or urine for the purpose of determining the alcohol concentration, or may take a specimen of a person's urine for the purpose of determining the presence of a controlled substance or other drugs. Only new equipment kept under strictly sanitary and sterile conditions shall be used for drawing blood. 2. The person may have an independent chemical test or tests administered at the person's own expense in addition to any administered at the direction of a peace officer. The failure or inability of the person to obtain an independent chemical test or tests does not preclude the admission of evidence of the results of the test or tests administered at the direction of the peace officer. Upon the request of the person who is tested, the results of the test or tests administered at the direction of the peace officer shall be made available to the person. 86 Acts, ch 1220, §11; 88 Acts, ch 1225, §26; 98 Acts, ch 1138, §19; 2018 Acts, ch 1041, §127 Referred to in §321J.10, 321J.10A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321J - OPERATING WHILE INTOXICATED Section 321J.12 - Test result revocation.

321J.12 Test result revocation. 1. Upon certification, subject to penalty for perjury, by the peace officer that there existed reasonable grounds to believe that the person had been operating a motor vehicle in violation of section 321J.2, that there existed one or more of the necessary conditions for chemical testing described in section 321J.6, subsection 1, and that the person submitted to chemical testing and the test results indicated the presence of a controlled substance or other drug, or an alcohol concentration equal to or in excess of the level prohibited by section 321J.2, or a combination of alcohol and another drug in violation of section 321J.2, the department shall revoke the person's driver's license or nonresident operating privilege for the following periods of time: a. One hundred eighty days if the person has had no revocation under this chapter. b. One year if the person has had a previous revocation under this chapter. 2. The department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles owned or operated by the defendant if the defendant seeks a temporary restricted license. However, if the defendant has had no previous conviction or revocation under this chapter, the department shall only require the defendant to install an approved ignition interlock device on all vehicles operated by the defendant if the defendant seeks a temporary restricted license. A temporary restricted license shall not be granted by the department until the defendant installs the ignition interlock device. 3. The effective date of the revocation shall be ten days after the department has mailed notice of revocation to the person by first class mail, notwithstanding chapter 17A. The peace officer who requested or directed the administration of the chemical test may, on behalf of the department, serve immediate notice of revocation on a person whose test results indicated the presence of a controlled substance or other drug, or an alcohol concentration equal to or in excess of the level prohibited by section 321J.2, or a combination of alcohol and another controlled substance or drug in violation of section 321J.2. 4. If the peace officer serves that immediate notice, the peace officer shall take the person's Iowa license or permit, if any, and issue a temporary license valid only for ten days. The peace officer shall immediately send the person's driver's license to the department along with the officer's certificate indicating that the test results indicated the presence of a controlled substance or other drug, or an alcohol concentration equal to or in excess of the level prohibited by section 321J.2. 5. Upon certification, subject to penalty of perjury, by the peace officer that there existed reasonable grounds to believe that the person had been operating a motor vehicle in violation of section 321J.2A, that there existed one or more of the necessary conditions for chemical testing described in section 321J.6, subsection 1, and that the person submitted to chemical testing and the test results indicated an alcohol concentration of .02 or more but less than .08, the department shall revoke the person's driver's license or operating privilege for a period of sixty days if the person has had no previous revocation under this chapter, and for a period of ninety days if the person has had a previous revocation under this chapter. 6. The results of a chemical test may not be used as the basis for a revocation of a person's driver's license or nonresident operating privilege if the alcohol or drug concentration indicated by the chemical test minus the established margin of error inherent in the device or method used to conduct the chemical test is not equal to or in excess of the level prohibited by section 321J.2 or 321J.2A. 86 Acts, ch 1220, §12; 95 Acts, ch 48, §17; 95 Acts, ch 143, §12; 96 Acts, ch 1090, §12; 97 Acts, ch 177, §15, 16; 98 Acts, ch 1073, §9; 98 Acts, ch 1138, §20; 2001 Acts, ch 32, §48; 2003 Acts, ch 60, §5, 6; 2003 Acts, ch 179, §123; 2010 Acts, ch 1097, §9; 2018 Acts, ch 1110, §6, 9; 2021 Acts, ch 80, §185; 2021 Acts, ch 98, §6 Referred to in §321.211A, 321J.2, 321J.2A, 321J.4, 321J.8, 321J.13, 321J.17, 915.80

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321J - OPERATING WHILE INTOXICATED Section 321J.13 - Hearing on revocation — appeal.

321J.13 Hearing on revocation — appeal. 1. Notice of revocation of a person's noncommercial driver's license or operating privilege served pursuant to section 321J.9 or 321J.12 shall include a form accompanied by a preaddressed envelope on which the person served may indicate by a checkmark if the person only wishes to request a temporary restricted license, or if the person wishes a hearing to contest the revocation. The form shall clearly state on its face that the form must be completed and returned within ten days of receipt or the person's right to a hearing to contest the revocation is foreclosed. The form shall also be accompanied by a statement of the operation of and the person's rights under this chapter. 2. The department shall grant the person an opportunity to be heard within forty-five days of receipt of a request for a hearing if the request is made not later than ten days after receipt of notice of revocation served pursuant to section 321J.9 or 321J.12. The hearing shall be before the department in the county where the alleged events occurred, unless the director and the person agree that the hearing may be held in some other county, or the hearing may be held by telephone conference at the discretion of the agency conducting the hearing. The hearing may be recorded and its scope shall be limited to the issues of whether a peace officer had reasonable grounds to believe that the person was operating a motor vehicle in violation of section 321J.2 or 321J.2A and one or more of the following: a. Whether the person refused to submit to the test or tests. b. Whether a test was administered and the test results indicated an alcohol concentration equal to or in excess of the level prohibited under section 321J.2 or 321J.2A. c. Whether a test was administered and the test results indicated the presence of alcohol, a controlled substance or other drug, or a combination of alcohol and another drug, in violation of section 321J.2. 3. After the hearing the department shall order that the revocation be either rescinded or sustained. Upon receipt of the decision of the department to sustain a revocation, the person contesting the revocation has ten days to file a request for review of the decision by the director. The director or the director's designee shall review the decision within thirty days and shall either rescind or sustain the revocation or order a new hearing. If the director orders a new hearing, the department shall grant the person a new hearing within twenty days of the director's order. 4. The department shall stay the revocation of a person's driver's license or

operating privilege for the period that the person is contesting the revocation under this section or section 321J.14 if it is shown to the satisfaction of the department that the new evidence is material and that there were valid reasons for failure to present it in the contested case proceeding before the department. However, a stay shall not be granted for violations of section 321J.2A. 5. If the department fails to comply with the time limitations of this section regarding granting a hearing, review by the director or the director's designee, or granting a new hearing, and if the request for a hearing or review by the director was properly made under this section, the revocation of the driver's license or operating privilege of the person who made the request for a hearing or review shall be rescinded. This subsection shall not apply in those cases in which a continuance to the hearing has been granted at the request of either the person who requested the hearing or the peace officer who requested or administered the chemical test. 6. a. The department shall grant a request for a hearing to rescind the revocation if the person whose motor vehicle license or operating privilege has been or is being revoked under section 321J.9 or 321J.12 submits a petition containing information relating to the discovery of new evidence that provides grounds for rescission of the revocation. b. The person shall prevail at the hearing if, in the criminal action on the charge of violation of section 321J.2 or 321J.2A resulting from the same circumstances that resulted in the administrative revocation being challenged, the court held one of the following: (1) That the peace officer did not have reasonable grounds to believe that a violation of section 321J.2 or 321J.2A had occurred to support a request for or to administer a chemical test. (2) That the chemical test was otherwise inadmissible or invalid. c. Such a holding by the court in the criminal action is binding on the department, and the department shall rescind the revocation. If the offense for which the revocation was imposed was committed while the person was operating a noncommercial motor vehicle and holding a commercial driver's license or commercial learner's permit and the department disqualified the person from operating a commercial motor vehicle under section 321.208, subsection 2, paragraph "a" or "b", as a result of the revocation, the department shall also rescind the disqualification. 86 Acts, ch 1220, §13; 87 Acts, ch 148, §1; 88 Acts, ch 1109, §23; 88 Acts, ch 1214, §2; 89 Acts, ch 83, §46; 95 Acts, ch 48, §18; 97 Acts, ch 104, §30, 31; 98 Acts, ch 1073, §9; 98 Acts, ch 1138, §21; 99 Acts, ch 13, §22, 29; 2000 Acts, ch 1133, §16; 2009 Acts, ch 130, §15, 18; 2015 Acts, ch 123, §72; 2018 Acts, ch 1110, §7, 9 Referred to in §321A.17

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321J - OPERATING WHILE INTOXICATED Section 321J.14 - Judicial review.

321J.14 Judicial review. Judicial review of an action of the department may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A. Notwithstanding the terms of that chapter, a petition for judicial review may be filed in the district court in the county where the alleged events occurred or in the county in which the administrative hearing was held. 86 Acts, ch 1220, §14 Referred to in §321J.13

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321J - OPERATING WHILE INTOXICATED Section 321J.15 - Evidence in any action.

321J.15 Evidence in any action. Upon the trial of a civil or criminal action or proceeding arising out of acts alleged to have been committed by a person while operating a motor vehicle in violation of section 321J.2 or 321J.2A, evidence of the alcohol concentration or the presence of a controlled substance or other drugs in the person's body at the time of the act alleged as shown by a chemical analysis of the person's blood, breath, or urine is admissible. If it is established at trial that an analysis of a breath specimen was performed by a certified operator using a device intended to determine alcohol concentration and methods approved by the commissioner of public safety, no further foundation is necessary for introduction of the evidence. 86 Acts, ch 1220, §15; 95 Acts, ch 48, §19; 98 Acts, ch 1138, §22; 2008 Acts, ch 1032, §49

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321J - OPERATING WHILE INTOXICATED Section 321J.16 - Proof of refusal admissible.

321J.16 Proof of refusal admissible. If a person refuses to submit to a chemical test, proof of refusal is admissible in any civil or criminal action or proceeding arising out of acts alleged to have been committed while the person was operating a motor vehicle in violation of section 321J.2 or 321J.2A. 86 Acts, ch 1220, §16; 95 Acts, ch 48, §20 Referred to in §321J.10

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321J - OPERATING WHILE INTOXICATED Section 321J.17 - Civil penalty — disposition — conditions for license reinstatement.

321J.17 Civil penalty — disposition — conditions for license reinstatement. 1. If the department revokes a person's driver's license or nonresident operating privilege under this chapter, the department shall assess the person a civil penalty of two hundred dollars. The money collected by the department under this section shall be transmitted to the treasurer of state who shall deposit one-half of the money in the separate fund established in section 915.94 and one-half of the money in the general fund of the state. A temporary restricted license shall not be issued unless an ignition interlock device has been installed pursuant to section 321J.4. Except as provided in section 321.210B, a temporary restricted license shall not be issued or a driver's license or nonresident operating privilege reinstated until the civil penalty has been paid. A person assessed a penalty under this section may remit the civil penalty along with a processing fee of five dollars to a county treasurer authorized to issue driver's licenses under chapter 321M, or the civil penalty may be paid directly to the department. 2. a. If the department or a court orders the revocation of a person's driver's license or nonresident operating privilege under this chapter, the department or court shall also order the person, at the person's own

expense, to do the following: (1) Enroll, attend, and satisfactorily complete a course for drinking drivers, as provided in section 321J.22. (2) Submit to evaluation and treatment or rehabilitation services. b. The court or department may request that the community college or substance use disorder treatment providers licensed under chapter 125 or other approved provider conducting the course for drinking drivers that the person is ordered to attend immediately report to the court or department that the person has successfully completed the course for drinking drivers. The court or department may request that the treatment program which the person attends periodically report on the defendant's attendance and participation in the program, as well as the status of treatment or rehabilitation. c. A driver's license or nonresident operating privilege shall not be reinstated until proof of completion of the requirements of this subsection is presented to the department. 3. The department shall also require certification of installation of an ignition interlock device of a type approved by the commissioner of public safety on all motor vehicles owned or operated by any person seeking reinstatement following a second or subsequent revocation under section 321J.4, 321J.9, or 321J.12. The requirement for the installation of an approved ignition interlock device shall be for one year from the date of reinstatement unless a longer time period is required by statute. The one-year period a person is required to maintain an ignition interlock device under this subsection shall be reduced by any period of time the person held a valid temporary restricted license during the period of the revocation for the occurrence from which the arrest arose. The person shall not operate any motor vehicle which is not equipped with an approved ignition interlock device during the period in which an ignition interlock device must be maintained, and the department shall not grant reinstatement unless the person certifies installation of an ignition interlock device as required in this subsection. 86 Acts, ch 1220, §17; 87 Acts, ch 232, §24; 87 Acts, ch 234, §113; 89 Acts, ch 317, §37; 91 Acts, ch 258, §50; 93 Acts, ch 110, §1; 95 Acts, ch 143, §6; 97 Acts, ch 177, §17; 98 Acts, ch 1073, §9; 98 Acts, ch 1075, §25; 98 Acts, ch 1090, §67, 84; 2000 Acts, ch 1118, §2; 2002 Acts, ch 1119, §155; 2008 Acts, ch 1018, §25, 31; 2010 Acts, ch 1097, §10; 2011 Acts, ch 20, §16; 2013 Acts, ch 103, §15; 2014 Acts, ch 1092, §85; 2023 Acts, ch 19, §1072 Referred to in §321.210B, 321J.3, 321J.20, 321J.22, 321M.9, 331.557A Subsection 2, paragraph b amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321J - OPERATING WHILE INTOXICATED Section 321J.18 - Other evidence.

321J.18 Other evidence. This chapter does not limit the introduction of any competent evidence bearing on the question of whether a person was under the influence of an alcoholic beverage or a controlled substance or other drug, including the results of chemical tests of specimens of blood, breath, or urine obtained more than two hours after the person was operating a motor vehicle. 86 Acts, ch 1220, §18; 98 Acts, ch 1138, §23

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321J - OPERATING WHILE INTOXICATED Section 321J.19 - Information relayed to other states.

321J.19 Information relayed to other states. When it has been finally determined under this chapter that a nonresident's privilege to operate a motor vehicle in this state has been revoked or denied, the department shall give information in writing of the action taken to the official in charge of traffic control or public safety of the state of the person's residence and of any state in which the person has a license. 86 Acts, ch 1220, §19

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321J - OPERATING WHILE INTOXICATED Section 321J.1A - Drunk driving public education campaign — pamphlets.

321J.1A Drunk driving public education campaign — pamphlets. 1. The department of public safety, the governor's traffic safety bureau, the state department of transportation, the governor, and the attorney general shall cooperate in an ongoing public education campaign to inform the citizens of this state of the dangers and the specific legal consequences of driving drunk in this state. The entities shall use their best efforts to utilize all available opportunities for making public service announcements on television and radio broadcasts, and to obtain and utilize federal funds for highway safety and other grants in conducting the public education campaign. 2. The department shall publish pamphlets containing the criminal and administrative penalties for drunk driving, and related laws, rules, instructions, and explanatory matter. This information may be included in publications containing information related to other motor vehicle laws, issued pursuant to section 321.15. Copies of the pamphlets shall be given wide distribution, and a supply shall be made available to each county treasurer. 97 Acts, ch 177, §3; 2004 Acts, ch 1013, §30, 35

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321J - OPERATING WHILE INTOXICATED Section 321J.2 - Operating while under the influence of alcohol or a drug or while having an alcohol concentration of .08 or more (OWI).

321J.2 Operating while under the influence of alcohol or a drug or while having an alcohol concentration of .08 or more (OWI). 1. A person commits the offense of operating while intoxicated if the person operates a motor vehicle in this state in any of the following conditions: a. While under the influence of an alcoholic beverage or other drug or a combination of such substances. b. While having an alcohol concentration of .08 or more. c. While any amount of a controlled substance is present in the person, as measured in the person's blood or urine. 2. A person who violates subsection 1 commits: a. A serious misdemeanor for the first offense. b. An aggravated misdemeanor for a second offense. c. A class "D" felony for a third offense and each subsequent offense. 3. A first offense is punishable by all of the following: a. A minimum period of imprisonment in the county jail of forty-eight hours, but not to exceed one year, to be served as ordered by the court, less credit for any time the person was confined in a jail or detention facility

following arrest or for any time the person spent in a court-ordered operating-while-intoxicated program that provides law enforcement security. However, the court, in ordering service of the sentence and in its discretion, may accommodate the defendant's work schedule. b. (1) With the consent of the defendant, the court may defer judgment pursuant to section 907.3 and may place the defendant on probation upon conditions as it may require. Upon a showing that the defendant is not fulfilling the conditions of probation, the court may revoke probation and impose any sentence authorized by law. Before taking such action, the court shall give the defendant an opportunity to be heard on any matter relevant to the proposed action. Upon violation of the conditions of probation, the court may proceed as provided in chapter 908. Upon fulfillment of the conditions of probation and the payment of fees imposed and not waived by the judicial district department of correctional services under section 905.14, the defendant shall be discharged without entry of judgment. (2) A person is not eligible for a deferred judgment under section 907.3 if the person has been convicted of a violation of this section or the person's driver's license has been revoked under this chapter, and any of the following apply: (a) If the defendant's alcohol concentration established by the results of an analysis of a specimen of the defendant's blood, breath, or urine withdrawn in accordance with this chapter exceeds .15, regardless of whether or not the alcohol concentration indicated by the chemical test minus the established margin of error inherent in the device or method used to conduct the test equals an alcohol concentration of .15 or more. (b) If the defendant has previously been convicted of a violation of subsection 1 or a statute in another state substantially corresponding to subsection 1. (c) If the defendant has previously received a deferred judgment or sentence for a violation of subsection 1 or for a violation of a statute in another state substantially corresponding to subsection 1. (d) If the defendant refused to consent to testing requested in accordance with section 321J.6. (e) If the offense under this chapter results in bodily injury to a person other than the defendant. (f) If the offense was committed while also in violation of section 321.279, subsection 2. c. Assessment of a fine of one thousand two hundred fifty dollars. However, in the discretion of the court, if no personal or property injury has resulted from the defendant's actions, the court may waive up to six hundred twenty-five dollars of the fine when the defendant presents to the court a temporary restricted license issued pursuant to section 321J.20. (1) Upon the entry of a deferred judgment, a civil penalty shall be assessed as provided in section 907.14 in an amount not less than the amount of the criminal fine authorized pursuant to this paragraph "c". (2) As an alternative to a portion or all of the fine, the court may order the person to perform unpaid community service. However, the court shall not order the person to perform unpaid community service in lieu of a civil penalty or victim restitution. Surcharges and fees shall also be assessed pursuant to chapter 911. d. Revocation of the person's driver's license for a minimum period of one hundred eighty days up to a maximum revocation period of one year, pursuant to section 321J.4, subsection 1, section 321J.9, or section 321J.12. The department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles operated by the defendant if the defendant seeks a temporary restricted license. e. Assignment to substance use disorder evaluation and treatment, a course for drinking drivers, and, if available and appropriate, a reality education substance use disorder prevention program pursuant to section 321J.24. 4. A second offense is punishable by all of the following: a. A minimum period of imprisonment in the county jail or community-based correctional facility of seven days but not to exceed two years. b. Assessment of a minimum fine of one thousand eight hundred seventy-five dollars and a maximum fine of six thousand two hundred fifty dollars. Surcharges and fees shall be assessed pursuant to chapter 911. c. Revocation of the defendant's driver's license for a period of one year, if a revocation occurs pursuant to section 321J.12, subsection 1. If a revocation occurs due to test refusal under section 321J.9, or pursuant to section 321J.4, subsection 2, the defendant's license shall be revoked for a period of two years. d. Assignment to substance use disorder evaluation and treatment, a course for drinking drivers, and, if available and appropriate, a reality education substance use disorder prevention program pursuant to section 321J.24. 5. A third or subsequent offense is punishable by all of the following: a. Commitment to the custody of the director of the department of corrections for an indeterminate term not to exceed five years, with a mandatory minimum term of thirty days. (1) If the court does not suspend a person's sentence of commitment to the custody of the director of the department of corrections under this paragraph "a", the person shall be assigned to a facility pursuant to section 904.513. (2) If the court suspends a person's sentence of commitment to the custody of the director of the department of corrections under this paragraph "a", the court shall order the person to serve not less than thirty days nor more than one year in the county jail, and the person may be committed to treatment in the community under section 907.6. b. Assessment of a minimum fine of three thousand one hundred twenty-five dollars and a maximum fine of nine thousand three hundred seventy-five dollars. Surcharges and fees shall be assessed pursuant to chapter 911. c. Revocation of the person's driver's license for a period of six years pursuant to section 321J.4, subsection 4. d. Assignment to substance use disorder evaluation and treatment, a course for drinking drivers, and, if available and appropriate, a reality education substance use disorder prevention program pursuant to section 321J.24. e. Notwithstanding the maximum sentence set forth in paragraph "a", a person convicted of a third or subsequent offense may be sentenced as an habitual offender pursuant to sections 902.8 and 902.9 if the person qualifies as an habitual offender as described in section 902.8. 6. To the extent that section 907.3 allows, the court may impose additional sentencing terms and conditions. 7. a. All persons convicted of an offense under subsection 2 shall be ordered, at the person's expense, to undergo, prior to sentencing, a substance use disorder evaluation. The court shall order the person to follow the recommendations proposed in the substance use disorder evaluation as provided in section 321J.3. b. Where the program is available and is appropriate for the convicted person, a person convicted of an offense under subsection 2 shall be ordered to participate in a reality education substance use disorder prevention program as provided in section 321J.24. c. A minimum term of imprisonment in a county jail or community-based correctional facility imposed on a person convicted of a second or subsequent offense under subsection 2, paragraph "b" or "c" shall be served on consecutive days. However, if the sentencing court finds that service of the full minimum term on consecutive days would work an undue hardship on the person, or finds that sufficient jail space is not available and is not

reasonably expected to become available within four months after sentencing to incarcerate the person serving the minimum sentence on consecutive days, the court may order the person to serve the minimum term in segments of at least forty-eight hours and to perform a specified number of hours of unpaid community service as deemed appropriate by the sentencing court. 8. In determining if a violation charged is a second or subsequent offense for purposes of criminal sentencing or license revocation under this chapter: a. Any conviction or revocation deleted from motor vehicle operating records pursuant to section 321.12 shall not be considered as a previous offense. b. Deferred judgments entered pursuant to section 907.3 for violations of this section shall be counted as previous offenses. c. Convictions or the equivalent of deferred judgments for violations in any other states under statutes substantially corresponding to this section shall be counted as previous offenses. The courts shall judicially notice the statutes of other states which define offenses substantially equivalent to the one defined in this section and can therefore be considered corresponding statutes. Each previous violation on which conviction or deferral of judgment was entered prior to the date of the violation charged shall be considered and counted as a separate previous offense. 9. A person shall not be convicted and sentenced for more than one violation of this section for actions arising out of the same event or occurrence, even if the event or occurrence involves more than one of the conditions specified in subsection 1. 10. The clerk of the district court shall immediately certify to the department a true copy of each order entered with respect to deferral of judgment, deferral of sentence, or pronouncement of judgment and sentence for a defendant under this section. 11. a. This section does not apply to a person operating a motor vehicle while under the influence of a drug if the substance was prescribed for the person and was taken under the prescription and in accordance with the directions of a medical practitioner as defined in chapter 155A or if the substance was dispensed by a pharmacist without a prescription pursuant to the rules of the board of pharmacy, if there is no evidence of the consumption of alcohol and the medical practitioner or pharmacist had not directed the person to refrain from operating a motor vehicle. b. When charged with a violation of subsection 1, paragraph “c”, a person may assert, as an affirmative defense, that the controlled substance present in the person’s blood or urine was prescribed or dispensed for the person and was taken in accordance with the directions of a practitioner and the labeling directions of the pharmacy, as that person and place of business are defined in section 155A.3. 12. In any prosecution under this section, evidence of the results of analysis of a specimen of the defendant’s blood, breath, or urine is admissible upon proof of a proper foundation. a. The alcohol concentration established by the results of an analysis of a specimen of the defendant’s blood, breath, or urine withdrawn within two hours after the defendant was driving or in physical control of a motor vehicle is presumed to be the alcohol concentration at the time of driving or being in physical control of the motor vehicle. b. The presence of a controlled substance or other drug established by the results of analysis of a specimen of the defendant’s blood or urine withdrawn within two hours after the defendant was driving or in physical control of a motor vehicle is presumed to show the presence of such controlled substance or other drug in the defendant at the time of driving or being in physical control of the motor vehicle. c. The department of public safety shall adopt nationally accepted standards for determining detectable levels of controlled substances in the division of criminal investigation’s initial laboratory screening test for controlled substances. 13. a. In addition to any fine or penalty imposed under this chapter, the court shall order a defendant convicted of or receiving a deferred judgment for a violation of this section to make restitution for damages resulting directly from the violation, to the victim, pursuant to chapter 910. An amount paid pursuant to this restitution order shall be credited toward any adverse judgment in a subsequent civil proceeding arising from the same occurrence. However, other than establishing a credit, a restitution proceeding pursuant to this section shall not be given evidentiary or preclusive effect in a subsequent civil proceeding arising from the same occurrence. b. The court may order restitution paid to any public agency for the costs of the emergency response resulting from the actions constituting a violation of this section, not exceeding five hundred dollars per public agency for each such response. For the purposes of this paragraph, “emergency response” means any incident requiring response by fire fighting, law enforcement, ambulance, medical, or other emergency services. A public agency seeking such restitution shall consult with the county attorney regarding the expenses incurred by the public agency, and the county attorney may include the expenses in the statement of pecuniary damages pursuant to section 910.3. 14. In any prosecution under this section, the results of a chemical test shall not be used to prove a violation of subsection 1, paragraph “b” or “c”, if the alcohol, controlled substance, or other drug concentration indicated by the chemical test minus the established margin of error inherent in the device or method used to conduct the chemical test does not equal or exceed the level prohibited by subsection 1, paragraph “b” or “c”. 86 Acts, ch 1220, §2; 87 Acts, ch 118, §4; 87 Acts, ch 215, §46; 90 Acts, ch 1233, §20; 90 Acts, ch 1251, §33; 97 Acts, ch 177, §4, 5; 98 Acts, ch 1073, §9; 98 Acts, ch 1100, §50; 98 Acts, ch 1138, §2, 3, 11 – 13, 37; 99 Acts, ch 96, §36; 2000 Acts, ch 1118, §1; 2000 Acts, ch 1135, §1; 2002 Acts, ch 1042, §1; 2003 Acts, ch 60, §1, 2; 2003 Acts, ch 179, §120 ; 2003 Acts, 1st Ex, ch 2, §48, 209 ; 2006 Acts, ch 1010, §90; 2006 Acts, ch 1166, §1 – 3; 2007 Acts, ch 10, §174; 2010 Acts, ch 1124, §1, 9; 2010 Acts, ch 1193, §50, 81; 2011 Acts, ch 25, §31; 2011 Acts, ch 131, §93, 158; 2018 Acts, ch 1110, §2, 3, 9; 2019 Acts, ch 5, §1, 2; 2020 Acts, ch 1028, §2; 2021 Acts, ch 98, §2; 2023 Acts, ch 19, §1067 – 1070; 2023 Acts, ch 42, §6 Referred to in §81.1, 135B.34, 135C.33, 232.22, 232.150, 321.12, 321.208, 321.213, 321.241, 321.555, 321J.2A, 321J.2B, 321J.3, 321J.4, 321J.4B, 321J.5, 321J.6, 321J.8, 321J.9, 321J.10, 321J.10A, 321J.12, 321J.13, 321J.15, 321J.16, 321J.20, 321J.22, 321J.24, 321J.25, 321N.3, 602.8102(51), 707.6A, 724.4C, 724.15, 724.16, 724.22, 726.6, 804.31, 901C.3, 901D.2, 902.3, 907.3, 910.1, 910.3, 915.80 For provisions relating to third offense OWI driver’s license revocations and restoration of driving privileges, see 99 Acts, ch 153, §25 Subsection 3, paragraph b, subparagraph (2), subparagraph division (f) amended Subsection 3, paragraph e amended Subsection 4, paragraph d amended Subsection 5, paragraph d amended Subsection 7, paragraphs a and b amended

321J.20 Temporary restricted license — ignition interlock devices. 1. The department may, on application, issue a temporary restricted license to a person whose noncommercial driver's license is revoked under this chapter, or revoked or suspended under chapter 321 solely for violations of this chapter, or who has been determined to be a habitual offender under chapter 321 based solely on violations of this chapter or on violations listed in section 321.560, subsection 1, paragraph "b", allowing the person to operate a motor vehicle in any manner allowed for a person issued a valid class C driver's license, unless otherwise prohibited by this chapter. This subsection does not apply to a person whose license was revoked under section 321J.2A, to a person whose license was revoked under section 321J.4, subsection 6, for the period during which the person is ineligible for a temporary restricted license, or to a person whose license is suspended or revoked for another reason. 2. A temporary restricted license issued under this section shall not be issued until the applicant installs an approved ignition interlock device on all motor vehicles owned or operated by the applicant. However, if the applicant has had no previous conviction or revocation under this chapter, a temporary restricted license issued under this section shall not be issued until the applicant installs an approved ignition interlock device on all motor vehicles operated by the applicant. Installation of an ignition interlock device under this section shall be required for the period of time for which the temporary restricted license is issued, and for such additional period of time following reinstatement as is required under section 321J.17, subsection 3. However, a person whose driver's license or nonresident operating privilege has been revoked under section 321J.21 may apply to the department for a temporary restricted license without the requirement of an ignition interlock device if at least twelve years have elapsed since the end of the underlying revocation period for a violation of section 321J.2. 3. In addition to other penalties provided by law, a person's temporary restricted license shall be revoked if the person is required to install an ignition interlock device and the person does any of the following: a. Operates a motor vehicle which does not have an approved ignition interlock device. b. Tampers with or circumvents an ignition interlock device. 4. A person holding a temporary restricted license issued by the department under this section shall not operate a commercial motor vehicle on a highway if a commercial driver's license or commercial learner's permit is required for the person's operation of the commercial motor vehicle. 5. A person holding a temporary restricted license issued by the department under this chapter shall be prohibited from operating a school bus. 6. Notwithstanding any provision of this chapter to the contrary, the department may issue a temporary restricted license to a person otherwise eligible for a temporary restricted license under this section, whose period of revocation under this chapter has expired, but who has not met all requirements for reinstatement of the person's driver's license or nonresident operating privileges. 7. A person who tampers with or circumvents an ignition interlock device installed as required in this chapter and while the requirement for the ignition interlock device is in effect commits a serious misdemeanor. 8. Notwithstanding any provision of this chapter to the contrary, the department may issue a temporary restricted license to a person eligible for a temporary restricted license under this section if the person is also eligible for a temporary restricted license under section 321.215, provided the requirements of this section and section 321.215 are satisfied. 86 Acts, ch 1220, §20; 90 Acts, ch 1230, §87, 88; 95 Acts, ch 48, §21; 95 Acts, ch 143, §7; 97 Acts, ch 177, §18 – 20; 98 Acts, ch 1073, §9, 12; 98 Acts, ch 1138, §5, 36, 37; 2000 Acts, ch 1133, §17; 2003 Acts, ch 60, §7; 2007 Acts, ch 196, §6; 2010 Acts, ch 1061, §180; 2010 Acts, ch 1097, §11; 2013 Acts, ch 103, §16, 17; 2015 Acts, ch 123, §36, 73; 2016 Acts, ch 1011, §54; 2017 Acts, ch 76, §13 – 16; 2018 Acts, ch 1026, §117; 2018 Acts, ch 1110, §8, 9; 2019 Acts, ch 66, §1; 2020 Acts, ch 1059, §1 – 3; 2021 Acts, ch 80, §186; 2021 Acts, ch 98, §7 Referred to in §321.215, 321.560, 321J.2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321J - OPERATING WHILE INTOXICATED Section 321J.21 - Driving while license suspended, denied, revoked, or barred.

321J.21 Driving while license suspended, denied, revoked, or barred. 1. A person whose driver's license or nonresident operating privilege has been suspended, denied, revoked, or barred due to a violation of this chapter and who drives a motor vehicle while the license or privilege is suspended, denied, revoked, or barred commits a serious misdemeanor. In addition to any other penalties, the punishment imposed for a violation of this subsection shall include assessment of a fine of one thousand dollars. 2. In addition to the fine, the department, upon receiving the record of the conviction of a person under this section upon a charge of driving a motor vehicle while the license of the person was suspended, denied, revoked, or barred shall extend the period of suspension, denial, revocation, or bar for an additional like period. 86 Acts, ch 1220, §21; 97 Acts, ch 177, §21; 98 Acts, ch 1073, §9; 99 Acts, ch 153, §6; 2021 Acts, ch 98, §8 Referred to in §321.211A, 321.241, 321J.4B, 321J.20, 321N.3, 901C.3 See §321.555 – 321.562 for penalties applicable to habitual offenders

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321J - OPERATING WHILE INTOXICATED Section 321J.22 - Drinking drivers course.

321J.22 Drinking drivers course. 1. As used in this section, unless the context otherwise requires: a. "Approved provider" means a provider of a course for drinking drivers offered outside this state which has been approved by the department of education. b. "Course for drinking drivers" means an approved course designed to inform the offender about drinking and driving and encourage the offender to assess the offender's own drinking and driving behavior in order to select practical alternatives. c. "Satisfactory completion of a course" means receiving at the completion of a course a grade from the course instructor of "C" or "2.0" or better. 2. a. The course provided according to this section shall be offered on a regular basis at each community college as defined in section 260C.2, or by substance use disorder treatment programs licensed under chapter 125, or may be offered at a state correctional facility listed in section 904.102. However, a community college shall not be required to offer the course if a substance use disorder treatment program licensed under chapter 125 offers the course within the merged area served by the community college. b.

Enrollment in the courses is not limited to persons ordered to enroll, attend, and successfully complete the course required under sections 321J.2 and 321J.17, subsection 2. However, any person under age eighteen who is required to attend the courses for violation of section 321J.2 or 321J.17 must attend a course offered by a substance use disorder treatment program licensed under chapter 125. c. The course required by this section shall be: (1) Taught by a community college under the supervision of the department of education or by a substance use disorder treatment program licensed under chapter 125, and may be offered at a state correctional facility. (2) Approved by the department of education, in consultation with the community colleges, substance use disorder treatment programs licensed under chapter 125, the department of health and human services, and the department of corrections. d. The department of education may approve a provider of a course for drinking drivers offered outside this state upon proof to the department's satisfaction that the course is comparable to those offered by community colleges, substance use disorder treatment programs licensed under chapter 125, and state correctional facilities as provided in this section. The department shall comply with the requirements of subsection 5 regarding such approved providers. e. The department of education shall establish reasonable fees to defray the expense of obtaining classroom space, instructor salaries, and class materials for courses offered both by community colleges and by substance use disorder treatment programs licensed under chapter 125, or for classes offered at a state correctional facility, and for administrative expenses incurred by the department of education in implementing subsection 5 on behalf of in-state and out-of-state offenders. f. A person shall not be denied enrollment in a course by reason of the person's indigency. 3. An employer shall not discharge a person from employment solely for the reason of work absence to attend a course required by this section. Any employer who violates this section is liable for damages which include but are not limited to actual damages, court costs, and reasonable attorney fees. The person may also petition the court for imposition of a cease and desist order against the person's employer and for reinstatement to the person's previous position of employment. 4. The department of education, substance use disorder treatment programs licensed under chapter 125, and state correctional facilities shall prepare for their respective courses a list of the locations of the courses taught under this section, the dates and times taught, the procedure for enrollment, and the schedule of course fees. The list shall be kept current and a copy of the list shall be sent to each court having jurisdiction over offenses provided in this chapter. 5. The department of education, substance use disorder treatment programs licensed under chapter 125, and state correctional facilities shall maintain enrollment, attendance, successful and unsuccessful completion data for their respective courses on the persons ordered to enroll, attend, and successfully complete a course for drinking drivers. This data shall be forwarded to the court by the department of education, substance use disorder treatment programs licensed under chapter 125, and the department of corrections. 86 Acts, ch 1220, §22; 90 Acts, ch 1253, §120; 97 Acts, ch 177, §22; 2000 Acts, ch 1138, §5; 2002 Acts, ch 1140, §37 ; 2002 Acts, 2nd Ex, ch 1003, §240, 262 ; 2003 Acts, ch 180, §60; 2008 Acts, ch 1124, §16; 2011 Acts, ch 20, §17, 18; 2023 Acts, ch 19, §1073 Referred to in §321J.17, 707.6A Subsections 2, 4, and 5 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321J - OPERATING WHILE INTOXICATED Section 321J.23 - Legislative findings.

321J.23 Legislative findings. The general assembly finds and declares as follows: 1. Drivers often do not realize the consequences of drinking alcohol or using other drugs, and driving a motor vehicle. 2. Prompt intervention is needed to protect society, including drivers, from death or serious long-term injury. 3. The conviction of a driver for operating while intoxicated identifies that person as a risk to the health and safety of others, as well as to the intoxicated driver. 4. Close observation of the effects on others of alcohol and drug use by an intoxicated driver convicted of operating while intoxicated may have a marked effect on recidivism and should therefore be encouraged by the courts. 5. The reality education substance use disorder prevention program provides guidelines for the operation of an intensive program to discourage recidivism. 92 Acts, ch 1231, §45; 2023 Acts, ch 19, §1074 Subsection 5 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321J - OPERATING WHILE INTOXICATED Section 321J.24 - Court-ordered visitation for offenders — immunity from liability.

321J.24 Court-ordered visitation for offenders — immunity from liability. 1. As used in this section, unless the context otherwise requires: a. "Appropriate victim" means a victim whose condition demonstrates the results of a motor vehicle accident involving intoxicated drivers without being excessively traumatic to the participant, as determined by the tour supervisor. b. "Participant" means a person who is ordered by the court to participate in the reality education substance use disorder prevention program. c. "Program" means the reality education substance use disorder prevention program. d. "Program coordinator" means a person appointed by the court to coordinate the person's participation in the program. e. "Tour supervisor" means a person selected by a participant's program coordinator to supervise a tour. 2. A reality education substance use disorder prevention program is established in those judicial districts where the chief judge of the judicial district authorizes participation in the program. Upon a conviction or adjudication for a violation of section 321J.2, or the entry of a deferred judgment concerning a violation of section 321J.2, the court or juvenile court may order participation in the reality education substance use disorder prevention program as a term and condition of probation or disposition in addition to any other term or condition of probation or disposition required or authorized by law. The court or juvenile court shall require the defendant or delinquent child to abstain from consuming any controlled substance, alcoholic liquor, wine, or beer while participating in the program. 3. The court or juvenile court shall consult with the defendant or delinquent child and the defendant's or delinquent child's attorney, if any, and may consult with any other person, including but not limited to the defendant's or delinquent child's parents or other family members, to determine if the defendant or delinquent child is suitable for participation in the program, if the program will be educational and meaningful to the

defendant or delinquent child, and if any physical, emotional, mental, or other reasons exist which indicate that the program would be inappropriate or would cause any injury to the defendant or delinquent child. 4. The court or juvenile court may appoint a program coordinator, to coordinate all tours and select appropriate tour supervisors for each tour. The program coordinator shall monitor compliance by contacting each tour supervisor following the completion of a tour. 5. a. The court or juvenile court may include a requirement for a supervised educational tour by the defendant or delinquent child to any or all of the following: (1) A hospital or other emergency medical care facility which regularly receives victims of motor vehicle accidents, to observe treatment of appropriate victims of motor vehicle accidents involving intoxicated drivers, under the supervision of a registered nurse, physician, paramedic, or emergency medical technician. (2) A facility for the treatment of persons with a substance use disorder as defined in section 125.2, under the supervision of appropriately licensed medical personnel. (3) If approved by the state or county medical examiner, a morgue or a similar facility to receive appropriate educational material and instruction concerning damage caused by the consumption of alcohol or other drugs, under the supervision of the county medical examiner or deputy medical examiner. b. However, the court or juvenile court shall not order the defendant or delinquent child to participate in a supervised education tour of a hospital or other facility specified in this subsection, unless the hospital or facility agrees to participate in the program. 6. Prior to a tour, the program coordinator shall explain and discuss the experiences which may be encountered during the tour to the participant. If the program coordinator determines at any time before or during a tour that the tour may be traumatic or otherwise inappropriate for the participant, the program coordinator shall terminate the tour without prejudice to the participant. 7. The court or juvenile court may order a personal conference after the tours with the participant, the participant's attorney, if any, and any other persons if available and deemed necessary by the court or juvenile court, to discuss the experiences of the participant in the program and how those experiences may impact the participant's conduct. The court or juvenile court may order the participant to write a report or letter concerning the participant's experiences in the program. 8. Tour supervisors and facilities toured during the program are not liable for any civil damages resulting from injury to the participant, or civil damages caused by the participant during or from any activities related to a tour, except for willful or grossly negligent acts intended to, or reasonably expected to result in, such injury or damage. 9. The chief judge of the judicial district shall determine fees to be paid by participants in the program. The judicial branch shall use the fees to pay all costs associated with the program. The court shall either require the participant to pay the fee in order to participate in the program, or may waive the fee or collect a lesser amount upon a showing of cause. 92 Acts, ch 1231, §46; 97 Acts, ch 177, §23, 24; 98 Acts, ch 1047, §29; 2010 Acts, ch 1061, §180; 2013 Acts, ch 90, §86; 2023 Acts, ch 19, §1075 – 1077 Referred to in §321J.2, 707.6A Subsection 1, paragraphs b and c amended Subsection 2 amended Subsection 5, paragraph a, subparagraph (2) amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321J - OPERATING WHILE INTOXICATED Section 321J.25 - Youthful offender substance use disorder awareness program.

321J.25 Youthful offender substance use disorder awareness program. 1. As used in this section, unless the context otherwise requires: a. "Participant" means a person whose driver's license or operating privilege has been revoked for a violation of section 321J.2A. b. "Program" means a substance use disorder awareness program provided under a contract entered into between the provider and the department of health and human services under chapter 125. c. "Program coordinator" means a person assigned the duty to coordinate a participant's activities in a program by the program provider. 2. A substance use disorder awareness program is established in each of the regions established by the director of health and human services pursuant to section 125.12. The program shall consist of an insight class and a substance use disorder evaluation, which shall be attended by the participant, to discuss issues related to the potential consequences of substance use disorder. The parent or parents of the participant shall also be encouraged to participate in the program. The program provider shall consult with the participant or the parents of the participant in the program to determine the timing and appropriate level of participation for the participant and any participation by the participant's parents. The program may also include a supervised educational tour by the participant to any or all of the following: a. A hospital or other emergency medical care facility which regularly receives victims of motor vehicle accidents, to observe treatment of appropriate victims of motor vehicle accidents involving intoxicated drivers, under the supervision of a registered nurse, physician, paramedic, or emergency medical technician. b. A facility for the treatment of persons with a substance use disorder as defined in section 125.2, under the supervision of appropriately licensed medical personnel. c. If approved by the state or county medical examiner, a morgue or a similar facility to receive appropriate educational material and instruction concerning damage caused by the consumption of alcohol or other drugs, under the supervision of the county medical examiner or deputy medical examiner. 3. If the program includes a tour, the program coordinator shall explain and discuss the experiences which may be encountered during the tour to the participant. If the program coordinator determines at any time before or during a tour that the tour may be traumatic or otherwise inappropriate for the participant, the program coordinator shall terminate the tour without prejudice to the participant. 4. Upon the revocation of the driver's license or operating privileges of a person who is fourteen years of age or older for a violation of section 321J.2A, if the person has had no previous revocations under either section 321J.2 or section 321J.2A, a person may participate in the substance use disorder awareness program. The state department of transportation shall notify a potential program participant of the possibility and potential benefits of attending a program and shall notify a potential program participant of the availability of programs which exist in the area in which the person resides. The state department of transportation shall consult with the department of health and human services to determine what programs are available in various areas of the state. 5. Program providers and facilities toured during the program are not liable for any civil damages resulting from injury to the participant, or civil damages caused by the participant during or from any activities related to a tour, except for willful or grossly negligent acts

intended to, or reasonably expected to result in, such injury or damage. 6. The program provider shall determine fees to be paid by participants in the program. The program fees shall be paid on a sliding scale, based upon the ability of a participant and a participant's family to pay the fees, and shall not exceed one hundred dollars per participant. The program provider shall use the fees to pay all costs associated with the program. 95 Acts, ch 143, §8; 97 Acts, ch 177, §25; 98 Acts, ch 1073, §9; 2005 Acts, ch 175, §121, 122; 2013 Acts, ch 90, §87; 2023 Acts, ch 19, §1078 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321J - OPERATING WHILE INTOXICATED Section 321J.2A - Persons under the age of twenty-one.

321J.2A Persons under the age of twenty-one. 1. A person who is under the age of twenty-one shall not operate a motor vehicle while having an alcohol concentration, as defined under section 321J.1, of .02 or more. The driver's license or nonresident operating privilege of a person who is under the age of twenty-one and who operates a motor vehicle while having an alcohol concentration of .02 or more shall be revoked by the department for the period of time specified under section 321J.12. A revocation under this section shall not preclude a prosecution or conviction under any applicable criminal provisions of this chapter. However, if the person is convicted of a criminal offense under section 321J.2, the revocation imposed under this section shall be superseded by any revocation imposed as a result of the conviction. 2. In any proceeding regarding a revocation under this section, evidence of the results of analysis of a specimen of the defendant's blood, breath, or urine is admissible upon proof of a proper foundation. The alcohol concentration established by the results of an analysis of a specimen of the defendant's blood, breath, or urine withdrawn within two hours after the defendant was driving or in physical control of a motor vehicle is presumed to be the alcohol concentration at the time of driving or being in physical control of the motor vehicle. 95 Acts, ch 48, §7; 98 Acts, ch 1073, §9; 2018 Acts, ch 1041, §127 Referred to in §321.12, 321.241, 321A.17, 321J.2B, 321J.5, 321J.6, 321J.8, 321J.9, 321J.10A, 321J.12, 321J.13, 321J.15, 321J.16, 321J.20, 321J.25, 321N.3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321J - OPERATING WHILE INTOXICATED Section 321J.2B - Parental and school notification — persons under eighteen years of age.

321J.2B Parental and school notification — persons under eighteen years of age. 1. A peace officer shall make a reasonable effort to identify a person under the age of eighteen who violates section 321J.2 or 321J.2A and, if the person is not referred to juvenile court, the law enforcement agency of which the peace officer is an employee shall make a reasonable attempt to notify the person's custodial parent or legal guardian of the violation, whether or not the person is taken into custody, unless the officer has reasonable grounds to believe that notification is not in the best interests of the person or will endanger that person. 2. The peace officer shall also make a reasonable effort to identify the elementary or secondary school which the person attends if the person is enrolled in elementary or secondary school and to notify the superintendent or the superintendent's designee of the school which the person attends, or the authorities in charge of the nonpublic school which the person attends, of the violation. If the person is taken into custody, the peace officer shall notify a juvenile court officer who shall make a reasonable effort to identify the elementary or secondary school the person attends, if any, and to notify the superintendent of the school district or the superintendent's designee, or the authorities in charge of the nonpublic school, of the violation. A reasonable attempt to notify the person includes, but is not limited to, a telephone call or notice by first-class mail. 2000 Acts, ch 1138, §4 Referred to in §232.147

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321J - OPERATING WHILE INTOXICATED Section 321J.3 - Substance use disorder evaluation or treatment — rules.

321J.3 Substance use disorder evaluation or treatment — rules. 1. a. In addition to orders issued pursuant to section 321J.2, subsections 3, 4, and 5, and section 321J.17, the court shall order any defendant convicted under section 321J.2 to follow the recommendations proposed in the substance use disorder evaluation for appropriate substance use disorder treatment for the defendant. Court-ordered substance use disorder treatment is subject to the periodic reporting requirements of section 125.86. b. If a defendant is committed by the court to a substance use disorder treatment facility, the administrator of the facility shall report to the court when it is determined that the defendant has received the maximum benefit of treatment at the facility and the defendant shall be released from the facility. The time for which the defendant is committed for treatment shall be credited against the defendant's sentence. c. The court may prescribe the length of time for the evaluation and treatment or it may request that the community college or other approved provider conducting the course for drinking drivers which the person is ordered to attend or the treatment program to which the person is committed immediately report to the court when the person has received maximum benefit from the course for drinking drivers or treatment program or has recovered from the person's addiction, dependency, or tendency to chronically use alcohol or drugs. d. Upon successfully completing a course for drinking drivers or an ordered substance use disorder treatment program, a court may place the person on probation for six months and as a condition of probation, the person shall attend a program providing posttreatment services relating to substance use disorder as approved by the court. e. A person committed under this section who does not possess sufficient income or estate to make payment of the costs of the treatment in whole or in part shall be considered a state patient and the costs of treatment shall be paid as provided in section 125.44. f. A defendant who fails to carry out the order of the court shall be confined in the county jail for twenty days in addition to any other imprisonment ordered by the court or may be ordered to perform unpaid community service work, and shall be placed on probation for one year with a violation of this probation punishable as contempt of court. g. In addition to any other condition of probation, the person shall attend a program providing substance use disorder prevention services or posttreatment services related to substance use disorder as ordered by the

court. The person shall report to the person's probation officer as ordered concerning proof of attendance at the treatment program or posttreatment program ordered by the court. Failure to attend or complete the program shall be considered a violation of probation and is punishable as contempt of court. 2. a. Upon a second or subsequent offense in violation of section 321J.2, the court upon hearing may commit the defendant for inpatient treatment of alcoholism or drug addiction or dependency to any hospital, institution, or community correctional facility in Iowa providing such treatment. The time for which the defendant is committed for treatment shall be credited against the defendant's sentence. b. The court may prescribe the length of time for the evaluation and treatment or it may request that the hospital to which the person is committed immediately report to the court when the person has received maximum benefit from the program of the hospital or institution or has recovered from the person's addiction, dependency, or tendency to chronically use alcohol or drugs. c. A person committed under this section who does not possess sufficient income or estate to make payment of the costs of the treatment in whole or in part shall be considered a state patient and the costs of treatment shall be paid as provided in section 125.44. 3. The state department of transportation, in cooperation with the judicial branch, shall adopt rules, pursuant to the procedure in section 125.33, regarding the assignment of persons ordered under section 321J.17 to submit to substance use disorder evaluation and treatment. The rules shall be applicable only to persons other than those committed to the custody of the director of the department of corrections under section 321J.2. The rules shall be consistent with the practices and procedures of the judicial branch in sentencing persons to substance use disorder evaluation and treatment under section 321J.2. The rules shall include the requirement that the treatment programs utilized by a person pursuant to an order of the department of transportation meet the licensure standards of the department of health and human services for substance use disorder treatment programs under chapter 125. The rules shall also include provisions for payment of costs by the offenders, including insurance reimbursement on behalf of offenders, or other forms of funding, and shall also address reporting requirements of the facility, consistent with the provisions of sections 125.84 and 125.86. The department of transportation shall be entitled to treatment information contained in reports to the department of transportation, notwithstanding any provision of chapter 125 that would restrict department access to treatment information and records. 86 Acts, ch 1220, §3; 87 Acts, ch 118, §5; 90 Acts, ch 1251, §34; 90 Acts, ch 1253, §120; 97 Acts, ch 177, §6, 7; 98 Acts, ch 1047, §28; 2006 Acts, ch 1010, §91; 2010 Acts, ch 1124, §2, 9; 2011 Acts, ch 20, §15; 2022 Acts, ch 1021, §79; 2023 Acts, ch 19, §1071 Referred to in §125.44, 321.213, 321J.2 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321J - OPERATING WHILE INTOXICATED Section 321J.4 - Revocation of license — ignition interlock devices — temporary restricted license.

321J.4 Revocation of license — ignition interlock devices — temporary restricted license. 1. If a defendant is convicted of a violation of section 321J.2 and the defendant's driver's license or nonresident operating privilege has not been revoked under section 321J.9 or 321J.12 for the occurrence from which the arrest arose, the department shall revoke the defendant's driver's license or nonresident operating privilege for one hundred eighty days if the defendant submitted to chemical testing and has had no previous conviction or revocation under this chapter and shall revoke the defendant's driver's license or nonresident operating privilege for one year if the defendant refused to submit to chemical testing and has had no previous conviction or revocation under this chapter. The department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles operated by the defendant if the defendant seeks a temporary restricted license. 2. If a defendant is convicted of a violation of section 321J.2, and the defendant's driver's license or nonresident operating privilege has not already been revoked under section 321J.9 or 321J.12 for the occurrence from which the arrest arose, the department shall revoke the defendant's driver's license or nonresident operating privilege for one year if the defendant submitted to chemical testing and has had a previous conviction or revocation under this chapter and shall revoke the defendant's driver's license or nonresident operating privilege for two years if the defendant refused to submit to chemical testing and has had a previous revocation under this chapter. The department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles owned or operated by the defendant if the defendant seeks a temporary restricted license. A temporary restricted license shall not be granted by the department until the defendant installs the ignition interlock device. 3. If the court defers judgment pursuant to section 907.3 for a violation of section 321J.2, and if the defendant's driver's license or nonresident operating privilege has not been revoked under section 321J.9 or 321J.12, or has not otherwise been revoked for the occurrence from which the arrest arose, the department shall revoke the defendant's driver's license or nonresident operating privilege for a period of not less than thirty days nor more than ninety days. The department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles operated by the defendant if the defendant seeks a temporary restricted license. 4. Upon a plea or verdict of guilty of a third or subsequent violation of section 321J.2, the department shall revoke the defendant's driver's license or nonresident operating privilege for a period of six years. The department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles owned or operated by the defendant if the defendant seeks a temporary restricted license. A temporary restricted license shall not be granted by the department until the defendant installs the ignition interlock device. 5. Upon a plea or verdict of guilty of a violation of section 321J.2 which involved a personal injury, the court shall determine in open court, from consideration of the information in the file and any other evidence the parties may submit, whether a serious injury was sustained by any person other than the defendant and, if so, whether the defendant's conduct in violation of section 321J.2 caused the serious injury. If the court so determines, the court shall order the department to revoke the defendant's driver's license or nonresident operating privilege for a period of one year in addition to any other period of suspension or revocation. The defendant shall surrender to the court any Iowa license or permit and the court shall forward it to the department with a copy of the order for revocation. 6. Upon a plea or verdict of guilty of a

violation of section 321J.2 which involved a death, the court shall determine in open court, from consideration of the information in the file and any other evidence the parties may submit, whether a death occurred and, if so, whether the defendant's conduct in violation of section 321J.2 caused the death. If the court so determines, the court shall order the department to revoke the defendant's driver's license or nonresident operating privilege for a period of six years. The defendant shall not be eligible for any temporary restricted license for at least two years after the revocation. The defendant shall surrender to the court any Iowa license or permit and the court shall forward it to the department with a copy of the order for revocation. 7. If a license or permit to operate a motor vehicle is revoked or denied under this section or section 321J.9 or 321J.12, the period of revocation or denial shall be the period provided for such a revocation or until the defendant reaches the age of eighteen whichever period is longer. 8. a. On a conviction for or as a condition of a deferred judgment for a violation of section 321J.2, the court may order the defendant to install ignition interlock devices of a type approved by the commissioner of public safety on all motor vehicles owned or operated by the defendant which, without tampering or the intervention of another person, would prevent the defendant from operating the motor vehicle with an alcohol concentration greater than a level set by rule of the commissioner of public safety. However, if the defendant has had no previous conviction or revocation under this chapter, the court's order shall require the defendant to install approved ignition interlock devices only on all motor vehicles operated by the defendant. b. The commissioner of public safety shall adopt rules to approve certain ignition interlock devices and the means of installation of the devices, and shall establish the level of alcohol concentration beyond which an ignition interlock device will not allow operation of the motor vehicle in which it is installed. c. The order to install ignition interlock devices shall remain in effect for a period of time as determined by the court which shall not exceed the maximum term of imprisonment which the court could have imposed according to the nature of the violation. While the order is in effect, the defendant shall not operate a motor vehicle which does not have an approved ignition interlock device installed. d. If the defendant's driver's license or nonresident operating privilege has been revoked, the department shall not issue a temporary permit or a driver's license to the person without certification that approved ignition interlock devices have been installed on all motor vehicles owned or operated by the defendant while the order is in effect. However, if the defendant has had no previous conviction or revocation under this chapter, the department shall require certification that approved ignition interlock devices have been installed only on all motor vehicles operated by the defendant. e. A defendant who fails within a reasonable time to comply with an order to install an approved ignition interlock device may be declared in contempt of court and punished accordingly. f. A person who tampers with or circumvents an ignition interlock device installed under a court order while an order is in effect commits a serious misdemeanor. 86 Acts, ch 1220, §4; 88 Acts, ch 1168, §1; 90 Acts, ch 1230, §84; 92 Acts, ch 1212, §29; 95 Acts, ch 48, §8 – 10; 95 Acts, ch 55, §12; 96 Acts, ch 1090, §9 – 11; 96 Acts, ch 1152, §22; 97 Acts, ch 177, §8 – 11; 98 Acts, ch 1073, §9, 12; 98 Acts, ch 1138, §4, 36, 37; 2000 Acts, ch 1133, §15; 2000 Acts, ch 1138, §3; 2003 Acts, ch 60, §3; 2003 Acts, ch 179, §121, 122; 2007 Acts, ch 143, §21; 2009 Acts, ch 130, §13; 2010 Acts, ch 1097, §4 – 7; 2018 Acts, ch 1110, §4, 9; 2021 Acts, ch 98, §3, 4 Referred to in §321.213, 321J.2, 321J.17, 321J.20 For provisions relating to third offense OWI driver's license revocations and restoration of driving privileges, see 99 Acts, ch 153, §25

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321J - OPERATING WHILE INTOXICATED Section 321J.4B - Motor vehicle impoundment or immobilization — penalty — liability of vehicle owner.

321J.4B Motor vehicle impoundment or immobilization — penalty — liability of vehicle owner. 1. For purposes of this section: a. "Immobilized" means the installation of a device in a motor vehicle that completely prevents a motor vehicle from being operated, or the installation of an ignition interlock device of a type approved by the commissioner of public safety. b. "Impoundment" means the process of seizure and confinement within an enclosed area of a motor vehicle, for the purpose of restricting access to the vehicle. c. "Owner" means the registered titleholder of a motor vehicle; except in the case where a rental or leasing agency is the registered titleholder, in which case the lessee of the vehicle shall be treated as the owner of the vehicle for purposes of this section. 2. a. A motor vehicle is subject to impoundment in the following circumstances: (1) If a person operates a vehicle in violation of section 321J.2, and if convicted for that conduct, the conviction would be a second or subsequent offense under section 321J.2. (2) If a person operates a vehicle while that person's driver's license or operating privilege has been suspended, denied, revoked, or barred due to a violation of section 321J.2. b. The clerk of court shall send notice of a conviction of an offense for which the vehicle was impounded to the impounding authority upon conviction of the defendant for such offense. c. Impoundment of the vehicle under this section may occur in addition to any criminal penalty imposed under chapter 321 or this chapter for the underlying criminal offense. 3. The motor vehicle operated by the person in the commission of any offense included in subsection 2 may be immediately impounded or immobilized in accordance with this section. a. A person or agency taking possession of an impounded or immobilized motor vehicle shall do the following: (1) Make an inventory of any property contained in the vehicle, according to the agency's inventory procedure. The agency responsible for the motor vehicle shall also deliver a copy of the inventory to the county attorney. (2) Contact all rental or leasing agencies registered as owners of the vehicle, as well as any parties registered as holders of a secured interest in the vehicle, in accordance with subsection 12. b. The county attorney shall file a copy of the inventory with the district court as part of each file related to criminal charges filed under this section. 4. An owner of a motor vehicle impounded or immobilized under this section, who knows of, should have known of, or gives consent to the operation of, the motor vehicle in violation of subsection 2, paragraph "a", subparagraph (2), shall be: a. Guilty of a simple misdemeanor, and b. Jointly and severally liable for any damages caused by the person who operated the motor vehicle, subject to the provisions of chapter 668. 5. a. The following persons shall be entitled to immediate return of the motor vehicle without payment of costs associated with the impoundment or immobilization of the vehicle: (1) The owner of the motor vehicle, if the person who operated the motor vehicle is

not a co-owner of the motor vehicle. (2) A motor vehicle rental or leasing agency that owns the vehicle. (3) A person who owns the motor vehicle and who is charged but is not convicted of the violation of section 321.218, 321.561, 321A.32, 321J.2, or 321J.21, which resulted in the impoundment or immobilization of the motor vehicle under this section. b. Upon conviction of the defendant for a violation of subsection 2, paragraph "a", subparagraph (1), the court may order continued impoundment, or the immobilization, of the motor vehicle used in the commission of the offense, if the convicted person is the owner of the motor vehicle, and shall specify all of the following in the order: (1) The motor vehicle that is subject to the order. (2) The period of impoundment or immobilization. (3) The person or agency responsible for carrying out the order requiring continued impoundment, or the immobilization, of the motor vehicle. c. If the vehicle subject to the order is in the custody of a law enforcement agency, the court shall designate that agency as the responsible agency. If the vehicle is not in the custody of a law enforcement agency, the person or agency responsible for carrying out the order shall be any person deemed appropriate by the court, including but not limited to a law enforcement agency with jurisdiction over the area in which the residence of the vehicle owner is located. The person or agency responsible for carrying out the order shall determine whether the motor vehicle shall be impounded or immobilized. d. The period of impoundment or immobilization of a motor vehicle under this section shall be the period of license revocation imposed upon the person convicted of the offense or one hundred eighty days, whichever period is longer. The impoundment or immobilization period shall commence on the day that the vehicle is first impounded or immobilized. e. The clerk of the district court shall send a copy of the order to the department, the person convicted of the offense, the person or agency responsible for executing the order for impoundment or immobilization, and any holders of any security interests in the vehicle. f. (1) If the vehicle subject to the court order is not in the custody of a law enforcement agency, the person or agency designated in the order as the person or agency responsible for executing the order shall, upon receipt of the order, promptly locate the vehicle specified in the order, seize the motor vehicle and the license plates, and send or deliver the vehicle's license plates to the department. (2) If the vehicle is located at a place other than the place at which the court order is to be carried out, the person or agency responsible for executing the order shall arrange for the vehicle to be moved to the place of impoundment or immobilization. When the vehicle is found, is impounded or immobilized, and is at the place of impoundment or immobilization, the person or agency responsible for executing the order shall notify the clerk of the date on which the order was executed. The clerk shall notify the department of the date on which the order was executed. g. Upon receipt of a court order for continued impoundment or immobilization of the motor vehicle, the agency shall review the value of the vehicle in relation to the costs associated with the period of impoundment of the motor vehicle specified in the order. If the agency determines that the costs of impoundment of the motor vehicle exceed the actual wholesale value of the motor vehicle, the agency may treat the vehicle as an abandoned vehicle pursuant to section 321.89. If the agency elects to treat the motor vehicle as abandoned, the agency shall notify the registered owner of the motor vehicle that the vehicle shall be deemed abandoned and shall be sold in the manner provided in section 321.89 if payment of the total cost of impoundment is not received within twenty-one days of the mailing of the notice. The agency shall provide documentation regarding the valuation of the vehicle and the costs of impoundment. This paragraph shall not apply to vehicles that are immobilized pursuant to this section or if subsection 12, paragraph "a", subparagraph (1) or (2), applies. 6. Upon conviction of the defendant for a second or subsequent violation of subsection 2, paragraph "a", subparagraph (2), the court shall order, if the convicted person is the owner of the motor vehicle used in the commission of the offense, that that motor vehicle be seized and forfeited to the state pursuant to chapters 809 and 809A. 7. a. Upon receipt of a notice of conviction of the defendant for a violation of subsection 2, the impounding authority shall seize the motor vehicle's license plates and registration, and shall send or deliver them to the department. b. The department shall destroy license plates received under this section and shall not authorize the release of the vehicle or the issuance of new license plates for the vehicle until the period of impoundment or immobilization has expired, and the fee and costs assessed under subsection 10 have been paid. The fee for issuance of new license plates and certificates of registration shall be the same as for the replacement of lost, mutilated, or destroyed license plates and certificates of registration. 8. a. Upon conviction for a violation of subsection 2, the court shall assess the defendant, in addition to any other penalty, a fee of one hundred dollars plus the cost of any expenses for towing, storage, and any other costs of impounding or immobilizing the motor vehicle, to be paid to the clerk of the district court. b. The person or agency responsible for impoundment or immobilization under this section shall inform the court of the costs of towing, storage, and any other costs of impounding or immobilizing the motor vehicle. Upon payment of the fee and costs, the clerk shall forward a copy of the receipt to the department. c. If a law enforcement agency impounds or immobilizes a motor vehicle, the amount of the fee and expenses deposited with the clerk shall be paid by the clerk to the law enforcement agency responsible for executing the order to reimburse the agency for costs incurred for impoundment or immobilization equipment and, if required, in sending officers to search for and locate the vehicle specified in the impoundment or immobilization order. 9. Operating a motor vehicle on a street or highway in this state in violation of an order of impoundment or immobilization is a serious misdemeanor. A motor vehicle which is subject to an order of impoundment or immobilization that is operated on a street or highway in this state in violation of the order shall be seized and forfeited to the state under chapters 809 and 809A. 10. Once the period of impoundment or immobilization has expired, the owner of the motor vehicle shall have thirty days to claim the motor vehicle and pay all fees and charges imposed under this section. If the owner or the owner's designee has not claimed the vehicle and paid all fees and charges imposed under this section within seven days from the date of expiration of the period, the clerk shall send written notification to the motor vehicle owner, at the owner's last known address, notifying the owner of the date of expiration of the period of impoundment or immobilization and of the period in which the motor vehicle must be claimed. If the motor vehicle owner fails to claim the motor vehicle and pay all fees and charges imposed within the thirty-day period, the motor vehicle shall be forfeited to the state under chapters 809 and 809A. 11. a. (1) During the period of impoundment or immobilization the owner of an

impounded or immobilized vehicle shall not sell or transfer the title of the motor vehicle which is subject to the order of impoundment or immobilization. (2) A person convicted of an offense under subsection 2 shall not purchase or register any motor vehicle during the period of impoundment, immobilization, or license revocation. b. If, during the period of impoundment or immobilization, the title to the motor vehicle which is the subject of the order is transferred by the foreclosure of a chattel mortgage, a sale upon execution, the cancellation of a conditional sales contract, or an order of a court, the court which enters the order that permits transfer of the title shall notify the department of the transfer of the title. The department shall enter notice of the transfer of the title to the motor vehicle in the previous owner's vehicle registration record. c. Violation of paragraph "a" is a serious misdemeanor. 12. a. Notwithstanding other requirements of this section: (1) Upon learning the address or phone number of a rental or leasing company which owns a motor vehicle impounded or immobilized under this section, the peace officer, county attorney, or attorney general shall immediately contact the company to inform the company that the vehicle is available for return to the company. (2) The holder of a security interest in a vehicle which is impounded or immobilized pursuant to this section or forfeited in the manner provided in chapters 809 and 809A shall be notified of the impoundment, immobilization, or forfeiture within seventy-two hours of the seizure of the vehicle and shall have the right to claim the motor vehicle without payment of any fees or surcharges unless the value of the vehicle exceeds the value of the security interest held by the creditor. (3) Any of the following persons may make application to the court for permission to operate a motor vehicle, which is impounded or immobilized pursuant to this section, during the period of impoundment or immobilization, if the applicant's driver's license or operating privilege has not been suspended, denied, revoked, or barred, and an ignition interlock device of a type approved by the commissioner of public safety is installed in the motor vehicle prior to operation: (a) A person, other than the person who committed the offense which resulted in the impoundment or immobilization, who is not a member of the immediate family of the person who committed the offense but is a joint owner of the motor vehicle. (b) A member of the immediate family of the person who committed the offense which resulted in the impoundment or immobilization, if the member demonstrates that the motor vehicle that is subject to the order for impoundment or immobilization is the only motor vehicle possessed by the family. b. For purposes of this section, "a member of the immediate family" means a spouse, child, or parent of the person who committed the offense. 13. The impoundment, immobilization, or forfeiture of a motor vehicle under this chapter does not constitute loss of use of a motor vehicle for purposes of any contract of insurance. 95 Acts, ch 48, §11; 95 Acts, ch 143, §5; 96 Acts, ch 1133, §42, 43; 97 Acts, ch 177, §12; 98 Acts, ch 1073, §9; 2010 Acts, ch 1061, §180; 2010 Acts, ch 1069, §103 – 106 Referred to in §321.89, 809A.3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321J - OPERATING WHILE INTOXICATED Section 321J.5 - Preliminary screening test.

321J.5 Preliminary screening test. 1. When a peace officer has reasonable grounds to believe that either of the following have occurred, the peace officer may request that the operator provide a sample of the operator's breath for a preliminary screening test using a device approved by the commissioner of public safety for that purpose: a. A motor vehicle operator may be violating or has violated section 321J.2 or 321J.2A. b. The operator has been involved in a motor vehicle collision resulting in injury or death. 2. The results of this preliminary screening test may be used for the purpose of deciding whether an arrest should be made or whether to request a chemical test authorized in this chapter, but shall not be used in any court action except to prove that a chemical test was properly requested of a person pursuant to this chapter. 86 Acts, ch 1220, §5; 95 Acts, ch 48, §12

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321J - OPERATING WHILE INTOXICATED Section 321J.6 - Implied consent to test.

321J.6 Implied consent to test. 1. A person who operates a motor vehicle in this state under circumstances which give reasonable grounds to believe that the person has been operating a motor vehicle in violation of section 321J.2 or 321J.2A is deemed to have given consent to the withdrawal of specimens of the person's blood, breath, or urine and to a chemical test or tests of the specimens for the purpose of determining the alcohol concentration or presence of a controlled substance or other drugs, subject to this section. The withdrawal of the body substances and the test or tests shall be administered at the written request of a peace officer having reasonable grounds to believe that the person was operating a motor vehicle in violation of section 321J.2 or 321J.2A, and if any of the following conditions exist: a. A peace officer has lawfully placed the person under arrest for violation of section 321J.2. b. The person has been involved in a motor vehicle accident or collision resulting in personal injury or death. c. The person has refused to take a preliminary breath screening test provided by this chapter. d. The preliminary breath screening test was administered and it indicated an alcohol concentration equal to or in excess of the level prohibited by section 321J.2. e. The preliminary breath screening test was administered to a person operating a commercial motor vehicle as defined in section 321.1 and it indicated an alcohol concentration of 0.04 or more. f. The preliminary breath screening test was administered and it indicated an alcohol concentration less than the level prohibited by section 321J.2, and the peace officer has reasonable grounds to believe that the person was under the influence of a controlled substance, a drug other than alcohol, or a combination of alcohol and another drug. g. The preliminary breath screening test was administered and it indicated an alcohol concentration of .02 or more but less than .08 and the person is under the age of twenty-one. 2. The peace officer shall determine which of the three substances, breath, blood, or urine, shall be tested. Refusal to submit to a chemical test of urine or breath is deemed a refusal to submit, and section 321J.9 applies. A refusal to submit to a chemical test of blood is not deemed a refusal to submit, but in that case, the peace officer shall then determine which one of the other two substances shall be tested and shall offer the test. If the peace officer fails to offer a test within two hours after the preliminary screening test is administered or refused or the arrest is made, whichever occurs first, a test is not required, and

there shall be no revocation under section 321J.9. 3. Notwithstanding subsection 2, if the peace officer has reasonable grounds to believe that the person was under the influence of a controlled substance, a drug other than alcohol, or a combination of alcohol and another drug, a blood or urine test shall be required even after another type of test has been administered. Section 321J.9 applies to a refusal to submit to a chemical test of urine or blood requested under this subsection. 86 Acts, ch 1220, §6; 90 Acts, ch 1230, §85; 95 Acts, ch 48, §13, 14; 98 Acts, ch 1138, §14 – 16; 2003 Acts, ch 60, §4 Referred to in §321J.2, 321J.7, 321J.9, 321J.10, 321J.12, 901D.2, 907.3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321J - OPERATING WHILE INTOXICATED Section 321J.7 - Dead or unconscious persons.

321J.7 Dead or unconscious persons. A person who is dead, unconscious, or otherwise in a condition rendering the person incapable of consent or refusal is deemed not to have withdrawn the consent provided by section 321J.6, and the test may be given if a licensed physician, physician assistant, or advanced registered nurse practitioner certifies in advance of the test that the person is unconscious or otherwise in a condition rendering that person incapable of consent or refusal. If the certification is oral, a written certification shall be completed by the physician, physician assistant, or advanced registered nurse practitioner within a reasonable time of the test. 86 Acts, ch 1220, §7; 97 Acts, ch 147, §4; 97 Acts, ch 177, §13; 2005 Acts, ch 49, §1 Referred to in §321J.8, 321J.10

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321J - OPERATING WHILE INTOXICATED Section 321J.8 - Statement of officer.

321J.8 Statement of officer. 1. A person who has been requested to submit to a chemical test shall be advised by a peace officer of the following: a. If the person refuses to submit to the test, the person's driver's license or nonresident operating privilege will be revoked by the department as required by and for the applicable period specified under section 321J.9. b. If the person submits to the test and the results indicate the presence of a controlled substance or other drug, or an alcohol concentration equal to or in excess of the level prohibited by section 321J.2 or 321J.2A, the person's driver's license or nonresident operating privilege will be revoked by the department as required by and for the applicable period specified under section 321J.12. c. (1) If the person is operating a commercial motor vehicle as defined in section 321.1 and either refuses to submit to the test or submits to the test and the results indicate an alcohol concentration of 0.04 or more, the person is disqualified from operating a commercial motor vehicle for the applicable period under section 321.208 in addition to any revocation of the person's driver's license or nonresident operating privilege which may be applicable under this chapter. (2) If the person is operating a noncommercial motor vehicle and holding a commercial driver's license or commercial learner's permit as defined in section 321.1 and either refuses to submit to the test or submits to the test and the results indicate the presence of a controlled substance or other drug or an alcohol concentration equal to or in excess of the level prohibited by section 321J.2, the person is disqualified from operating a commercial motor vehicle for the applicable period under section 321.208 in addition to any revocation of the person's driver's license or nonresident operating privilege which may be applicable under this chapter. 2. This section does not apply in any case involving a person described in section 321J.7. 86 Acts, ch 1220, §8; 90 Acts, ch 1230, §86; 95 Acts, ch 48, §15; 98 Acts, ch 1073, §9; 98 Acts, ch 1138, §17; 2007 Acts, ch 69, §1; 2009 Acts, ch 130, §14; 2015 Acts, ch 123, §71

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321J - OPERATING WHILE INTOXICATED Section 321J.9 - Refusal to submit — revocation.

321J.9 Refusal to submit — revocation. 1. If a person refuses to submit to the chemical testing, a test shall not be given, but the department, upon the receipt of the peace officer's certification, subject to penalty for perjury, that the officer had reasonable grounds to believe the person to have been operating a motor vehicle in violation of section 321J.2 or 321J.2A, that specified conditions existed for chemical testing pursuant to section 321J.6, and that the person refused to submit to the chemical testing, shall revoke the person's driver's license and any nonresident operating privilege for the following periods of time: a. One year if the person has no previous revocation under this chapter; and b. Two years if the person has had a previous revocation under this chapter. 2. The department shall require the defendant to install an ignition interlock device of a type approved by the commissioner of public safety on all vehicles owned or operated by the defendant if the defendant seeks a temporary restricted license. However, if the defendant has had no previous conviction or revocation under this chapter, the department shall only require the defendant to install an approved ignition interlock device on all vehicles operated by the defendant if the defendant seeks a temporary restricted license. A temporary restricted license shall not be granted by the department until the defendant installs the ignition interlock device. 3. If the person is a resident without a license or permit to operate a motor vehicle in this state, the department shall deny to the person the issuance of a license or permit for the same period a license or permit would be revoked, subject to review as provided in this chapter. 4. The effective date of revocation shall be ten days after the department has mailed notice of revocation to the person by first class mail, notwithstanding chapter 17A. The peace officer who requested or directed the administration of a chemical test may, on behalf of the department, serve immediate notice of intention to revoke and of revocation on a person who refuses to permit chemical testing. If the peace officer serves immediate notice, the peace officer shall take the Iowa license or permit of the driver, if any, and issue a temporary license effective for ten days. The peace officer shall immediately send the person's license to the department along with the officer's certificate indicating the person's refusal to submit to chemical testing. 86 Acts, ch 1220, §9; 95 Acts, ch 48, §16; 97 Acts, ch 177, §14; 98 Acts, ch 1073, §9; 2001 Acts, ch 32, §47; 2010 Acts, ch 1097, §8;

2018 Acts, ch 1110, §5, 9; 2021 Acts, ch 98, §5 Referred to in §321.211A, 321J.2, 321J.4, 321J.6, 321J.8, 321J.10, 321J.13, 321J.17, 915.80

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321K - VEHICLE ROADBLOCKS Section 321K.1 - Roadblocks conducted by law enforcement agencies.

321K.1 Roadblocks conducted by law enforcement agencies. 1. The law enforcement agencies of this state may conduct emergency vehicle roadblocks in response to immediate threats to the health, safety, and welfare of the public; and otherwise may conduct routine vehicle roadblocks only as provided in this section. Routine vehicle roadblocks may be conducted to enforce compliance with the law regarding any of the following: a. The licensing of operators of motor vehicles. b. The registration of motor vehicles. c. The safety equipment required on motor vehicles. d. The provisions of chapters 481A and 483A. 2. Any routine vehicle roadblock conducted under this section shall meet the following requirements: a. The location of the roadblock, the time during which the roadblock will be conducted, and the procedure to be used while conducting the roadblock, shall be determined by policymaking administrative officers of the law enforcement agency. b. The roadblock location shall be selected for its safety and visibility to oncoming motorists, and adequate advance warning signs, illuminated at night or under conditions of poor visibility, shall be erected to provide timely information to approaching motorists of the roadblock and its nature. c. There shall be uniformed officers and marked official vehicles of the law enforcement agency or agencies involved, in sufficient quantity and visibility to demonstrate the official nature of the roadblock. d. The selection of motor vehicles to be stopped shall not be arbitrary. e. The roadblock shall be conducted to assure the safety of and to minimize the inconvenience of the motorists involved. 3. A law enforcement agency conducting a roadblock in accordance with this section may require the driver to provide proof of financial liability coverage required under section 321.20B. 86 Acts, ch 1220, §23; 2003 Acts, ch 6, §4

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321L - PARKING FOR PERSONS WITH DISABILITIES Section 321L.1 - Definitions.

321L.1 Definitions. As used in this chapter, unless the context otherwise requires: 1. “Business district” means that territory defined by city ordinance as required under section 321L.5. 2. “Department” means the state department of transportation. 3. “Director” means the director of transportation. 4. “Lifelong disability” means a disability described under subsection 8 which has been determined to be permanent by a person authorized to provide the statement of disability required by section 321L.2. 5. “Persons with disabilities parking permit” means a permit bearing the international symbol of accessibility issued by the department which allows the holder to park in a persons with disabilities parking space, and includes the following: a. A persons with disabilities registration plate issued to or for a person with a disability under section 321.34, subsection 14. b. A persons with disabilities parking sticker affixed to a registration plate issued to a disabled veteran under section 321.166, subsection 6, or to an operator under section 321.34. c. A persons with disabilities removable windshield placard which is a two-sided placard for hanging from the rearview mirror when the motor vehicle is parked in a persons with disabilities parking space. 6. “Persons with disabilities parking sign” means a sign which bears the international symbol of accessibility that meets the requirements under section 321L.6. 7. “Persons with disabilities parking space” means a parking space, including the access aisle, designated for use by only motor vehicles displaying a persons with disabilities parking permit that meets the requirements of sections 321L.5 and 321L.6. 8. “Person with a disability” means a person with a disability that limits or impairs the person’s ability to walk. A person shall be considered a person with a disability for purposes of this chapter under the following circumstances: a. The person cannot walk two hundred feet without stopping to rest. b. The person cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device. c. The person is restricted by lung disease to such an extent that the person’s forced expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest. d. The person uses portable oxygen. e. The person has a cardiac condition to the extent that the person’s functional limitations are classified in severity as class III or class IV according to standards set by the American heart association. f. The person is severely limited in the person’s ability to walk due to an arthritic, neurological, or orthopedic condition. 89 Acts, ch 247, §9; 90 Acts, ch 1151, §3, 4; 96 Acts, ch 1171, §4, 5; 97 Acts, ch 23, §35; 97 Acts, ch 70, §6 – 8 Referred to in §321.34, 321L.5

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321L - PARKING FOR PERSONS WITH DISABILITIES Section 321L.2 - Persons with disabilities parking permits — application and issuance.

321L.2 Persons with disabilities parking permits — application and issuance. 1. A resident of the state with a disability desiring a persons with disabilities parking permit shall apply to the department upon an application form furnished by the department providing the applicant’s full legal name, address, date of birth, and social security number or Iowa driver’s license number or Iowa nonoperator’s identification card number, and shall also provide a statement from a physician licensed under chapter 148 or 149, a physician assistant licensed under chapter 148C, an advanced registered nurse practitioner licensed under chapter 152, a chiropractor licensed under chapter 151, an occupational therapist licensed under chapter 148B, or a physical therapist licensed under chapter 148A, or a physician, physician assistant, nurse practitioner, chiropractor, occupational therapist, or physical therapist licensed to practice in another state, written on the physician’s, physician assistant’s, nurse practitioner’s, chiropractor’s, occupational therapist’s, or physical therapist’s stationery, stating the nature of the applicant’s disability and such additional information as required by rules adopted by the department under section 321L.8. If the person is applying for a temporary persons with disabilities

parking permit, the physician's, physician assistant's, nurse practitioner's, chiropractor's, occupational therapist's, or physical therapist's statement shall state the period of time during which the person is expected to be disabled and the period of time for which the permit should be issued, not to exceed six months. The department may waive the requirement that the applicant furnish the applicant's social security number, Iowa driver's license number, or nonoperator's identification card number when the application for a temporary persons with disabilities parking permit is made on behalf of a person who is less than one year old. The department may accept a certification of disability from the United States department of veterans affairs in lieu of a statement from a physician, physician assistant, advanced registered nurse practitioner, chiropractor, occupational therapist, or physical therapist. The department may adopt rules pursuant to chapter 17A detailing the requirements for an acceptable certification of disability. a. A person with a disability may apply for one of the following persons with disabilities parking permits: (1) Persons with disabilities registration plates. An applicant may order persons with disabilities registration plates pursuant to section 321.34. An applicant may order a persons with disabilities registration plate for a trailer used to transport a wheelchair pursuant to section 321.34 in addition to persons with disabilities registration plates ordered by the applicant for a motor vehicle used to tow such a trailer pursuant to section 321.34. (2) Persons with disabilities parking sticker. An applicant who owns a motor vehicle for which the applicant has been issued registration plates under section 321.34 or registration plates as a seriously disabled veteran under section 321.105 may apply to the department for a persons with disabilities parking sticker to be affixed to the plates. The persons with disabilities parking stickers shall bear the international symbol of accessibility. (3) Removable windshield placard. (a) A person with a disability may apply for a temporary removable windshield placard valid for a period of up to six months or a standard removable windshield placard valid for a period of five years, as determined by the physician's, physician assistant's, nurse practitioner's, chiropractor's, occupational therapist's, or physical therapist's statement under this subsection. (i) A temporary removable windshield placard shall be renewed within thirty days of the date of expiration. Persons seeking temporary removable windshield placards shall be required to furnish evidence upon initial application that they have a temporary disability and, in addition, furnish evidence at subsequent intervals that they remain temporarily disabled. Temporary removable windshield placards shall be of a distinctively different color from standard removable windshield placards. (ii) A standard removable windshield placard shall expire on the last day of the month five years from the date of issuance. A person with a disability may renew a standard removable windshield placard within thirty days before or after the date of expiration by submitting a statement from a physician, physician assistant, nurse practitioner, chiropractor, occupational therapist, or physical therapist, as provided in this subsection, to the department that the person has a continuing need for the placard. (b) The department shall issue one additional removable windshield placard upon the request of a person with a disability. b. The department may issue expiring removable windshield placards to the following: (1) An organization which has a program for transporting persons with disabilities or elderly persons. (2) A person in the business of transporting persons with disabilities or elderly persons. c. One expiring removable windshield placard may be issued for each vehicle used by the organization or person for transporting persons with disabilities or elderly persons. A placard issued under this paragraph shall be renewed every four years from the date of issuance and shall be surrendered to the department if the organization or person is no longer providing the service for which the placard was issued. Notwithstanding section 321L.4, a person transporting persons with disabilities or elderly persons in a motor vehicle for which a placard has been issued under this paragraph may display the placard in the motor vehicle and may use a persons with disabilities parking space while the motor vehicle is displaying the placard. A placard issued under this paragraph shall be of a distinctively different color from a placard issued under paragraph "a". d. A new removable windshield placard can be issued if the previously issued placard is reported lost, stolen, or damaged. The placard reported as being lost or stolen shall be invalidated by the department. A placard which is damaged shall be returned to the department and exchanged for a new placard in accordance with rules adopted by the department. 2. Any person providing false information with the intent to defraud on the application for a persons with disabilities parking permit used in establishing proof under subsection 1 is subject to a civil penalty of three hundred dollars which may be imposed by the department. A physician, physician assistant, nurse practitioner, chiropractor, occupational therapist, or physical therapist who provides false information with the intent to defraud on the physician's, physician assistant's, nurse practitioner's, chiropractor's, occupational therapist's, or physical therapist's statement used in establishing proof under subsection 1 is subject to a civil penalty of three hundred dollars which may be imposed by the department. In addition to the civil penalty, the department shall revoke the permit issued pursuant to this section. 3. The removable windshield placard shall contain the following information: a. Each side of the placard shall include all of the following: (1) The international symbol of access, which is at least three inches in height, centered on the placard, and is white on a blue shield. (2) An identification number. (3) A date of expiration, which shall be of sufficient size to be readable from outside the vehicle. (4) The seal or other identification of the issuing authority. b. One side of the placard shall contain all of the following information: (1) (a) Subject to subparagraph division (b), a statement printed on it as follows: Unauthorized use of this placard as indicated in Iowa Code chapter 321L may result in a fine, invalidation of the placard, or revocation of the right to use the placard. This placard shall be displayed only when the vehicle is parked in a persons with disabilities parking space or in a parking space not designated as a persons with disabilities parking space if a wheelchair parking cone is used pursuant to Iowa Code section 321L.2A. (b) After the department has issued the existing supply of placards bearing the statement set forth in subparagraph division (a), the statement printed on each newly issued placard shall be as follows: Remove from mirror before operating vehicle. (2) The return address and telephone number of the department. (3) The signature of the person who has been issued the placard. 4. A removable windshield placard shall only be displayed when the vehicle is parked in a persons with disabilities parking space. The removable windshield placard shall be displayed in a manner that allows the entire placard to be visible through the vehicle's windshield. 5. A seriously disabled veteran who has been provided with an automobile or other vehicle by the United States government under the provisions

of 38 U.S.C. §3901 – 3904 is not required to apply for a persons with disabilities parking permit under this section unless the veteran has been issued special registration plates or personalized plates for the vehicle. The regular registration plates issued for the disabled veteran's vehicle without fee pursuant to section 321.105 entitle the disabled veteran to all of the rights and privileges associated with persons with disabilities parking permits under this chapter. 89 Acts, ch 247, §10; 90 Acts, ch 1151, §5; 90 Acts, ch 1267, §39; 95 Acts, ch 118, §30; 96 Acts, ch 1088, §7; 96 Acts, ch 1171, §6, 7; 97 Acts, ch 70, §9 – 13, 15; 97 Acts, ch 123, §2 – 4; 2000 Acts, ch 1206, §2, 3; 2005 Acts, ch 8, §39; 2006 Acts, ch 1068, §33; 2008 Acts, ch 1088, §124; 2008 Acts, ch 1124, §17; 2009 Acts, ch 41, §118; 2010 Acts, ch 1035, §7; 2015 Acts, ch 123, §37; 2016 Acts, ch 1067, §1 – 3; 2016 Acts, ch 1111, §2; 2018 Acts, ch 1026, §118; 2022 Acts, ch 1080, §2 – 5 Referred to in §321.23, 321.166, 321L.1, 321L.2A, 321L.4, 321L.5

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321L - PARKING FOR PERSONS WITH DISABILITIES Section 321L.2A - Wheelchair parking cone.

321L.2A Wheelchair parking cone. 1. A person issued a persons with disabilities parking permit under section 321L.2 who uses a wheelchair due to a disability that renders the person permanently unable to walk may park in a persons with disabilities parking space, or a parking space not designated as a persons with disabilities parking space, and reserve up to an eight foot space adjacent to the motor vehicle for the purpose of exiting and entering the motor vehicle if all of the following conditions are met: a. The person places a wheelchair parking cone within eight feet of the motor vehicle's entry. b. The person displays the persons with disabilities parking permit in the motor vehicle as described in section 321L.4. c. The motor vehicle and the wheelchair parking cone do not obstruct an aisle, street, or roadway so that other vehicles are unable to pass through the aisle, street, or roadway. d. The parking space is provided by the state, a political subdivision of the state, or an entity providing nonresidential parking. e. The person carries in the motor vehicle a copy of the statement from a physician, physician assistant, advanced registered nurse practitioner, chiropractor, occupational therapist, or physical therapist which accompanied the person's application for persons with disabilities registration plates under section 321.34 or other persons with disabilities parking permit under section 321L.2 and which indicates the person is permanently unable to walk. The person shall show the copy of the statement to any peace officer upon request. 2. A person issued a persons with disabilities parking permit who does not comply with the requirements of subsection 1 when using a wheelchair parking cone commits a misdemeanor punishable by a scheduled fine under section 805.8A, subsection 1, paragraph "b". 3. A person shall not interfere with a wheelchair parking cone properly placed under subsection 1. A violation of this subsection is a misdemeanor punishable by a scheduled fine under section 805.8A, subsection 1, paragraph "c". 4. The department shall adopt rules as necessary to administer this section. 97 Acts, ch 70, §15; 97 Acts, ch 147, §5; 98 Acts, ch 1080, §9; 2000 Acts, ch 1206, §4; 2001 Acts, ch 137, §5; 2005 Acts, ch 8, §40; 2015 Acts, ch 29, §114; 2022 Acts, ch 1080, §6 Referred to in §321L.2, 321L.4, 805.8A(1)(b), 805.8A(1)(c)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321L - PARKING FOR PERSONS WITH DISABILITIES Section 321L.3 - Return of persons with disabilities parking permits.

321L.3 Return of persons with disabilities parking permits. 1. Persons with disabilities parking permits shall be returned to the department upon the occurrence of any of the following: a. The person to whom the persons with disabilities parking permit has been issued is deceased. b. The person to whom the persons with disabilities parking permit has been issued has moved out of state. c. A person has found or has in the person's possession a persons with disabilities parking permit that was not issued to that person. d. The persons with disabilities parking permit has expired. e. The persons with disabilities parking permit has been revoked. f. The persons with disabilities parking permit reported lost or stolen is later found or retrieved after a subsequent persons with disabilities parking permit has been issued. 2. A person who fails to return the persons with disabilities parking permit and subsequently misuses the permit by illegally parking in a persons with disabilities parking space is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 1, paragraph "c". 3. Persons with disabilities parking permits may be returned to the department as required by this section directly to the department, to a driver's license station, or to any law enforcement office. 89 Acts, ch 247, §11; 96 Acts, ch 1171, §8; 97 Acts, ch 70, §15; 98 Acts, ch 1073, §9; 2001 Acts, ch 176, §55, 59; 2002 Acts, ch 1050, §34; 2010 Acts, ch 1061, §180 Referred to in §805.8A(1)(c)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321L - PARKING FOR PERSONS WITH DISABILITIES Section 321L.4 - Persons with disabilities parking — display and use of parking permit and persons with disabilities identification designation.

321L.4 Persons with disabilities parking — display and use of parking permit and persons with disabilities identification designation. 1. A persons with disabilities parking permit shall be displayed in a motor vehicle as a removable windshield placard or on a vehicle as a plate or sticker as provided in section 321L.2 when being used by a person with a disability, either as an operator or passenger. Each removable windshield placard shall be of uniform design and fabricated of durable material, suitable for display from within the passenger compartment of a motor vehicle, and readily transferable from one vehicle to another. The placard shall only be displayed when the motor vehicle is parked in a persons with disabilities parking space, except as provided in section 321L.2A. 2. The use of a persons with disabilities parking space, located on either public or private property as provided in sections 321L.5 and 321L.6, by an operator of a vehicle not displaying a persons with disabilities parking permit; by an operator of a vehicle displaying a persons with disabilities parking permit but not being used by a person issued a permit or being transported in accordance with section 321L.2, subsection 1, paragraph "b"; or by a vehicle in violation of the rules adopted by the department

under section 321L.8, constitutes improper use of a persons with disabilities parking permit, which is a misdemeanor for which a scheduled fine shall be imposed upon the owner, operator, or lessee of the vehicle or the person to whom the persons with disabilities parking permit is issued. The scheduled fine for each violation shall be as established in section 805.8A, subsection 1, paragraph “c”. Proof of conviction of two or more violations involving improper use of a persons with disabilities parking permit is grounds for revocation by the court or the department of the holder’s privilege to possess or use the persons with disabilities parking permit. 3. A peace officer as designated in section 801.4, subsection 11, shall have the authority to and shall enforce the provisions of this section on public and private property. 89 Acts, ch 247, §12; 92 Acts, ch 1122, §2; 96 Acts, ch 1171, §9; 97 Acts, ch 70, §14, 15; 97 Acts, ch 147, §6; 2000 Acts, ch 1206, §5; 2001 Acts, ch 137, §5 Referred to in §321.210, 321.236, 321L.2, 321L.2A, 805.8A(1)(c)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321L - PARKING FOR PERSONS WITH DISABILITIES Section 321L.5 - Persons with disabilities parking spaces — location and requirements — review committees.

321L.5 Persons with disabilities parking spaces — location and requirements — review committees. 1. Persons with disabilities parking spaces and access loading zones for persons with disabilities that serve a particular building shall be located on the shortest accessible route to the nearest accessible entrance to the building. 2. A persons with disabilities parking space designated after July 1, 1990, shall comply with the dimension requirements specified in rules adopted by the department of public safety and in effect when the spaces are designated. The department shall adopt accepted national standards for dimensions of persons with disabilities spaces, consistent with the requirements of federal law. However, these dimension requirements do not apply to parallel on-street parking spaces. 3. a. The state or a political subdivision of the state which provides off-street public parking facilities or an entity providing nonresidential parking in off-street public parking facilities shall provide not less than two percent of the total parking spaces in each parking facility as persons with disabilities parking spaces, rounded to the nearest whole number of persons with disabilities parking spaces. However, such parking facilities having ten or more parking spaces shall set aside at least one persons with disabilities parking space. b. An entity providing off-street nonresidential public parking facilities shall review the utilization of existing persons with disabilities parking spaces for a one-month period not less than once every twelve months. If upon review, the average occupancy rate for persons with disabilities parking spaces in a facility exceeds sixty percent during normal business hours, the entity shall provide additional persons with disabilities parking spaces as needed. c. An entity providing off-street nonresidential parking as a lessor shall provide a persons with disabilities parking space to an individual requesting to lease a parking space, if that individual possesses a persons with disabilities parking permit issued in accordance with section 321L.2. d. A new nonresidential facility in which construction has been completed on or after July 1, 1991, providing parking to the general public shall provide persons with disabilities parking spaces as stipulated below: Required Minimum Number of Persons Total Parking with Disabilities Spaces in Lot Parking Spaces _____ 10 to 25 1 26 to 50 2 51 to 75 3 76 to 100 4 101 to 150 5 151 to 200 6 201 to 300 7 301 to 400 8 401 to 500 9 501 to 1000 2 Percent of Total 1001 and over 20 Spaces Plus 1 for Each 100 Over 1000 e. Any other person may also set aside persons with disabilities parking spaces on the person’s property provided each persons with disabilities parking space is clearly and prominently designated as a persons with disabilities parking space. 4. a. Cities which provide on-street parking areas within a business district shall by ordinance define and establish a business district or districts and shall designate not less than two percent of the total parking spaces within each business district as persons with disabilities parking spaces. b. Upon petition by an individual possessing a persons with disabilities parking permit issued in accordance with section 321L.2, the city shall review utilization and location of existing persons with disabilities parking spaces for a one-month period but not more than once every twelve months. If, upon review, the average occupancy rate for persons with disabilities parking spaces exceeds sixty percent during normal business hours, the city shall provide additional persons with disabilities parking spaces as needed. 5. A persons with disabilities parking space located on a paved surface may be painted with a blue background upon which the international symbol of accessibility is painted in white or yellow paint. However, the blue background paint may be omitted. As used in this subsection, “paved surface” includes surfaces which are asphalt surfaced. 6. a. A persons with disabilities parking review committee may be established by the state and each political subdivision of the state which is required to provide persons with disabilities parking spaces in off-street public parking facilities according to subsection 3 and in political subdivisions required to provide persons with disabilities parking spaces for on-street parking within a business district according to subsection 4. The persons with disabilities parking review committee shall consist of five members who are persons with disabilities as defined in section 321L.1 and five members who are officials of the state or political subdivision. The persons with disabilities parking review committee shall have the discretion to increase or decrease the numbers of persons with disabilities parking spaces required by this section. A decision to change the numbers or location of persons with disabilities parking spaces shall be based upon the needs of the community, the percentage of use of the present persons with disabilities parking spaces, and the past experience of the state or political subdivision regarding persons with disabilities parking. b. An individual may request the persons with disabilities parking review committee to review the amounts and locations of persons with disabilities parking spaces. The persons with disabilities parking review committee shall investigate each individual’s request and shall act upon such request if the investigation substantiates the individual’s complaint. 89 Acts, ch 247, §13; 90 Acts, ch 1151, §6 – 8; 94 Acts, ch 1015, §1; 94 Acts, ch 1107, §21; 96 Acts, ch 1171, §10, 11; 97 Acts, ch 70, §15; 98 Acts, ch 1080, §10; 2009 Acts, ch 41, §119; 2010 Acts, ch 1061, §180 Referred to in §321L.1, 321L.4, 321L.7

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321L - PARKING FOR PERSONS WITH

DISABILITIES**Section 321L.6 - Persons with disabilities parking sign.**

321L.6 Persons with disabilities parking sign. A persons with disabilities parking sign shall be displayed designating the persons with disabilities parking space. 1. The persons with disabilities parking sign shall have a blue background and bear the international symbol of accessibility in white. If an entity who owns or leases real property in a city is required to provide persons with disabilities parking spaces, the city shall provide, upon request, the signs for the entity at cost. If an entity who owns or leases real property outside the corporate limits of a city is required to provide persons with disabilities parking spaces, the county in which the property is located shall provide the signs for the entity at cost upon request. 2. The persons with disabilities parking sign shall be affixed vertically on another object so that it is readily visible to a driver of a motor vehicle approaching the persons with disabilities parking space. A persons with disabilities parking space designated only by the international symbol of accessibility being painted or otherwise placed horizontally on the parking space does not meet the requirements of this subsection. 89 Acts, ch 247, §14; 93 Acts, ch 169, §20; 97 Acts, ch 70, §15, 16; 97 Acts, ch 147, §7 Referred to in §321L.1, 321L.4, 321L.7

2024 Iowa Code**Title VIII - TRANSPORTATION****Chapter 321L - PARKING FOR PERSONS WITH****DISABILITIES****Section 321L.7 - Penalty for failing to provide persons with disabilities parking spaces and signs.**

321L.7 Penalty for failing to provide persons with disabilities parking spaces and signs. Failure to provide proper persons with disabilities parking spaces as provided in section 321L.5 or to properly display persons with disabilities parking signs as provided in section 321L.6 is a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 1, paragraph “c”. 89 Acts, ch 247, §15; 97 Acts, ch 70, §15; 2001 Acts, ch 176, §56, 59 Referred to in §805.8A(1)(c)

2024 Iowa Code**Title VIII - TRANSPORTATION****Chapter 321L - PARKING FOR PERSONS WITH****DISABILITIES****Section 321L.8 - Persons with disabilities parking permits and parking — rules.**

321L.8 Persons with disabilities parking permits and parking — rules. 1. The department, pursuant to chapter 17A, shall adopt rules: a. Establishing procedures for applying to the department for issuance of persons with disabilities parking permits under this chapter. b. Governing the manner in which persons with disabilities parking permits are to be displayed in or on motor vehicles. c. Regarding enforcement of this chapter. 2. The department of public safety shall adopt rules pursuant to chapter 17A governing the manner in which persons with disabilities parking spaces are provided. 89 Acts, ch 247, §16; 96 Acts, ch 1171, §12; 97 Acts, ch 70, §15 Referred to in §321L.2, 321L.4

2024 Iowa Code**Title VIII - TRANSPORTATION****Chapter 321L - PARKING FOR PERSONS WITH****DISABILITIES****Section 321L.9 - Reciprocity.**

321L.9 Reciprocity. Persons with disabilities parking permits issued lawfully by other states and foreign governmental bodies or their political subdivisions shall be valid persons with disabilities parking permits for nonresidents traveling or visiting in this state. 89 Acts, ch 247, §17; 96 Acts, ch 1171, §13; 97 Acts, ch 70, §15

2024 Iowa Code**Title VIII - TRANSPORTATION****Chapter 321M - COUNTY ISSUANCE OF DRIVER’S LICENSES****Section 321M.1 - Definitions.**

321M.1 Definitions. As used in this chapter, unless the context otherwise requires: 1. “Commercial driver’s license” means a driver’s license valid for the operation of a commercial motor vehicle, including a commercial learner’s permit, as regulated by chapter 321. 2. “County issuance” means the system or process of issuing driver’s licenses, nonoperator’s identification cards, and persons with disabilities identification devices, including all related testing, to the same extent that such items are issued by the department. 3. “Department” means the state department of transportation. 4. “Digitized photolicensing equipment” means the machines and related materials, obtained pursuant to contract, the use of which results in the on-site production of driver’s licenses and nonoperator’s identification cards. 5. “Driver’s license” means any license or permit issued to a person to operate a motor vehicle on the highways of this state, including but not limited to a driver’s, commercial driver’s, temporary restricted, or temporary license and an instruction, chauffeur’s instruction, commercial learner’s, or temporary permit. 6. “Issuing county” means a county that is participating in county issuance. 7. “Motor vehicle” means a vehicle which is self-propelled, including but not limited to automobiles, cars, motor trucks, semitrailers, motorcycles, and similar vehicles regulated under chapter 321. 8. “Nonoperator’s identification card” means the card issued pursuant to section 321.190 that contains information pertaining to the personal characteristics of the applicant but does not convey to the person issued the card any operating privileges for any motor vehicle. 9. “Persons with disabilities identification devices” means those devices issued pursuant to chapter 321L. 98 Acts, ch 1073, §12; 98 Acts, ch 1143, §1, 26; 2001 Acts, ch 132, §17; 2002 Acts, ch 1032, §2; 2015 Acts, ch 123, §74; 2016 Acts, ch 1073, §107 Referred to in §452A.2

2024 Iowa Code**Title VIII - TRANSPORTATION****Chapter 321M - COUNTY ISSUANCE OF DRIVER’S LICENSES****Section 321M.10 - Supervisory authority of department.**

321M.10 Supervisory authority of department. 1. The department shall retain all supervisory authority over the county driver’s license issuance program. The county treasurers and their employees shall be considered agents of the department when performing driver’s licensing functions. 2. Approximately one supervisor shall be assigned from the department to every six issuance sites

participating in county issuance. 3. Approximately one technical computer support employee shall be assigned from the department to every twenty-four counties participating in county issuance. 4. The department shall provide issuing counties access to computer databases at a level equal to that provided to comparable department employees. 5. The department may adopt rules pursuant to chapter 17A as necessary to administer this chapter. The department may also develop operating standards as necessary to administer this chapter. The department shall consult with the Iowa county treasurers association in developing operating standards and proposed rules. 98 Acts, ch 1073, §12; 98 Acts, ch 1143, §10, 26; 2002 Acts, ch 1032, §9

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321M - COUNTY ISSUANCE OF DRIVER'S LICENSES Section 321M.11 - Good faith efforts required.

321M.11 Good faith efforts required. 1. The department and issuing counties shall use their best good faith efforts to work in cooperation in implementing and maintaining an effective system of county issuance. 2. The department and all persons involved with administration of this chapter, department procedures, and related administrative rules shall use their best good faith efforts to ensure that the application of the laws, rules, and procedures related to county issuance shall not be used to impede county issuance. 98 Acts, ch 1143, §11

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321M - COUNTY ISSUANCE OF DRIVER'S LICENSES Section 321M.2 - Relation to other laws.

321M.2 Relation to other laws. Notwithstanding provisions of chapter 321 or 321L that grant sole authority to the department for the issuance of driver's licenses, nonoperator's identification cards, and persons with disabilities identification devices, certain counties shall be authorized to issue driver's licenses, nonoperator's identification cards, and persons with disabilities identification devices, according to the requirements of this chapter. 98 Acts, ch 1073, §12; 98 Acts, ch 1143, §2, 26; 2016 Acts, ch 1073, §108

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321M - COUNTY ISSUANCE OF DRIVER'S LICENSES Section 321M.3 - Authorization to issue licenses.

321M.3 Authorization to issue licenses. Adair, Adams, Allamakee, Appanoose, Audubon, Benton, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Carroll, Cass, Cedar, Cherokee, Chickasaw, Clarke, Clay, Clayton, Crawford, Dallas, Davis, Decatur, Delaware, Dickinson, Emmet, Fayette, Floyd, Franklin, Fremont, Greene, Grundy, Guthrie, Hamilton, Hancock, Hardin, Harrison, Henry, Howard, Humboldt, Ida, Iowa, Jackson, Jasper, Jefferson, Jones, Keokuk, Kossuth, Lee, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Mills, Mitchell, Monona, Monroe, Montgomery, O'Brien, Osceola, Page, Palo Alto, Plymouth, Pocahontas, Poweshiek, Ringgold, Sac, Shelby, Sioux, Tama, Taylor, Union, Van Buren, Warren, Washington, Wayne, Winnebago, Winneshiek, Worth, and Wright counties shall be authorized to issue driver's licenses, nonoperator's identification cards, and persons with disabilities identification devices on a permanent basis, provided that such counties continue to meet the department's standards for issuance. 98 Acts, ch 1073, §12; 98 Acts, ch 1143, §3, 26; 2002 Acts, ch 1032, §3; 2016 Acts, ch 1073, §109; 2017 Acts, ch 19, §1, 2 Referred to in §321M.6

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321M - COUNTY ISSUANCE OF DRIVER'S LICENSES Section 321M.4 - Termination of authorization — failure to meet standards.

321M.4 Termination of authorization — failure to meet standards. 1. If a county is subject to termination of its county issuance authorization for failure to meet the department's standards for issuance, the county shall not issue driver's licenses, nonoperator's identification cards, or persons with disabilities identification devices until the county has been reauthorized by the department. 2. The department is not obligated to provide service in a county for issuance of driver's licenses, nonoperator's identification cards, or persons with disabilities identification devices if the county fails to meet the department's standards for issuance. 98 Acts, ch 1143, §4; 2002 Acts, ch 1032, §4; 2016 Acts, ch 1073, §110

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321M - COUNTY ISSUANCE OF DRIVER'S LICENSES Section 321M.5 - Agreement between the department and issuing counties.

321M.5 Agreement between the department and issuing counties. 1. The department and each county participating in county issuance shall execute an agreement pursuant to chapter 28E, detailing the relative responsibilities and liabilities of each party to the agreement. 2. The agreement required by subsection 1 shall specifically address the following issues, in addition to other issues that may be required by chapter 28E or that may otherwise be deemed necessary for inclusion in the agreement by the parties to the agreement: a. Responsibility for collection of, and accounting for, any fees and penalties associated with the licensing process. b. Oversight guidelines. c. Performance standards. d. Progressive discipline standards and measures, including appeals. 3. An addendum to such an agreement may be executed by the parties, in accordance with chapter 28E. 98 Acts, ch 1143, §5; 2002 Acts, ch 1032, §5; 2005 Acts, ch 54, §7, 12

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321M - COUNTY ISSUANCE OF DRIVER'S LICENSES Section 321M.6 - Certification of commercial driver's license issuance.

321M.6 Certification of commercial driver's license issuance. 1. A county shall be authorized to issue commercial driver's licenses

if certified to do so by the department. 2. The department shall certify the commercial driver's license issuance in a county authorized to issue licenses pursuant to section 321M.3 if all of the following conditions are met: a. The driving skills test is the same as that which would otherwise be administered by the state. b. The county examiner contractually agrees to comply with the requirements of 49 C.F.R. §383.75, as adopted by rule by the department. c. The department provides supervision over the issuance of commercial driver's licenses, including the administration of written and driving skills tests by the office of the county treasurer. However, the failure of the department to provide appropriate supervision shall not alone be used as a reason to deny certification. d. The county otherwise complies with the procedures for issuance of commercial driver's licenses as provided in chapter 321. 3. If a county fails to meet the standards for certification under this section, and fails to correct deficiencies according to the department's operating standards, the county's right to issue commercial driver's licenses shall be terminated, and the county shall cease issuing commercial driver's licenses. Procedures and conditions for recertification shall be addressed in the operating standards for the department. 4. The department is not obligated to provide service in a county for issuance of commercial driver's licenses if the county fails to meet certification standards under this section. 98 Acts, ch 1143, §6; 99 Acts, ch 96, §37; 2002 Acts, ch 1032, §6, 7 Referred to in §321M.6A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321M - COUNTY ISSUANCE OF DRIVER'S LICENSES Section 321M.6A - Commercial driver's license driving skills tests — fees.

321M.6A Commercial driver's license driving skills tests — fees. 1. A county certified to issue commercial driver's licenses under section 321M.6 may charge any of the following fees to a commercial driver's license applicant related to the administration of a driving skills test: a. A fee not to exceed twenty-five dollars to administer the pre-trip vehicle inspection test. b. A fee not to exceed twenty-five dollars to administer the basic vehicle control skills test. c. A fee not to exceed twenty-five dollars to administer the on-road driving skills test. 2. Fees authorized under this section may be assessed for each test and any fees collected are nonrefundable. The fee to administer the pre-trip vehicle inspection test is due at the time the appointment is scheduled. All other fees are due upon the completion of the test for which the fee was assessed. If the applicant fails to appear for the pre-trip vehicle inspection test, the appointment shall be canceled and no other fees shall be due. If the applicant fails one part of the driving skills test, no fees shall be due for subsequent parts of the test. A county shall not charge a fee under this section, other than the fee to administer the pre-trip vehicle inspection test, to an applicant who is an employee or volunteer of a government agency, as defined in section 553.3, and who provides reasonable proof that a commercial driver's license is necessary for the applicant's employment or volunteer duties for the government agency, or that the fee is paid by the government agency. This section shall not be construed to prohibit an applicant from scheduling a new test appointment upon payment of a new fee. 3. All fees authorized in this section are in addition to any other fees imposed by law. 2021 Acts, ch 135, §6, 8 Referred to in §321.187, 321M.9

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321M - COUNTY ISSUANCE OF DRIVER'S LICENSES Section 321M.7 - Training.

321M.7 Training. 1. The department shall provide a minimum of eight weeks of initial training for county personnel participating in county issuance. The maximum class size for this initial training shall be twenty people. 2. The department shall also provide individualized additional training for county personnel within each participating county office following initial training. 3. The department shall periodically offer continuing education and training opportunities to county personnel. 4. The department shall not segregate training sessions for county personnel and department employees. 5. New county personnel, including new county treasurers, who will participate in county issuance, shall complete the initial training session prior to engaging in any licensing activities. A county treasurer shall use best efforts to complete initial training as soon as possible. A county treasurer who does not make reasonable attempts to begin initial training within three months of taking office may be subject to having the county issuance program in that county placed on probation. 98 Acts, ch 1143, §7

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321M - COUNTY ISSUANCE OF DRIVER'S LICENSES Section 321M.9 - Financial responsibility.

321M.9 Financial responsibility. 1. Fees to counties. a. Notwithstanding any other provision in the Code to the contrary, the county treasurer of a county authorized to issue driver's licenses under this chapter shall retain for deposit in the county general fund all of the following: (1) Seven dollars of fees received for each issuance or renewal of driver's licenses and nonoperator's identification cards, but shall not retain any moneys for the issuance of any persons with disabilities identification devices. (2) Twenty-five dollars of fees collected for each part of a commercial driver's license driving skills test pursuant to section 321M.6A. (3) The five dollar processing fee charged by a county treasurer for collection of a civil penalty under section 321J.17. (4) The ten-dollar convenience fee collected pursuant to subsection 2. b. The county treasurer shall remit the balance of fees and all civil penalties to the department. 2. Convenience fee. A county authorized to issue driver's licenses under this chapter may charge, in addition to any other fee imposed by law, a convenience fee for the issuance or renewal of a driver's license or nonoperator's identification card to a person who is not a resident of the county, unless that person pays property tax to the county and provides proof of payment such as a receipt as provided in section 445.5, subsection 6, or another form of proof as determined by the county. The convenience fee shall be ten dollars. 3. Digitized photolicensing equipment. a. The department shall pay for all digitized photolicensing equipment, including that used by the department and authorized for use by issuing counties under this subsection. Moneys from the road use tax fund shall be used, subject to appropriation by the general assembly, for payment of costs associated with the purchase or lease

of digitized photolicensing equipment. b. An issuing county shall be entitled to one set of digitized photolicensing equipment, unless the county was served at multiple sites by the department, in which case the county shall be entitled to two sets of digitized photolicensing equipment. 4. Other equipment. The department shall pay for all other equipment needed by a county to participate in county issuance, comparable to the equipment provided for issuance activities by a department itinerant team, with the exception of the following: a. Office furniture. b. Computer hardware needed to access department computer databases, facsimile machines used to transmit documents between the department and the county, and similar office equipment of a general nature that is not dedicated solely or primarily to the issuance process. 98 Acts, ch 1073, §12; 98 Acts, ch 1143, §9, 26; 2002 Acts, ch 1032, §8; 2003 Acts, ch 8, §21; 2004 Acts, ch 1139, §1, 2; 2005 Acts, ch 54, §8, 12; 2008 Acts, ch 1018, §26, 31; 2013 Acts, ch 103, §18; 2020 Acts, ch 1074, §52, 93; 2021 Acts, ch 135, §7, 8; 2023 Acts, ch 71, §99, 100 Subsection 1, paragraph a, NEW subparagraph (4) NEW subsection 2 and former subsections 2 and 3 renumbered as 3 and 4

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321N - TRANSPORTATION NETWORK COMPANIES Section 321N.1 - Definitions.

321N.1 Definitions. As used in this chapter, unless the context otherwise requires: 1. “Department” means the state department of transportation. 2. “Digital network” means an online-enabled application, internet site, or system offered or utilized by a transportation network company that enables transportation network company riders to prearrange rides with transportation network company drivers. 3. “Personal vehicle” means a noncommercial motor vehicle that is used by a transportation network company driver and is owned, leased, or otherwise authorized for use by the transportation network company driver. “Personal vehicle” does not include a taxicab, limousine, or other vehicle for hire. 4. “Prearranged ride” means the provision of transportation by a transportation network company driver to a transportation network company rider. A prearranged ride begins when a driver accepts a ride request from a rider through a digital network controlled by a transportation network company, continues while the driver transports the requesting rider, and ends when the last requesting rider departs from the driver’s personal vehicle. A prearranged ride does not include transportation provided using a taxicab, limousine, or other vehicle for hire, or a shared expense carpool or vanpool arrangement. 5. “Transportation network company” or “company” means a corporation, partnership, sole proprietorship, or other entity that operates in this state and uses a digital network to connect transportation network company riders to transportation network company drivers who provide prearranged rides. A transportation network company is not deemed to control, direct, or manage a transportation network company driver that connects to its digital network, or the driver’s personal vehicle, except as agreed to by the company and the driver pursuant to a written contract. 6. “Transportation network company driver” or “driver” means an individual who does all of the following: a. Receives connections to potential transportation network company riders and other related services from a transportation network company in exchange for payment of a fee to the transportation network company. b. Uses a personal vehicle to offer or provide prearranged rides to transportation network company riders upon connection through a digital network controlled by a transportation network company in return for compensation or payment of a fee. 7. “Transportation network company rider” or “rider” means an individual or group of individuals who uses a transportation network company’s digital network to connect with a transportation network company driver to request a prearranged ride for the individual or group of individuals, and who receives the prearranged ride in the driver’s personal vehicle between locations chosen by the individual or group of individuals. 2016 Acts, ch 1101, §6, 24 Referred to in §321.1, 321.446, 325A.1, 325A.11, 325A.12, 327D.1

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321N - TRANSPORTATION NETWORK COMPANIES Section 321N.10 - Disclosure of personal information.

321N.10 Disclosure of personal information. 1. A transportation network company shall not disclose a transportation network company rider’s personal information to a third party unless the rider consents to the disclosure, the disclosure is required by law, the disclosure is required to protect or defend the terms of use of the company’s services, or the disclosure is required to investigate a violation of the terms of use. For purposes of this section, “personal information” includes but is not limited to the rider’s name, home address, telephone number, and payment information. 2. Notwithstanding subsection 1, a transportation network company may disclose a rider’s name and telephone number to the driver providing a prearranged ride to the rider in order to facilitate the identification of the rider by the driver, or to facilitate communication between the rider and the driver. 2016 Acts, ch 1101, §15, 24

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321N - TRANSPORTATION NETWORK COMPANIES Section 321N.11 - Regulation by political subdivisions prohibited — exception.

321N.11 Regulation by political subdivisions prohibited — exception. 1. a. Except as otherwise provided in this section, transportation network companies, transportation network company drivers, and personal vehicles, in the course of their operation pursuant to this chapter, shall be exclusively controlled, supervised, and regulated by the department in accordance with this chapter. b. Except as otherwise provided in this section, no provision of this chapter shall be construed to authorize a political subdivision of the state to enact an ordinance regulating transportation network companies, transportation network company drivers, or personal vehicles operated pursuant to this chapter. 2. No provision of this chapter shall be construed to limit the rights and powers of a commercial service airport, as defined in 49 U.S.C. §47102, to do any of the following: a. Regulate the operation of motor vehicles on the airport’s premises in accordance with rules, regulations, and policies adopted for the orderly use of the airport. b. Establish, alter, and collect rates, fees, rental payments, or other charges for the use of the airport’s services and facilities. 2016 Acts, ch 1101, §16, 24 Referred to in §321.236

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321N - TRANSPORTATION NETWORK COMPANIES Section 321N.2 - Permit required — examination of records — sanctions.

321N.2 Permit required — examination of records — sanctions. 1. A transportation network company shall not operate or conduct business in this state without a permit issued pursuant to this section. 2. a. Upon the filing of an application by a transportation network company with the department and a determination by the department that the company is in compliance with the provisions of this chapter, the department shall issue a permit to the company. An application filed pursuant to this section shall be in writing and shall contain all of the following: (1) The full legal name and tax identification number of the applicant. (2) The address of the applicant's principal place of business. (3) A statement agreeing to comply with all applicable requirements of this chapter signed by the applicant. (4) Proof of compliance with the financial responsibility requirements of section 321N.4, submitted in a manner prescribed by the department. (5) Proof that the applicant has established a zero tolerance policy for the use of drugs and alcohol as provided in section 321N.3, submitted in a manner prescribed by the department. (6) Proof that the applicant requires personal vehicles to comply with applicable motor vehicle equipment requirements as provided in section 321N.3, submitted in a manner prescribed by the department. (7) Proof that the applicant has adopted and is enforcing nondiscrimination and accessibility policies, submitted in a manner prescribed by the department. (8) Proof that the applicant has established record retention guidelines, submitted in a manner prescribed by the department, that comply with all of the following: (a) A record of a prearranged ride shall be retained for at least six years after the date the prearranged ride was provided, unless the company is notified that the record is material to a judicial proceeding, in which case the record shall be retained for at least two years after final disposition of the judicial proceeding. (b) A record of a transportation network company driver shall be retained for at least six years after the date on which the driver's activation on the company's digital network ended, unless the company is notified that the record is material to a judicial proceeding, in which case the record shall be retained for at least two years after final disposition of the judicial proceeding. b. The permit application shall be accompanied by a fee of five thousand dollars. All fees received by the department for permits issued pursuant to this section shall be paid monthly to the treasurer of state and deposited in the road use tax fund. 3. A permit issued pursuant to this section shall be valid for one year after the date of issuance. 4. The department may deny issuance of a permit if the department determines, and evidence demonstrates, that the applicant is not in compliance or is unable to comply with the provisions of this chapter. 5. The department may examine the records of a transportation network company for the purpose of enforcing this chapter. The examination may include a random sample of the company's records related to transportation network company drivers and prearranged rides. The examination shall take place at the department's motor vehicle division building unless another location is agreed to by the department and the company. Such examinations shall not occur more than twice per year unless additional examinations are necessary to investigate a complaint. Records obtained by the department pursuant to this subsection are not public records or otherwise subject to disclosure under chapter 22, and shall be kept confidential by the department except to the extent such records may be required to be disclosed in a departmental or judicial proceeding. 6. The department may suspend the permit of a transportation network company for a violation of this chapter or a rule adopted under this chapter until the company demonstrates to the department that the company is in compliance with the applicable requirements. The department may revoke the permit of a transportation network company for continued noncompliance with this chapter or a rule adopted under this chapter. 7. A transportation network company whose application for a permit has been denied, or whose permit has been suspended or revoked, shall have all rights afforded to the company under chapter 17A and rules adopted by the department to contest the department's decision. 8. The department may adopt rules pursuant to chapter 17A to administer this section. 2016 Acts, ch 1101, §7, 24

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321N - TRANSPORTATION NETWORK COMPANIES Section 321N.3 - Exclusions — driver requirements — penalty.

321N.3 Exclusions — driver requirements — penalty. 1. A transportation network company, a transportation network company driver, or a personal vehicle used to provide a prearranged ride is not a motor carrier as defined in section 325A.1, private carrier as defined in section 325A.1, charter carrier as defined in section 325A.12, or common carrier. 2. Prior to permitting an individual to act as a transportation network company driver on a transportation network company's digital network, the company shall do all of the following: a. Require the individual to submit an application to the company with the individual's name, address, and age, and with copies of the individual's driver's license, the registration for the personal vehicle the individual will use to provide prearranged rides, proof of financial liability coverage, as defined in section 321.1, subsection 24B, covering the individual's use of the personal vehicle, proof of financial responsibility covering the individual in the types and amounts required by section 321N.4, and any other information required by the company. b. Conduct, or instruct a third party to conduct, a local and national criminal background check on the individual and a search of the national sex offender registry database for the individual. c. Obtain and review a driving history research report on the individual. d. Obtain a disclosure form signed by the individual notifying the individual of all of the following: (1) If a lien exists against a personal vehicle the individual intends to use while acting as a transportation network company driver, the individual is required to notify the lienholder within the seven-day period prior to using the vehicle for such purposes that the individual intends to use the vehicle for such purposes. (2) If the individual is not the owner of the personal vehicle the individual intends to use while acting as a transportation network company driver, the individual is required to notify the owner of the vehicle within the seven-day period prior to using the vehicle for such purposes that the individual intends to use the vehicle for such purposes and that the owner's automobile insurance policy, depending on the policy's terms, may not provide any coverage while the individual is logged on to the company's digital network and is available to receive requests for a

prearranged ride, or while the individual is engaged in a prearranged ride. (3) Failure to notify a lienholder or an owner pursuant to this paragraph “d” shall result in the imposition of a civil penalty as provided in subsection 3. 3. If an individual fails to notify a lienholder or an owner pursuant to subsection 2, the department shall assess a civil penalty against the individual in the amount of two hundred fifty dollars. All moneys collected by the department pursuant to this subsection shall be paid monthly to the treasurer of state and deposited in the road use tax fund. 4. A transportation network company shall not knowingly allow an individual to act as a driver on the company’s digital network if any of the following apply: a. The individual does not have a driver’s license valid for the operation of the personal vehicle. A driver’s license valid for the operation of the personal vehicle shall not include an instruction permit, special instruction permit, or temporary restricted license. b. The individual is restricted to operating motor vehicles equipped with an ignition interlock device. c. The individual’s driving privileges have been suspended, revoked, barred, canceled, denied, or disqualified in the prior three-year period. d. The individual has been convicted of more than three moving violations in the prior three-year period. e. The individual has been convicted of violating section 321.218, 321.277, or 321J.21, or section 321A.32, subsection 1, in the prior three-year period. f. The individual has been convicted in the prior seven-year period of a felony, of violating section 321J.2 or 321J.2A, or of any crime involving resisting law enforcement, dishonesty, injury to another person, damage to the property of another person, or operating a vehicle in a manner that endangers another person. g. The individual is registered on the national sex offender registry. h. The individual is not at least nineteen years of age. i. The individual is unable to provide any information required by this section. 5. A transportation network company shall adopt and enforce a zero tolerance policy prohibiting the use of drugs or alcohol by a transportation network company driver while the driver is providing a prearranged ride or is logged on to the company’s digital network and available to receive requests for transportation from potential riders. The policy shall include provisions providing for the investigation of alleged violations of the policy and the suspension of drivers under investigation. 6. A transportation network company shall require that a personal vehicle used to provide prearranged rides shall comply with all applicable motor vehicle equipment requirements. 2016 Acts, ch 1101, §8, 24 Referred to in §321.40, 321N.2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321N - TRANSPORTATION NETWORK COMPANIES Section 321N.4 - Financial responsibility.

321N.4 Financial responsibility. 1. A transportation network company driver, or a transportation network company on the driver’s behalf, shall maintain primary automobile insurance that does all of the following: a. Recognizes that the driver is a transportation network company driver or that the driver otherwise uses a motor vehicle to transport passengers for compensation. b. Covers the driver while the driver is logged on to the transportation network company’s digital network and while the driver is engaged in a prearranged ride. c. Covers the driver in the amounts set forth in subsections 2 and 3. 2. a. While a participating transportation network company driver is logged on to a transportation network company’s digital network and is available to receive requests for a prearranged ride, but is not engaged in a prearranged ride, primary automobile insurance maintained pursuant to paragraph “c” shall cover the driver in the amount of at least fifty thousand dollars because of bodily injury to or death of one person in any one accident, the amount of at least one hundred thousand dollars because of bodily injury to or death of two or more persons in any one accident, and the amount of at least twenty-five thousand dollars because of injury to or destruction of property of others in any one accident. b. The requirements of paragraph “a” shall be in addition to the automobile insurance requirements set forth in chapter 516A or any other provision of law. c. The requirements of paragraph “a” may be satisfied by any of the following: (1) Insurance maintained by the transportation network company driver. (2) Insurance maintained by the transportation network company. (3) A combination of subparagraphs (1) and (2). 3. a. While a transportation network company driver is engaged in a prearranged ride, primary automobile insurance maintained pursuant to paragraph “c” shall cover the driver in the amount of at least one million dollars because of bodily injury to or death of one or more persons and injury to or destruction of property of others in any one accident. b. The requirements of paragraph “a” shall be in addition to the automobile insurance requirements set forth in chapter 516A or any other provision of law. c. The requirements of paragraph “a” may be satisfied by any of the following: (1) Insurance maintained by the transportation network company driver. (2) Insurance maintained by the transportation network company. (3) A combination of subparagraphs (1) and (2). 4. If insurance maintained by a transportation network company driver under this chapter lapses or does not provide coverage in the amounts required by subsections 2 and 3, insurance maintained by a transportation network company shall provide coverage in the amounts required by subsections 2 and 3 beginning with the first dollar of a claim, and the company shall have a duty to defend the claim. 5. Coverage under an automobile insurance policy maintained by a transportation network company under this chapter shall not be dependent on the insurer of a driver’s personal vehicle first denying a claim, nor shall a personal automobile insurance policy be required to first deny a claim. 6. Insurance maintained under this chapter shall be provided by an insurer governed by chapter 515, or by a surplus lines insurer governed by chapter 515I. 7. Insurance maintained under this chapter shall be deemed to satisfy the financial responsibility requirements for a motor vehicle under chapter 321A. 8. A transportation network company driver shall carry proof of financial liability coverage, as required by section 321.20B, in the amounts required by subsections 2 and 3, at all times during which the driver uses a motor vehicle in connection with the use of a transportation network company’s digital network. In the event of an accident, the driver shall provide proof of financial liability coverage to any directly interested party or insurer, and to any investigating police officer, upon request and in a format provided for under section 321.20B. Upon such a request, the driver shall also disclose to any directly interested party or insurer, and to any investigating police officer, whether the driver was logged on to a company’s digital network or was providing a prearranged ride at the time of the accident. 2016 Acts, ch 1101, §9, 24, 25; 2017 Acts, ch 170, §25 Referred to in §321N.2, 321N.3

Section applies on and after the date of approval of form filings necessary for implementation by the commissioner of insurance; 2016 Acts, ch 1101, §25

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321N - TRANSPORTATION NETWORK COMPANIES Section 321N.5 - Disclosure requirements.

321N.5 Disclosure requirements. A transportation network company shall disclose all of the following information to a transportation network company driver in writing before the driver may accept a request from a rider for a prearranged ride on the company's digital network: 1. The types, amounts, terms, and limits of automobile insurance provided by the company to the driver while the driver uses a personal vehicle in connection with the use of the company's digital network. 2. That the driver's own automobile insurance policy, depending on the policy's terms, may not provide any coverage while the driver is logged on to the company's digital network and is available to receive requests for a prearranged ride, or while the driver is engaged in a prearranged ride. 2016 Acts, ch 1101, §10, 24

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321N - TRANSPORTATION NETWORK COMPANIES Section 321N.6 - Insurers.

321N.6 Insurers. 1. a. Notwithstanding any other provision of law to the contrary, an insurer that writes automobile insurance within this state may exclude any and all coverage afforded to an insured person under a policy issued to the owner or operator of a personal vehicle for any injury or loss that occurs while the insured is logged on to a transportation network company's digital network or while the insured is providing a prearranged ride. This right to exclude coverage may apply to any type of coverage provided for in the insured's policy, including but not limited to liability coverage for bodily injury and property damage, personal injury protection coverage, uninsured and underinsured motorist coverage, medical payments coverage, comprehensive physical damage coverage, and collision physical damage coverage. b. This chapter shall not be construed to require an insurer to provide coverage to an individual while the individual is logged on to a company's digital network, is engaged in a prearranged ride, or is otherwise transporting another individual or group of individuals in a vehicle for compensation. c. This chapter shall not be construed to preclude an insurer from providing coverage for a transportation network company driver's personal vehicle, if the insurer chooses to do so by contract or endorsement. 2. a. An insurer that excludes coverage pursuant to subsection 1 shall not have a duty to defend or indemnify a claim expressly excluded from a policy issued by the insurer. This chapter shall not be deemed to invalidate or limit an exclusion contained in a policy, including a policy in use or approved for use in this state prior to January 1, 2017, that excludes coverage for vehicles used to carry individuals or property for compensation or vehicles available for hire by the public. b. An insurer that defends or indemnifies a claim against an insured transportation network company driver that is excluded under the terms of the driver's policy shall have a right of action for contribution or indemnity against an insurer providing automobile insurance to the driver under this chapter during the period in which the loss occurred. 3. In a claims coverage investigation, any involved transportation network company and any insurer providing coverage pursuant to this chapter shall cooperate to facilitate the exchange of relevant information with one another, and with any insurer of the transportation network company driver, where applicable, including but not limited to the precise times during which the driver logged on and off of the company's digital network in the twelve-hour period immediately preceding and in the twelve-hour period immediately following the accident, and shall disclose to one another a clear description of any relevant automobile insurance provided pursuant to this chapter, including any applicable limits and exclusions. 2016 Acts, ch 1101, §11, 24

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321N - TRANSPORTATION NETWORK COMPANIES Section 321N.7 - Identification of drivers and vehicles.

321N.7 Identification of drivers and vehicles. Before a transportation network company rider enters the personal vehicle of a transportation network company driver, the transportation network company shall disclose all of the following information to the rider on the company's digital network: 1. A picture that prominently displays the face of the driver. 2. The make, model, and registration plate number of the personal vehicle used by the driver. 2016 Acts, ch 1101, §12, 24

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321N - TRANSPORTATION NETWORK COMPANIES Section 321N.8 - Electronic receipt.

321N.8 Electronic receipt. Within a reasonable period of time following the completion of a prearranged ride provided to a transportation network company rider, the transportation network company shall transmit an electronic receipt to the rider containing all of the following information: 1. The origin and destination of the trip. 2. The total time and distance of the trip. 3. An itemized account of the total fare paid by the rider, if any. 2016 Acts, ch 1101, §13, 24

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321N - TRANSPORTATION NETWORK COMPANIES Section 321N.9 - Street hails prohibited.

321N.9 Street hails prohibited. A transportation network company driver shall not solicit or accept riders hailing the driver from the street. 2016 Acts, ch 1101, §14, 24

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321O - PERSONAL DELIVERY DEVICES Section 321O.1 -

Definitions.

321O.1 Definitions. As used in this chapter, unless the context otherwise requires: 1. “Agent” means any officer, director, or employee of a business entity, or any other person who is authorized to act on behalf of a business entity. 2. “Business entity” means a corporation, sole proprietorship, association, partnership, limited liability company, limited liability partnership, or other legal entity, that is formed for the purpose of making a profit. 3. “Pedestrian area” means an area intended to be used by any person afoot, including a sidewalk, crosswalk, or safety zone, as those terms are defined in section 321.1. 4. “Personal delivery device” or “device” means a device to which all of the following apply: a. The device is manufactured for transporting cargo and goods in a pedestrian area or supplementary area. b. The device is equipped with automated driving technology, including software and hardware, that enables the operation of the device with the remote support and supervision of a natural person. c. The weight of the device is not greater than five hundred fifty pounds, excluding cargo and goods. 2021 Acts, ch 119, §3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321O - PERSONAL DELIVERY DEVICES Section 321O.2 - Applicable law.

321O.2 Applicable law. 1. The operation of a personal delivery device is governed exclusively by this chapter and any applicable ordinance regulating personal delivery devices adopted by a local authority, as defined in section 321.1, that is not inconsistent with this chapter. 2. For the purposes of this title, a personal delivery device operated in compliance with this chapter shall not be considered a vehicle. 3. A claim for personal injury or property damage arising from the operation of a personal delivery device shall be subject to the laws applicable to such claims arising from the conduct of pedestrians. 2021 Acts, ch 119, §4

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321O - PERSONAL DELIVERY DEVICES Section 321O.3 - Operators.

321O.3 Operators. 1. A business entity may operate a personal delivery device under this chapter only if a natural person who is an agent of the business entity has the capability to monitor and remotely exercise physical control over the navigation and operation of the device while the device is engaged. 2. Except as provided by subsection 3, when a personal delivery device operated by a business entity is engaged, the business entity is considered to be the operator of the device solely for the purpose of assessing compliance with this chapter and laws made applicable to the operation of the device under this chapter. 3. When a personal delivery device operated by a business entity is engaged and an agent of the business entity exercises control over the device in a manner that is outside the scope of the agent’s office or employment, the agent is considered to be the operator of the device solely for the purpose of assessing compliance with this chapter and laws made applicable to the operation of the device under this chapter. 4. A person is not considered to be the operator of a personal delivery device solely because the person requests a delivery or service provided by the device or dispatches the device. 2021 Acts, ch 119, §5

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321O - PERSONAL DELIVERY DEVICES Section 321O.4 - Operation.

321O.4 Operation. 1. The operator of a personal delivery device shall ensure that, while engaged, the device does all of the following: a. Operates in a manner that complies with the provisions of chapter 321 applicable to pedestrians, other than section 321.326, unless the provision of chapter 321 cannot by its nature apply to the device. b. Yields the right-of-way to all other traffic, including pedestrians. c. Operates in a manner that does not unreasonably interfere with other traffic, including pedestrians. d. Complies with any ordinance regulating personal delivery devices adopted by a local authority, as defined in section 321.1, that is not inconsistent with this chapter. e. Is monitored or controlled by an agent of the business entity operating the device. f. Operates in a manner that allows the device to come to a controlled stop in a reasonably safe time and distance. 2. The operator of a personal delivery device shall ensure that, while engaged, the device does not do any of the following: a. Obstructs the right-of-way of any other traffic, including pedestrians. b. Transports any hazardous material regulated by section 321.450 or 49 U.S.C. ch. 51 that is required to be placarded. 3. A person who violates this section commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 9B. 2021 Acts, ch 119, §6 Referred to in §805.8A(9B)(a)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321O - PERSONAL DELIVERY DEVICES Section 321O.5 - Areas of operation.

321O.5 Areas of operation. 1. A personal delivery device may operate on any of the following: a. A pedestrian area at a speed not to exceed six miles per hour. b. A road, provided that the speed limit on the road is forty miles per hour or less, under all of the following conditions: (1) The device operates as far to the right from the center of the road as is practicable. (2) The device does not exceed twenty miles per hour, or the speed limit on the road, whichever is lower. 2. The operator of a personal delivery device that violates this section commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 5. 2021 Acts, ch 119, §7 Referred to in §805.8A(5)(a)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321O - PERSONAL DELIVERY DEVICES Section 321O.6 - Equipment.

321O.6 Equipment. 1. A personal delivery device operated under this chapter must be equipped with all of the following: a. A

marker that clearly states the name and contact information of the business entity operating the device and a unique identification number. b. A braking system that enables the device to come to a controlled stop in a reasonably safe time and distance. 2. A personal delivery device operated at the times specified in section 321.384 must be equipped with and display a lighted lamp on the front and rear of the device, including one or more lighted lamps visible on all sides of the device, which lamps must be recognizable in clear weather conditions from a distance of five hundred feet from the device when the device is directly in front of a motor vehicle's headlamps displaying the lowermost distribution of light as discussed in section 321.409, subsection 1, paragraph "b". 3. The operator of a personal delivery device that violates subsection 1 commits a simple misdemeanor punishable by a fine of at least one hundred dollars but not more than one thousand dollars for each violation. 4. The operator of a personal delivery device that violates subsection 2 commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 9B. However, the citation shall first provide for a seventy-two-hour period within which the operator charged with the violation shall replace or repair the lamp as described in section 321.385A. If the operator complies with the directive to replace or repair the lamp, the citation shall be expunged. 2021 Acts, ch 119, §8 Referred to in §805.8A(9B)(b)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321O - PERSONAL DELIVERY DEVICES Section 321O.7 - Regulation by local authorities.

321O.7 Regulation by local authorities. 1. A local authority, as defined in section 321.1, in the interest of public safety, may prohibit the operation of personal delivery devices on certain roads and pedestrian areas within its jurisdiction if operation in those areas would constitute a safety hazard. 2. Except as authorized under subsection 1, a local authority shall not regulate the operation, equipment, licensing, registration, or taxation of a personal delivery device in a manner inconsistent with this chapter, including but not limited to imposing additional taxes, fees, assessments, surcharges, licenses, registrations, or certifications, or by imposing additional restrictions or requirements relating to hours or areas of operation, equipment, or the types of cargo or goods that may be transported. 3. This section does not affect the power of a local authority's peace officers to enforce the laws of this state relating to the operation of a personal delivery device. 2021 Acts, ch 119, §9

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 321O - PERSONAL DELIVERY DEVICES Section 321O.8 - Insurance.

321O.8 Insurance. A business entity that operates a personal delivery device under this chapter shall maintain an insurance policy that includes general liability coverage of not less than five hundred thousand dollars for damages arising from the operation of the device. 2021 Acts, ch 119, §10

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322 - MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, WHOLESALERS, AND DEALERS Section 322.1 - Administration.

322.1 Administration. 1. The administration of this chapter shall be vested in the director of transportation. The department may employ such employees as are necessary for the administration of this chapter, provided the amount expended in any one year shall not exceed the revenue derived from the provisions of this chapter. 2. The director may enter into reciprocity agreements with the authorized representatives of any jurisdiction to exchange information on dealer activity in order to pursue legal action for violations. [C39, §5039.01; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §322.1] 92 Acts, ch 1175, §12 Referred to in §321F.10

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322 - MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, WHOLESALERS, AND DEALERS Section 322.10 - Judicial review.

322.10 Judicial review. Judicial review of actions of the department may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A. The petitioner shall file with the clerk a bond for the use of the respondent, with sureties approved by the clerk and in an amount fixed by the clerk. In no case shall the bond be less than fifty dollars. All bonds shall include the condition that the petitioner shall perform the orders of the court. [C39, §5039.10; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §322.10] 2003 Acts, ch 44, §114; 2005 Acts, ch 19, §42 Referred to in §322A.17, 602.8102(55)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322 - MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, WHOLESALERS, AND DEALERS Section 322.11 - Injunctions.

322.11 Injunctions. Whenever the department shall believe from evidence satisfactory to it that any person has or is now violating any provision of this chapter, the department may, in addition to any other remedy, bring an action in the name and on behalf of the state of Iowa against such person and any other person concerned in or in any way participating in or about to participate in practices or acts in violation of this chapter, to enjoin such person and said other person from continuing the same. In any such action, the department may apply for and on due showing be entitled to have issued the court's subpoena, requiring forthwith the appearance of any defendant, the defendant's agent and employees and the production of documents, books, and records as may appear necessary for the hearing of such petition to testify and give evidence concerning the acts or conduct or practices or things complained of in such application for injunction. In said action an order or judgment may be entered, awarding such preliminary or final injunctions as may be proper. [C39, §5039.11; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §322.11]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322 - MOTOR VEHICLE MANUFACTURERS,

DISTRIBUTORS, WHOLESALERS, AND DEALERSSection 322.12 - Disposition of fees.

322.12 Disposition of fees. All fees and funds of whatever character accruing from the administration of this chapter shall be accounted for and paid by the department into the state treasury monthly and shall be placed in the road use tax fund. [C39, §5039.12; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §322.12]

2024 Iowa CodeTitle VIII - TRANSPORTATIONChapter 322 - MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, WHOLESALERS, AND DEALERSSection 322.13 - Rules.

322.13 Rules. 1. The department shall have full authority to prescribe reasonable rules for the administration and enforcement of this chapter, which shall be in addition to and not inconsistent with this chapter. All rules shall be filed and entered by the department in its office in an indexed, permanent book or record, with the effective date of the rules suitably indicated. The book or record shall be a public document. The department may provide notice of a new rule or regulation by a posting on the department's internet site. 2. The department shall have power to prescribe the forms to be used in connection with the licensing of persons as provided in this chapter. [C39, §5039.13; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §322.13] 2004 Acts, ch 1013, §31, 35; 2013 Acts, ch 90, §257; 2020 Acts, ch 1063, §163

2024 Iowa CodeTitle VIII - TRANSPORTATIONChapter 322 - MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, WHOLESALERS, AND DEALERSSection 322.14 - Penalties.

322.14 Penalties. 1. A person who violates any of the provisions of this chapter for which a penalty is not specifically provided is guilty of a simple misdemeanor punishable by a fine of not less than two hundred fifty dollars nor more than one thousand five hundred dollars or by imprisonment not to exceed thirty days. 2. Notwithstanding subsection 1, if a provision of chapter 537 is applicable to a retail installment contract and a violation of that provision is subject to a penalty under chapter 537, that penalty shall apply in lieu of a penalty provided in this chapter. [C39, §5039.14; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §322.14] 97 Acts, ch 108, §37; 99 Acts, ch 13, §24

2024 Iowa CodeTitle VIII - TRANSPORTATIONChapter 322 - MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, WHOLESALERS, AND DEALERSSection 322.15 - Construction of chapter.

322.15 Construction of chapter. 1. All provisions of this chapter shall be liberally construed to the end that the practice or commission of fraud in the sale, barter, or disposition of motor vehicles at retail in this state may be prohibited and prevented, and irresponsible, unreliable, or dishonest persons may be prevented from engaging in the business of selling, bartering, or otherwise dealing in motor vehicles at retail in this state and reliable persons may be encouraged to engage in the business of selling, bartering, and otherwise dealing in motor vehicles at retail in this state. 2. Nothing contained in this chapter shall be construed to require the licensing or to apply to any bank, credit union, or trust company in Iowa. [C39, §5039.15; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §322.15] 2010 Acts, ch 1069, §109; 2020 Acts, ch 1063, §164

2024 Iowa CodeTitle VIII - TRANSPORTATIONChapter 322 - MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, WHOLESALERS, AND DEALERSSection 322.17 - Copy of contract to buyer.

322.17 Copy of contract to buyer. A copy of every retail installment contract shall be furnished to the buyer at the time of the execution of the contract. An acknowledgment by the buyer contained in the body of the retail installment contract of the delivery of a copy thereof shall be conclusive proof of delivery in any action or proceeding by or against any assignee of a retail installment contract. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §322.17]

2024 Iowa CodeTitle VIII - TRANSPORTATIONChapter 322 - MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, WHOLESALERS, AND DEALERSSection 322.18 - Dual-interest insurance.

322.18 Dual-interest insurance. If dual-interest insurance on the motor vehicle is purchased by the holder it shall, within thirty days after execution of the retail installment contract, send or cause to be sent to the buyer a policy or policies or certificate of insurance, written by an insurance company authorized to do business in this state, clearly setting forth the amount of the premium, the kind or kinds of insurance and the coverages. The buyer shall have the privilege of purchasing such insurance from an agent or broker of the buyer's own selection and of selecting an insurance company acceptable to the holder; but in such case the inclusion of the insurance premium in the retail installment contract shall be optional with the seller. If any insurance is canceled, unearned insurance premium refunds received by the holder shall be credited to the final maturing installments of the contract except to the extent applied toward payment for similar insurance protecting the interests of the buyer and the holder or either of them. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §322.18]

2024 Iowa CodeTitle VIII - TRANSPORTATIONChapter 322 - MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, WHOLESALERS, AND DEALERSSection 322.19 - Finance charges — amount.

322.19 Finance charges — amount. 1. Notwithstanding the provisions of any other existing law, a retail installment transaction may include a finance charge not in excess of the following rates: a. Class 1. Any new motor vehicle designated by the manufacturer by a year model not earlier than the year in which the sale is made, an amount equivalent to one and three-fourths percent per month

simple interest on the declining balance of the amount financed. b. Class 2. Any new motor vehicle not in class 1 and any used motor vehicle designated by the manufacturer by a year model of the same or not more than two years prior to the year in which the sale is made, an amount equivalent to two percent per month simple interest on the declining balance of the amount financed. c. Class 3. Any used motor vehicle not in class 2 and designated by the manufacturer by a year model more than two years prior to the year in which the sale is made, an amount equivalent to two and one-fourth percent per month simple interest on the declining balance of the amount financed. 2. For purposes of this chapter, “amount financed” means as defined in section 537.1301. However, notwithstanding section 322.33, subsection 3, the amount financed may also include additional charges for the following, which shall not be included in the finance charge: a. A motor vehicle service contract as defined in section 523C.1. b. Voluntary debt cancellation coverage, whether insurance or debt waiver, which may be excluded from the finance charge under the federal Truth in Lending Act as defined in section 537.1302. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §322.19; 82 Acts, ch 1153, §1, 18(1)] 2003 Acts, ch 8, §22; 2005 Acts, ch 70, §1; 2010 Acts, ch 1061, §180; 2020 Acts, ch 1063, §165 Referred to in §322.20, 537.2201

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322 - MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, WHOLESALERS, AND DEALERS Section 322.19A - Documentary fee.

322.19A Documentary fee. 1. For purposes of this section, “documentary fee” means a fee that may be charged to a customer by a motor vehicle dealer for the preparation of documents related to an application for motor vehicle registration and an application for issuance of a certificate of title, and the performance of other related services for the customer. “Documentary fee” does not include any costs or fees charged to a motor vehicle dealer or a dealer’s customer by a third party. 2. A motor vehicle dealer may charge a documentary fee not to exceed one hundred eighty dollars for each motor vehicle sold in a transaction. 3. A motor vehicle dealer who charges a documentary fee to a customer shall include the fee in the price of the motor vehicle. The dealer shall disclose the full amount of the fee in any price of a motor vehicle advertised by the dealer and when making or accepting an offer to sell a motor vehicle. The dealer shall provide the following notice to the customer, which notice shall be clearly and conspicuously disclosed in any motor vehicle purchase agreement with the customer: DOCUMENTARY FEE. A DOCUMENTARY FEE IS NOT AN OFFICIAL FEE. A DOCUMENTARY FEE IS NOT REQUIRED BY LAW, BUT MAY BE CHARGED TO A BUYER FOR THE PREPARATION OF DOCUMENTS AND THE PERFORMANCE OF RELATED SERVICES. THE MAXIMUM AMOUNT THAT MAY BE CHARGED FOR A DOCUMENTARY FEE IS DETERMINED BY IOWA CODE SECTION 322.19A. THIS NOTICE IS REQUIRED BY LAW. 4. A violation of this section is an unlawful practice under section 714.16. 2016 Acts, ch 1083, §8; 2021 Acts, ch 38, §4

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322 - MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, WHOLESALERS, AND DEALERS Section 322.2 - Definitions.

322.2 Definitions. As used in this chapter and unless a different meaning appears from the context: 1. “At retail” means to dispose of a motor vehicle to a person who will devote it to a consumer use. 2. “Autocycle” means as defined in section 321.1. 3. “Completed motor vehicle” means a motor vehicle which does not require any additional manufacturing operations to perform its intended function except the addition of readily attachable equipment, components, or minor finishing operations. “Completed motor vehicle” also includes a glider kit vehicle as defined in section 321.1. 4. “Department” means the state department of transportation. 5. “Distributor” or “wholesaler” means a person, resident or nonresident, who in whole or part, sells or distributes motor vehicles to motor vehicle dealers, or who maintains distributor representatives. 6. “Distributor branch” means a branch office similarly maintained by a distributor or wholesaler for the same purposes. 7. “Distributor representative” means a representative similarly employed by a distributor, distributor branch, or wholesaler. 8. “Engaged in the business” means doing any of the following acts for the purpose of the sale of motor vehicles at retail: acquiring, selling, exchanging, holding, offering, displaying, brokering, accepting on consignment, conducting a retail auction, advertising as being engaged in any of those acts, or acting as an agent for the purpose of doing any of those acts. A person selling at retail more than six motor vehicles during a twelve-month period may be presumed to be engaged in the business. 9. “Factory branch” means a branch office maintained by a person who manufactures or assembles motor vehicles, for the sale of motor vehicles to distributors, or for the sale of motor vehicles to motor vehicle dealers or for directing or supervising in whole or part, its representatives. 10. “Factory representative” means a representative employed by a person who manufactures or assembles motor vehicles or by a factory branch, for the purpose of making or promoting the sale of its motor vehicles, or for supervising or contacting its dealers or prospective dealers. 11. “Final-stage manufacturer” means a person who performs such manufacturing operations on an incomplete motor vehicle that it becomes a completed motor vehicle. 12. The “holder” of a retail installment contract means the retail seller of the motor vehicle under or subject to the contract or, if the contract is purchased by a sales finance company or other assignee, the sales finance company or other assignee. 13. “Incomplete motor vehicle” means an assemblage consisting, at a minimum, of frame and chassis structure, power train, steering system, suspension system, and braking system to the extent that those systems are to be part of a completed motor vehicle, that requires further manufacturing operations, other than the addition of readily attachable components, such as mirrors or tire and rim assemblies, or minor finishing operations such as painting, to become a completed motor vehicle. 14. “Incomplete motor vehicle manufacturer” means a person who manufactures an incomplete motor vehicle by assembling components none of which, taken separately, constitute a completed motor vehicle. 15. “Manufacturer” means any person engaged in the business of fabricating or assembling motor vehicles. “Manufacturer” does not include a person who converts, modifies, or alters a completed motor vehicle manufactured by another person or a person who assembles a glider kit vehicle as defined in section 321.1. “Manufacturer” includes a person who

uses a completed motor vehicle manufactured by another person to construct a class “B” motor home as defined in section 321.124 or a motorsports recreational vehicle as defined in section 321.1. “Manufacturer” also includes a final-stage manufacturer. 16. “Motorcycle” means as defined in section 321.1. “Motorcycle” does not include an all-terrain vehicle as defined in section 321.1. 17. “Motor vehicle” means any self-propelled vehicle subject to registration under chapter 321. 18. “Multi-stage manufactured vehicle” means a motor vehicle built in two or more stages in which an incomplete motor vehicle, built by one manufacturer, is completed by another manufacturer who adds cargo carrying components or other components to the vehicle. 19. “Person” includes any individual, firm, corporation, partnership, joint adventure, or association, and the plural as well as the singular number. 20. “Place of business” means a designated location wherein proper and adequate facilities shall be maintained for displaying, reconditioning, and repairing either new or used cars. 21. “Remote sale” means a sale of a motor vehicle conducted via mail, either electronically or by courier, including any offering, bartering, negotiating, exchanging, and other communication regarding the sale of the vehicle. “Remote sale” includes the delivery of the vehicle to the residence of the buyer or another agreed-to location, if requested by the buyer. 22. “Retail buyer” or “buyer” means a person who buys a motor vehicle from a retail seller. 23. “Retail installment contract” or “contract” means an agreement, entered into in this state, pursuant to which the title to, the property in or a lien upon the motor vehicle, which is the subject matter of a retail installment transaction, is retained or taken by a retail seller from a retail buyer as security, in whole or in part, for the buyer’s obligation. The term includes a chattel mortgage, a conditional sales contract and a contract for the bailment or leasing of a motor vehicle by which the bailee or lessee contracts to pay as compensation for its use a sum substantially equivalent to or in excess of its value and by which it is agreed that the bailee or lessee is bound to become, or has the option of becoming, the owner of the motor vehicle upon full compliance with the provisions of the contract. 24. “Retail installment transaction” means any sale evidenced by a retail installment contract between a retail buyer and a retail seller wherein the retail buyer buys a motor vehicle from a retail seller at a time price payable in one or more installments. 25. “Retail seller” or “seller” means a person who sells a motor vehicle to a retail buyer. 26. “Sales finance company” means a person engaged, in whole or in part, in the business of purchasing retail installment contracts from one or more retail sellers. The term also includes a retail seller engaged, in whole or in part, in the business of creating and holding retail installment contracts. The term does not include the pledgee of an aggregate number of such contracts to secure a bona fide loan thereon. 27. “Selling” includes bartering, exchanging, delivering, or otherwise dealing in. 28. “Special equipment” means equipment installed on a motor truck which, in combination with the motor truck on which the equipment is installed, constitutes a self-contained unit configured for a specific purpose. To constitute special equipment, a minimum of seven thousand five hundred dollars or twenty-five percent of the retail value of the motor truck, whichever is greater, must be expended in installing the equipment on the motor truck, including the cost of the equipment. “Special equipment” does not include equipment designed for the transportation of passengers. 29. “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 has been sold “at retail” as defined in this chapter and previously registered in this or any other state. [C39, §5039.02; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §322.2] 97 Acts, ch 108, §35; 2000 Acts, ch 1134, §4; 2001 Acts, ch 32, §29; 2008 Acts, ch 1032, §106; 2010 Acts, ch 1069, §107; 2012 Acts, ch 1048, §1, 6; 2013 Acts, ch 103, §19, 21; 2014 Acts, ch 1127, §16; 2016 Acts, ch 1083, §3; 2016 Acts, ch 1098, §18; 2018 Acts, ch 1010, §2, 3; 2023 Acts, ch 50, §3 Referred to in §321.1, 537.2510 NEW subsection 21 and former subsections 21 – 28 renumbered as 22 – 29

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322 - MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, WHOLESALERS, AND DEALERS Section 322.20 - Extension of time.

322.20 Extension of time. Sections 537.2503 and 537.3402 notwithstanding, if the holder of a retail installment contract in connection with the purchase or sale of a vehicle, at the request of the buyer, renews the loan or extends the scheduled due date of all or any part of an installment or installments, the holder may restate the amount of installments and the time schedule for paying installments and collect for installments, subject to the renewal or extension, a finance charge on the outstanding declining balance of the amount financed for the period of the extension or renewal. The finance charge on a renewal or extension under this section shall not exceed the rate on the original retail installment contract as limited by section 322.19. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §322.20] 90 Acts, ch 1088, §1; 2019 Acts, ch 59, §98

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322 - MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, WHOLESALERS, AND DEALERS Section 322.21 - Remaining balance on trade vehicle.

322.21 Remaining balance on trade vehicle. The extension of credit by a retail seller to a retail buyer, pursuant to a retail installment contract, of the amount actually paid or to be paid by the retail seller to discharge a purchase-money security interest, as provided in section 554.9103, on a motor vehicle traded in by the retail buyer shall not subject the retail seller to the provisions of chapter 536 or 536A. 99 Acts, ch 13, §25; 2000 Acts, ch 1149, §167, 187

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322 - MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, WHOLESALERS, AND DEALERS Section 322.23 - Complaints.

322.23 Complaints. Any retail buyer having reason to believe that the provisions of this chapter relating to the buyer’s installment contract have been violated may file with the department a written complaint setting forth the details of such alleged violation and the department, upon the receipt of such complaint, may inspect the pertinent books, records, letters and contracts of the licensee or other person relating to such specific complaint. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §322.23]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322 - MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, WHOLESALERS, AND DEALERS Section 322.24 - Hearing — subpoenas.

322.24 Hearing — subpoenas. 1. The state department of transportation and the department of inspections, appeals, and licensing may issue subpoenas to compel the attendance of witnesses and the production of documents, papers, books, records, and other evidence in any matter over which the respective department has jurisdiction, control, or supervision pertaining to this chapter. 2. If a person refuses to obey a subpoena, to give testimony, or to produce evidence as required, a judge of the district court of the state of Iowa in and for Polk county may, upon application and proof of the refusal, make an order awarding process of subpoena, or subpoena duces tecum, out of the court, for the witness to appear before the respective department, to give testimony, and to produce evidence as required. Upon filing the order in the office of the clerk of the district court, the clerk shall issue process of subpoena as directed, under the seal of the court, requiring the person to whom it is directed to appear at the time and place designated. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §322.24] 89 Acts, ch 273, §4; 2023 Acts, ch 19, §1969 Referred to in §602.8102(55) Subsection 1 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322 - MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, WHOLESALERS, AND DEALERS Section 322.27 - Manufacturer's license.

322.27 Manufacturer's license. A manufacturer, except an alien manufacturer represented by an importer, shall not engage in business as a manufacturer in this state or employ, appoint, or maintain distributors or wholesalers or dealers, without a license as provided in this chapter. However, new motor vehicle dealers may wholesale motor vehicles without an additional license and used motor vehicle dealers may wholesale used motor vehicles without an additional license. [C66, 71, 73, 75, 77, 79, 81, §322.27] 2000 Acts, ch 1154, §24

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322 - MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, WHOLESALERS, AND DEALERS Section 322.27A - Wholesaler's license.

322.27A Wholesaler's license. 1. A person shall not engage in business as a wholesaler of new motor vehicles in this state without a license as provided in this chapter. 2. Prior to the issuance of such license, the department, at a minimum, and in addition to any other information the department deems necessary to the application, shall require proof that the applicant has financial liability coverage as defined in section 321.1, except that such coverage shall be in limits of not less than one hundred thousand dollars because of bodily injury to or death of one person in any one accident and, subject to the limit for one person, three hundred thousand dollars because of bodily injury to or death of two or more persons in any one accident, and fifty thousand dollars because of injury to or destruction of property of others in any one accident. 98 Acts, ch 1121, §6, 9; 2006 Acts, ch 1068, §36 Referred to in §321.105A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322 - MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, WHOLESALERS, AND DEALERS Section 322.28 - Distributor or wholesaler's license.

322.28 Distributor or wholesaler's license. A distributor or wholesaler of new motor vehicles shall not sell or offer for sale a new motor vehicle at retail unless licensed as a new motor vehicle dealer. A licensed distributor or wholesaler of a new motor vehicle shall not register or title a new motor vehicle held for sale and shall transfer ownership of a new motor vehicle by assigning the manufacturer's statement of origin for the vehicle. [C66, 71, 73, 75, 77, 79, 81, §322.28] 2001 Acts, ch 32, §33, 40

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322 - MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, WHOLESALERS, AND DEALERS Section 322.29 - Issuance of license — fees.

322.29 Issuance of license — fees. 1. Application for license shall be made to the department by a manufacturer, distributor, or wholesaler, in a form and containing information as the department requires and shall be accompanied by the required license fee. The license shall be granted or refused within thirty days after application. A license expires, unless sooner revoked or suspended, on December 31 of even-numbered years. A licensee shall have the month of expiration and the month after the month of expiration to renew the license. A person who fails to renew a license by the end of this time period and desires to hold a license shall file a new license application and pay the required fee. 2. License fees for each two-year period or part thereof are as follows: a. For a motor vehicle manufacturer, seventy dollars. b. For a new motor vehicle distributor or wholesaler, forty dollars. 3. A license shall not be issued to a person as a distributor or wholesaler for a new motor vehicle model unless the distributor or wholesaler has written authorization from the manufacturer as a distributor or wholesaler of the motor vehicle model. 4. Upon payment of the license fee as provided in this section, a person who rebuilds new completed motor vehicles by fabricating, altering, adding, or replacing essential parts, components, or equipment for the purpose of building an ambulance, rescue vehicle, fire vehicle, or towing or recovery vehicle as defined in chapter 321 may be issued a license as a wholesaler of new motor vehicles of the make and model rebuilt without written authorization from the manufacturer. 5. Upon payment of the license fee as provided in this section, a person who installs cranes, hook loaders, buckets, aerial ladders, tanks, or special equipment on new completed motor trucks with a gross vehicle weight rating of fourteen thousand five hundred pounds or more may be issued a license as a wholesaler of new motor vehicles of the make and model on which the equipment is installed without written authorization from the manufacturer. 6. Notwithstanding section 322.3, subsection 15, a person licensed as a wholesaler under subsection 4 may be licensed as a used motor

vehicle dealer. [C66, 71, 73, 75, 77, 79, 81, §322.29] 88 Acts, ch 1047, §2; 97 Acts, ch 108, §38; 2000 Acts, ch 1016, §21, 22; 2001 Acts, ch 32, §34; 2006 Acts, ch 1068, §37, 49 – 51, 57; 2007 Acts, ch 102, §2; 2008 Acts, ch 1018, §27 Section not amended; internal reference change applied

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322 - MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, WHOLESALERS, AND DEALERS Section 322.3 - Prohibited acts.

322.3 Prohibited acts. 1. A person shall not engage in this state in the business of selling at retail new motor vehicles of any make or represent or advertise that the person is engaged or intends to engage in such business in this state unless the person is authorized to do so by a contract in writing with the manufacturer or distributor of such make of new motor vehicles and unless the department has licensed the person as a motor vehicle dealer in this state in motor vehicles of such make and has issued to the person a license in writing as provided in this chapter. Notwithstanding the prohibitions in this subsection, a final-stage manufacturer of multi-stage manufactured vehicles that holds a used motor vehicle dealer license issued pursuant to this chapter may assign an incomplete motor vehicle's manufacturer's statement of origin to a retail buyer for purposes of issuance of a certificate of title by a county treasurer as a new motor vehicle with the same make as the incomplete motor vehicle without holding a new motor vehicle dealer license and without paying any associated motor vehicle registration fees. A licensed dealer in new motor vehicles may also assign an incomplete motor vehicle's manufacturer's statement of origin in the same manner as provided in this subsection. 2. A person other than a licensed dealer in new motor vehicles shall not engage in this state in the business of selling at retail used motor vehicles or represent or advertise that the person is engaged or intends to engage in such business in this state unless and until the department has licensed the person as a used motor vehicle dealer in the state and has issued to the person a license in writing as provided in this chapter. 3. Subsections 1, 2, and 17 shall not be construed to require the separate licensing of persons employed as salespersons of motor vehicles by a retail motor vehicle dealer. However, the department may promulgate reasonable rules as necessary for the proper identification of persons employed as salespersons. 4. A person who is engaged in the business of selling at retail motor vehicles shall not enter into any contract, agreement, or understanding, express or implied, with any manufacturer or distributor of any such motor vehicles that the person will sell, assign, or transfer any retail installment contracts arising from the retail installment sale of such motor vehicles only to a designated person or class of persons. A condition, agreement, or understanding between any manufacturer or distributor and a motor vehicle dealer in this state of this nature is hereby declared to be against the public policy of this state and to be unlawful and void. 5. A manufacturer or distributor of motor vehicles or any agent or representative of a manufacturer or distributor shall not terminate, threaten to terminate, or fail to renew any contract, agreement, or understanding for the sale of new motor vehicles to any motor vehicle dealer in this state without just, reasonable, and lawful cause or because the motor vehicle dealer failed to sell, assign, or transfer any retail installment contract arising from the retail sale of such motor vehicles or any one or more of them to a person or a class of persons designated by the manufacturer or distributor. 6. A person who is engaged in the business of selling at retail motor vehicles shall not make and enter into a retail installment contract unless the contract meets the following requirements: a. Every retail installment contract shall be in writing, shall be signed by both the buyer and the seller, and shall be completed as to all essential provisions prior to the signing of the contract by the buyer except that, if delivery of the motor vehicle is not made at the time of the execution of the contract, the identifying numbers or marks of the motor vehicle or similar information and the due date of the first installment may be inserted in the contract after its execution. b. The contract shall comply with the Iowa consumer credit code, chapter 537, where applicable. 7. This section shall not be construed to require that a place of business as defined in this chapter shall be maintained by a person selling motor vehicles at retail solely for the purpose of disposing of motor vehicles acquired or repossessed by such person in exercise of powers or rights granted by lien or title-retention instruments or contracts given as security for loans or purchase money obligations. 8. A manufacturer or distributor of motor vehicles or agent or representative of a manufacturer or distributor shall not coerce or attempt to coerce any motor vehicle dealer to accept delivery of any motor vehicle or vehicles, parts, or accessories, or any other commodity or commodities which have not been ordered by the dealer. 9. A person licensed under this chapter shall not, either directly or through an agent, salesperson, or employee, engage in this state, or represent or advertise that the person is engaged or intends to engage in this state, in the business of buying or selling at retail new or used motor vehicles, other than mobile homes more than eight feet in width or more than thirty-two feet in length as defined in section 321.1, on the first day of the week, commonly known and designated as Sunday. 10. A manufacturer, distributor, or importer of motor vehicles or agent or representative of such manufacturer, distributor, or importer shall not require a motor vehicle dealer to submit to arbitration to resolve a controversy before the controversy arises. The parties may enter into a voluntary agreement to arbitrate a controversy after it arises. Such an agreement shall require that the arbitrator apply Iowa law in resolving the controversy. Either party may appeal a decision of an arbitrator to the district court on the grounds that the arbitrator failed to apply Iowa law. 11. A person who is engaged in the business of selling motor vehicles at retail shall not sell, offer for sale, display, represent, or advertise that the person intends to sell motor vehicles from a location other than the person's place of business, except as provided in subsection 12 or section 322.5. 12. A retail seller licensed under this chapter may engage in remote sales of motor vehicles located at a place of business of the retail seller, as listed on the license, under all of the following conditions: a. The dealer shall possess, at the time of the sale, the certificate of title to any motor vehicle offered for remote sale. b. The dealer may transmit a proposed purchase agreement from the dealer to the prospective buyer if such agreement is the result of negotiation between the parties. The dealer shall not negotiate and shall not deliver a proposed purchase agreement to a buyer in person at a location other than the dealer's place of business. c. The dealer shall not sign a proposed purchase agreement until the dealer receives an executed purchase agreement from the buyer. A signed purchase agreement must be delivered to the

dealer's place of business. d. The dealer shall not deliver a motor vehicle to a buyer away from the dealer's place of business until the buyer's purchase of the motor vehicle is completed. e. Remote sales are subject to chapter 554D. 13. A person who has been convicted of a fraudulent practice, has been convicted of three or more violations of section 321.92, subsection 2, or section 321.99, has been convicted of three or more violations of subsection 17 of this section in the previous three-year period, or has been convicted of any other indictable offense in connection with selling or other activity relating to motor vehicles, in this state or any other state, shall not for a period of five years from the date of conviction be an owner, salesperson, employee, officer of a corporation, or representative of a licensed motor vehicle dealer or represent themselves as an owner, salesperson, employee, officer of a corporation, or representative of a licensed motor vehicle dealer. 14. a. A manufacturer, distributor, or importer of motor vehicles or agent or representative of such manufacturer, distributor, or importer shall not reduce the amount of compensation for, or disallow a claim for, any of the following if twelve months or more have passed since the claim was submitted to the manufacturer, distributor, or importer or agent or representative thereof: (1) Warranty parts, repairs, or service supplied by a motor vehicle dealer. (2) Sales or leasing incentives provided to a motor vehicle dealer or to a customer of a motor vehicle dealer including but not limited to rebates and discounted interest rates. b. The twelve-month limitation shall not apply if a court of competent jurisdiction in this state finds the claim was fraudulent. 15. A manufacturer or importer shall not directly or indirectly be licensed as, own an interest in, operate, or control a motor vehicle dealer. This subsection shall not prohibit any of the following: a. A manufacturer or importer from being licensed as a motor vehicle dealer or owning an interest in, operating, or controlling a motor vehicle dealership for a period not to exceed one year to facilitate transfer of the motor vehicle dealership to a new owner if both of the following apply: (1) The prior owner transferred the motor vehicle dealership to the manufacturer or importer. (2) The motor vehicle dealership is continuously offered for sale by the manufacturer or importer upon reasonable terms and conditions. b. A manufacturer or importer from temporarily owning an interest in a motor vehicle dealership for the purpose of enhancing opportunities for persons who lack the financial resources to purchase the motor vehicle dealership without such assistance. A manufacturer or importer may temporarily own an interest in a motor vehicle dealership pursuant to this paragraph only if the manufacturer or importer enters into a contract with a person pursuant to which all of the following apply: (1) The person operates the motor vehicle dealership. (2) The person has made a significant financial investment in the motor vehicle dealership and is subject to loss on such investment. (3) The person has an ownership interest in the motor vehicle dealership. (4) The person will acquire full ownership of the motor vehicle dealership within a reasonable time under reasonable conditions. c. A manufacturer or importer from owning an interest in, operating, or controlling a person whose primary business is renting motor vehicles and who is licensed as a used motor vehicle dealer. d. A manufacturer of motor homes, as defined in section 321.1, from owning an interest in, operating, or controlling a motor vehicle dealer of the motor homes manufactured by that manufacturer or from being licensed as a motor vehicle dealer only of the motor homes manufactured by that manufacturer. e. A manufacturer from owning a minority interest in an entity that owns and operates motor vehicle dealers, licensed under this chapter or the laws of the jurisdiction in which they are located, of the line-make manufactured by the manufacturer if all of the motor vehicle dealers owned and operated by the entity in this state are motor vehicle dealers of only the line-make manufactured by the manufacturer and if, on January 1, 2000, there were not less than one and not more than three motor vehicle dealers of that line-make licensed under this chapter. f. A final-stage manufacturer of multi-stage manufactured vehicles from being licensed as a used motor vehicle dealer or from assigning an incomplete motor vehicle's manufacturer's statement of origin to a retail buyer for purposes of issuance of a certificate of title by a county treasurer as a new motor vehicle with the same make as the incomplete motor vehicle without holding a new motor vehicle dealer license and without paying any associated motor vehicle registration fees. This paragraph shall not be construed to authorize a manufacturer or incomplete motor vehicle manufacturer to directly sell at retail incomplete or completed motor vehicles to a retail buyer except as provided in this subsection. 16. A manufacturer, distributor, or importer of motor vehicles or an agent or representative of a manufacturer, distributor, or importer shall not reduce the amount of compensation for, or disallow a claim for, warranty parts, repairs, or service supplied by a motor vehicle dealer on the grounds that the dealer failed to submit a claim fewer than sixty days after the motor vehicle dealer completed the work underlying the claim for warranty parts, repairs, or service. 17. A motor vehicle dealer or wholesaler licensed under this chapter shall not sell, loan, rent, lease, or charge a fee for the use of the license to another person for the purpose of allowing the person to engage in the business of selling motor vehicles. [C39, §5039.03; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §322.3] 90 Acts, ch 1061, §1; 96 Acts, ch 1090, §13; 97 Acts, ch 108, §36; 98 Acts, ch 1075, §26; 99 Acts, ch 69, §1; 2000 Acts, ch 1003, §1; 2000 Acts, ch 1232, §66; 2001 Acts, ch 32, §30, 31, 40; 2003 Acts, ch 44, §114; 2006 Acts, ch 1068, §34; 2009 Acts, ch 130, §35; 2010 Acts, ch 1011, §1; 2010 Acts, ch 1035, §8; 2010 Acts, ch 1061, §180; 2016 Acts, ch 1083, §4 – 6; 2018 Acts, ch 1010, §4, 5; 2023 Acts, ch 50, §4, 5 Referred to in §321.105A, 322.5, 322.6, 322.29, 322A.5 Fraudulent practices, see §714.8 – 714.14 Subsection 11 amended NEW subsection 12 and former subsections 12 – 16 renumbered as 13 – 17

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322 - MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, WHOLESALERS, AND DEALERS Section 322.30 - Display.

322.30 Display. The licenses of manufacturers and distributors shall specify the location of the office and must be conspicuously displayed at such location. In case such location be changed, the department shall endorse the change of location on the license without charge if it be within the same municipality. A change of location to another municipality shall require a new license. [C66, 71, 73, 75, 77, 79, 81, §322.30] 2000 Acts, ch 1154, §25

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322 - MOTOR VEHICLE MANUFACTURERS,

DISTRIBUTORS, WHOLESALERS, AND DEALERSSection 322.31 - Denial of license.

322.31 Denial of license. The department may deny the application of any person for a license as a manufacturer, distributor, or wholesaler, if after reasonable notice and a hearing the department determines that such applicant has violated any provision of this chapter and may revoke or suspend any such license that has been issued if the department shall determine after reasonable notice and a hearing that such licensee has violated any provision of this chapter. [C66, 71, 73, 75, 77, 79, 81, §322.31] 97 Acts, ch 108, §39

2024 Iowa CodeTitle VIII - TRANSPORTATIONChapter 322 - MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, WHOLESALERS, AND DEALERSSection 322.32 - Construction of applicability to contracts.

322.32 Construction of applicability to contracts. Nothing in this chapter shall be construed to impair the obligations of a contract or to prevent a licensee under this chapter from requiring performance of a written contract entered into with another licensee under this chapter, nor shall the requirement of such performance constitute a violation of any of the provisions of this chapter. [C66, 71, 73, 75, 77, 79, 81, §322.32] 2020 Acts, ch 1063, §166

2024 Iowa CodeTitle VIII - TRANSPORTATIONChapter 322 - MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, WHOLESALERS, AND DEALERSSection 322.33 - Applicability of the Iowa consumer credit code.

322.33 Applicability of the Iowa consumer credit code. 1. The provisions of the Iowa consumer credit code, chapter 537, shall apply to a consumer credit sale in which a licensed motor vehicle dealer participates or engages, and any violation of that code shall be a violation of this chapter. 2. Chapter 537, article 2, parts 5 and 6, and chapter 537, article 3, sections 537.3203, 537.3206, 537.3209, 537.3304, 537.3305, and 537.3306, shall apply to any credit transaction, as defined in section 537.1301, that is a retail installment transaction. For the purpose of applying provisions of the consumer credit code in those transactions, “consumer credit sale” shall include a sale for a business purpose. 3. A provision of the Iowa consumer credit code, chapter 537, shall supersede a conflicting provision of this chapter. [C75, 77, 79, 81, §322.33] 2003 Acts, ch 44, §114; 2013 Acts, ch 30, §69 Referred to in §322.19

2024 Iowa CodeTitle VIII - TRANSPORTATIONChapter 322 - MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, WHOLESALERS, AND DEALERSSection 322.35 - Disclosure of manufacturer’s suggested price for certain motor vehicles — penalty.

322.35 Disclosure of manufacturer’s suggested price for certain motor vehicles — penalty. 1. A person shall not sell or offer for sale at retail a new car, multipurpose vehicle, or pickup, as those terms are defined in section 321.1, without a label securely affixed to the windshield or side window containing the manufacturer’s clear and legible endorsement disclosing the following true and correct information: a. The retail price of the vehicle suggested by the manufacturer. b. The retail delivered price suggested by the manufacturer for each accessory or item of optional equipment, physically attached to the vehicle at the time of its delivery to the retail seller, which is not included within the price of the vehicle as stated pursuant to paragraph “a”. c. The amount charged, if any, to the retail seller for the transportation of the vehicle to the location at which it is delivered to the retail seller. d. The total of the amounts specified pursuant to paragraphs “a”, “b”, and “c”. 2. A person who violates this section commits a simple misdemeanor. Violation with respect to each vehicle constitutes a separate offense. 86 Acts, ch 1084, §1

2024 Iowa CodeTitle VIII - TRANSPORTATIONChapter 322 - MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, WHOLESALERS, AND DEALERSSection 322.36 - Motorcycle and autocycle dealer business hours.

322.36 Motorcycle and autocycle dealer business hours. A person in the business of selling motorcycles or autocycles under chapter 322D is not required to maintain regular business hours at the dealer’s principal place of business or other place of business. 97 Acts, ch 69, §1; 2016 Acts, ch 1098, §22

2024 Iowa CodeTitle VIII - TRANSPORTATIONChapter 322 - MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, WHOLESALERS, AND DEALERSSection 322.4 - Application for license.

322.4 Application for license. 1. Each person before engaging in this state in the business of selling at retail motor vehicles or representing or advertising that the person is engaged or intends to engage in such business in this state shall file in the office of the department an application for license as a motor vehicle dealer in the state in such form as the department may prescribe, duly verified by oath, which application shall include the following: a. The name of the applicant and the applicant’s principal place of business wherever situated, and the following, as appropriate: (1) If the applicant is an individual, the name or style under which the individual intends to engage in such business. (2) If the applicant is a partnership, the name or style under which the partnership intends to engage in such business and the name and bona fide address of two partners. (3) If the applicant is a corporation, the state of incorporation and the name and bona fide address of two officers of the corporation. b. The make or makes of new motor vehicles, if any, which the applicant will offer for sale at retail in this state. c. The location of each place of business within this state to be used by the applicant for the conduct of the applicant’s business. d. If the applicant is a party to any contract or agreement or understanding with any manufacturer or distributor of motor vehicles or is about to become a party to such a contract, agreement, or understanding, the applicant shall state the name of each such manufacturer or distributor and the make or makes of new motor vehicles, if any, which are the subject matter of each such contract. e. A statement of the previous history, record, and association of

the applicant and if the applicant is a partnership, of each partner thereof, and if the applicant is a corporation, of each officer and director thereof, which statement shall be sufficient to establish to the department the reputation in business of the applicant. f. A description of the general plan and method of doing business in this state, which the applicant will follow if the license applied for in such application is granted. g. Before the issuance of a motor vehicle dealer's license to a dealer engaged in the sale of vehicles for which a certificate of title is required under chapter 321, or the issuance of a temporary permit under section 322.5, subsection 6, paragraph "b", the applicant shall furnish a surety bond executed by the applicant as principal and executed by a corporate surety company, licensed and qualified to do business within this state, which bond shall run to the state of Iowa, be in the amount of seventy-five thousand dollars and be conditioned upon the faithful compliance by the applicant as a dealer with all of the statutes of this state regulating or applicable to the business of a dealer in motor vehicles, and indemnifying any person who buys a motor vehicle from the dealer from any loss or damage occasioned by the failure of the dealer to comply with any of the provisions of chapter 321 and this chapter, including but not limited to the furnishing of a proper and valid certificate of title to the motor vehicle involved in a transaction. The bond shall also indemnify any motor vehicle purchaser from any loss or damage caused by the failure of the dealer to comply with the odometer requirements in section 321.71, regardless of whether the motor vehicle was purchased directly from the dealer. The bond shall be filed with the department prior to the issuance of a license or permit. The aggregate liability of the surety, however, shall not exceed the amount of the bond. h. Proof that the applicant has financial liability coverage as defined in section 321.1, except that such coverage shall be in limits of not less than one hundred thousand dollars because of bodily injury to or death of one person in any one accident and, subject to the limit for one person, three hundred thousand dollars because of bodily injury to or death of two or more persons in any one accident, and fifty thousand dollars because of injury to or destruction of property of others in any one accident. i. If the applicant is applying for a used motor vehicle dealer license, certification that the applicant has met the educational requirements for licensure under section 322.7A. The certification may be transmitted to the department by the education provider in electronic format. j. Such other information touching the business of the applicant as the department may require. 2. For the purpose of investigating the matters contained in such application, the department may withhold the granting of a license for a period not exceeding thirty days. 3. For purposes of this section, "bona fide address" means the same as defined in section 321.1. [C39, §5039.04; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §322.4] 90 Acts, ch 1057, §1; 94 Acts, ch 1199, §80; 97 Acts, ch 139, §12, 17; 2007 Acts, ch 51, §1; 2007 Acts, ch 143, §22; 2008 Acts, ch 1032, §107; 2012 Acts, ch 1048, §2, 6; 2016 Acts, ch 1083, §7 Referred to in §322.5, 537.2510

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322 - MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, WHOLESALERS, AND DEALERS Section 322.5 - License fees — temporary permits.

322.5 License fees — temporary permits. 1. a. The license fee for a motor vehicle dealer for a two-year period or part thereof is the sum of seventy dollars for the licensee's principal place of business in each city or township and an additional twenty dollars for a two-year period or part thereof for each car lot which is in the city or township in which the principal place of business is located and which is not adjacent to that place, to be paid to the department at the time a license is applied for. In case the application is denied, the department shall refund the amount of the fee to the applicant. b. For the purposes of this section, "adjacent" means that the principal place of business and each additional lot are adjoining parcels of property. Parcels of property shall be deemed to be adjacent if the parcels are only separated by an alley, street, or highway that is not a controlled-access facility. 2. a. In addition to selling motor vehicles at the motor vehicle dealer's principal place of business and at car lots, a motor vehicle dealer may do any of the following: (1) Display new motor vehicles at fairs, vehicle shows, and vehicle exhibitions, upon application for and receipt of a temporary permit issued by the department. (2) Display, offer for sale, and negotiate sales of new motor vehicles at fair events, as defined in chapter 174, the state fair, as discussed in chapter 173, vehicle shows, and vehicle exhibitions, upon application for and receipt of a temporary permit issued by the department. Such activities may only be conducted at a fair event, the state fair, a vehicle show, or a vehicle exhibition, if the fair event, state fair, vehicle show, or vehicle exhibition is held in the motor vehicle dealer's community, as defined in section 322A.1, for the vehicles that are displayed and offered for sale. A sale of a motor vehicle by a motor vehicle dealer shall not be completed and an agreement for the sale of a motor vehicle shall not be signed at a fair event, the state fair, a vehicle show, or a vehicle exhibition. All such sales shall be consummated at the motor vehicle dealer's principal place of business. b. An application for a temporary permit under this subsection shall be made upon a form provided by the department and shall be accompanied by a ten-dollar permit fee. The department may issue a temporary permit for a period not to exceed fourteen days. The department may issue multiple consecutive temporary permits. 3. A motor vehicle dealer may also, upon receipt of a temporary permit approved by the department, display and sell classic cars only at county fairs, as defined in chapter 174, vehicle shows, and vehicle exhibitions which have been approved by the department for purposes of classic car display and sale and the provisions of section 322.3, subsection 9, shall not be applicable. Application for a temporary permit shall be made on forms provided by the department and shall be accompanied by a ten-dollar permit fee. A permit shall be issued for a single period of not to exceed five days. Not more than three permits may be issued to a motor vehicle dealer in any one calendar year. For purposes of this subsection, "classic car" means a motor vehicle fifteen years old or older but less than twenty years old which is primarily of value as a collector's item and not as transportation. 4. a. A nonresident motor vehicle dealer, who is authorized by a written contract with a manufacturer or distributor of new motor trucks to sell at retail such new motor trucks, may display motor trucks within this state at qualified events approved by the department. The dealer must obtain a temporary permit from the department. An application for a temporary permit shall be made upon a form provided by the department and shall be accompanied by a ten-dollar permit fee. Permits shall be issued for a period not to exceed fourteen days. The department shall issue a temporary permit under

this subsection only if the qualified event for which the permit is issued meets all of the following conditions: (1) The sale of motor vehicles is not allowed during the qualified event. (2) The qualified event is conducted in a controlled area and is not open to the public generally. (3) The qualified event generally promotes the motor truck industry. (4) The qualified event is conducted within the area of responsibility that is specified in the motor vehicle dealer's contract with the manufacturer or distributor. b. A temporary permit shall not be issued under this subsection unless the state in which the nonresident motor vehicle dealer is licensed extends by reciprocity similar privileges to a motor vehicle dealer licensed by this state. 5. a. A manufacturer, distributor, or dealer may, upon receipt of a temporary permit approved by the department, display new ambulances, new fire vehicles, and new rescue vehicles for educational purposes only at vehicle shows and vehicle exhibitions conducted for the express purpose of educating fire and rescue personnel in new technology and techniques for fire fighting and rescue efforts. Application for temporary permits shall be made upon forms provided by the department and shall be accompanied by a ten-dollar permit fee. Permits shall be issued for a single show or exhibition, not to exceed five consecutive days. b. A temporary permit shall not be issued under this subsection to a nonresident manufacturer, distributor, or dealer unless the state in which the nonresident manufacturer, distributor, or dealer is licensed extends by reciprocity similar privileges to a manufacturer, distributor, or dealer licensed by this state. 6. a. Upon application for and receipt of a temporary permit issued by the department under this subsection, a motor vehicle dealer authorized to sell used motorcycles or autocycles may display, offer for sale, and negotiate sales of used motorcycles or autocycles at a motorcycle rally located in this state that meets all of the following conditions: (1) The sponsor of the rally conducts not more than one rally annually in this state. (2) The rally is conducted for a single period of not less than three and not more than seven consecutive days. (3) Attendance at the rally is restricted to persons who have paid a nonrefundable admission fee to the sponsor of the rally. b. A person licensed as a motor vehicle dealer in another state may apply for and be issued a temporary permit under this subsection if the person meets all of the following conditions: (1) The person presents the department with a current motor vehicle dealer license valid for the sale of used motorcycles or autocycles at retail in the person's state of residence. (2) The state in which the person is licensed as a motor vehicle dealer allows a motor vehicle dealer licensed in Iowa to be issued a permit substantially similar to the temporary permit authorized under this subsection. (3) The person furnishes to the department a surety bond that meets the requirements of section 322.4, subsection 1, paragraph "g". (4) The person presents any additional information the department may require. c. Application for a temporary permit under this subsection shall be made on forms provided by the department accompanied by a fee in the amount established for a temporary permit under subsection 2, paragraph "b". d. A sale of a motorcycle or autocycle at a motorcycle rally shall not be completed and an agreement for the sale of a motorcycle or autocycle shall not be signed at a motorcycle rally. All such sales shall be consummated at the motor vehicle dealer's principal place of business. e. The department may issue a temporary permit under this subsection for a period not to exceed seven consecutive days. A motor vehicle dealer may not receive more than one temporary permit issued under this subsection in a calendar year. [C39, §5039.05; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §322.5] 92 Acts, ch 1175, §13; 93 Acts, ch 45, §1, 2; 93 Acts, ch 174, §3, 4; 98 Acts, ch 1058, §1, 2; 99 Acts, ch 13, §23; 2001 Acts, ch 32, §32; 2002 Acts, ch 1063, §38; 2004 Acts, ch 1019, §28; 2005 Acts, ch 3, §63; 2006 Acts, ch 1068, §35, 47, 57; 2010 Acts, ch 1069, §108; 2012 Acts, ch 1048, §3, 4, 6; 2012 Acts, ch 1138, §66, 82, 83; 2015 Acts, ch 123, §38; 2016 Acts, ch 1098, §19 – 21 Referred to in §321.124, 322.3, 322.4 Controlled-access facility, §306A.2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322 - MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, WHOLESALERS, AND DEALERS Section 322.6 - Denial of license.

322.6 Denial of license. 1. The department may deny the application of a person for a license as a motor vehicle dealer and refuse to issue a license to the person if, after reasonable notice and a hearing, the department determines any of the following: a. The applicant made a material false statement in the application for the license. b. The applicant has not complied with the provisions of this chapter or any rules or regulations adopted by the department pursuant to this chapter, except as otherwise provided. c. The applicant is of bad business repute. d. The applicant has been convicted of a fraudulent practice or any indictable offense in connection with selling or other activity relating to motor vehicles, in this state or any other state, or has been convicted of three or more violations of section 321.92, subsection 2, or section 321.99. e. The applicant is about to engage in a fraudulent practice or other indictable offense in connection with selling or other activity relating to motor vehicles in this or any other state. f. The applicant has entered into a contract or agreement or is about to enter into a contract or agreement with a manufacturer or distributor of motor vehicles which is contrary to any provision of this chapter. g. The applicant has a contract or agreement with a manufacturer or distributor of motor vehicles or is about to enter into a contract or agreement with a manufacturer or distributor of motor vehicles who, without just, reasonable, and lawful cause, has terminated within ninety days from the date of application a contract or agreement with a motor vehicle dealer in any county of the state in which the applicant proposes to engage in business. h. The applicant does not have a place of business within the meaning of this chapter, unless the applicant is a person referred to in section 322.3, subsection 7. i. The applicant has been determined in a final judgment of a court of competent jurisdiction to have violated section 714.16 in connection with selling or other activity relating to motor vehicles and the department determines that the applicant should not therefore be engaged in the business of selling motor vehicles. j. Following a judicial determination that the applicant intentionally violated any provision of the Iowa consumer credit code, chapter 537, the applicant continues to make consumer credit sales, consumer loans, or consumer leases in violation of the Iowa consumer credit code, chapter 537. k. The applicant is or will be acting on behalf of a person whose dealer license has been revoked as provided in this chapter. 2. It shall be sufficient cause for refusal or revocation of a license as a motor vehicle dealer in the case of a partnership or corporation if any member of the partnership or any officer or director of the corporation has committed an act or omission which would be cause for

refusing to issue a license to, or revoking a license of, such person as an individual. 3. In considering whether or not a contract or agreement between a motor vehicle dealer and a manufacturer or distributor of motor vehicles has been terminated by the manufacturer or distributor without just and reasonable cause, the department shall take into consideration the circumstances existing at the time of the termination, including the amount of business transacted by the motor vehicle dealer pursuant to the contract or agreement and prior to the termination; the investment necessarily made and the obligation necessarily incurred by the motor vehicle dealer in the performance of the dealer's part of the contract; the permanency of such investment; the reasons for the termination by the manufacturer or distributor; and the fact that it is injurious to the public welfare for the business of a motor vehicle dealer to be disrupted by termination of a contract without just and reasonable cause. 4. Whenever the department determines to deny the application of a person for a license as a motor vehicle dealer and refuses to issue a license to the person, the department shall enter a final order with its findings relating to the determination within thirty days from the date of the hearing. [C39, §5039.06; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §322.6] 2003 Acts, ch 44, §114; 2009 Acts, ch 130, §36; 2010 Acts, ch 1035, §9, 10 Referred to in §321F.9, 322.9 Fraudulent practices, see §714.8 – 714.14

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322 - MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, WHOLESALERS, AND DEALERS Section 322.7 - License of motor vehicle dealer.

322.7 License of motor vehicle dealer. 1. If the department grants the application of any person for a license as a motor vehicle dealer, it shall evidence the granting thereof by a final order and shall issue to the person a license in such form as may be prescribed by the department, which license shall include the following: a. If the applicant is an individual or a partnership, the name or style under which the licensee will engage in such business. b. The principal place of business of the licensee and location therein of each place wherein the licensee is licensed to carry on such business. c. The make or makes of new motor vehicles which the licensee is licensed to sell. 2. The instrument evidencing the license or a certified copy thereof provided by the department shall be kept posted conspicuously in the principal office of the licensee and in each place of business maintained and operated by the applicant pursuant to the license in this state. 3. The license of a motor vehicle dealer is valid for a two-year period and expires, unless revoked or suspended, on December 31 of even-numbered years. 4. The motor vehicle dealer license provided for in this chapter shall be renewed upon application in the form and content prescribed by the department and upon payment of the required fee. A used motor vehicle dealer license shall not be renewed for an applicant who is subject to continuing education requirements until the licensee certifies completion of the educational requirements for license renewal under section 322.7A. The certification may be transmitted to the department by the education provider in electronic format. A licensee shall have the month of expiration and the month after the month of expiration to renew the license. A person who fails to renew a license by the end of this time period and desires to hold a license shall file a new license application and pay the required fee. [C39, §5039.07; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §322.7] 92 Acts, ch 1175, §14; 2000 Acts, ch 1016, §20; 2006 Acts, ch 1068, §48, 57; 2007 Acts, ch 51, §2; 2007 Acts, ch 143, §23; 2008 Acts, ch 1032, §107

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322 - MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, WHOLESALERS, AND DEALERS Section 322.7A - Used motor vehicle dealer education program.

322.7A Used motor vehicle dealer education program. 1. An applicant for a license as a used motor vehicle dealer shall complete a minimum of eight hours of preclicensing education program courses pursuant to this section prior to submitting an application to the department. 2. A person seeking renewal of a used motor vehicle dealer license shall complete a minimum of five hours of continuing education program courses over a two-year period pursuant to this section prior to submitting an application for license renewal. However, an applicant for renewal of a used motor vehicle dealer license who has met the preclicensing education requirement under subsection 1 within the preceding twenty-four months is exempt from the continuing education requirement for license renewal. 3. To meet the requirements of this section, at least one individual who is associated with the used motor vehicle dealer as an owner, principal, corporate officer, director, or member or partner of a limited liability company or limited liability partnership shall complete the education program courses. 4. The Iowa independent automobile dealers association, in consultation with the state department of transportation, the department of education, the attorney general, and the Iowa association of community college trustees, shall develop the preclicensing and continuing education course curricula for the used motor vehicle dealer education program, which shall include but not be limited to examination of federal and state laws applicable to the motor vehicle industry and federal and state regulations pertaining to used motor vehicle dealers. The education program courses shall be provided by community colleges as defined in section 260C.2 or by the Iowa independent automobile dealers association in conjunction with a community college. The department of education shall adopt rules establishing reasonable fees to be charged for the preclicensing education courses and the continuing education courses. 5. A community college shall issue a certificate to each person who successfully completes the preclicensing education program or a continuing education program under this section. The current certificate of completion, or a copy of the certificate, shall be posted conspicuously in the principal office of the licensee. 6. The provisions of this section apply to all used motor vehicle dealers, including but not limited to individuals, corporations, and partnerships, except for the following: a. Motor vehicle rental companies having a national franchise. b. National motor vehicle auction companies. c. Wholesale dealer-only auction companies. d. Used car dealerships owned by a franchise motor vehicle dealer. e. Banks, credit unions, and savings associations. 7. Each community college providing used motor vehicle dealer education program courses shall transmit a report on the program annually by December 31 to the director of transportation, the director of the department of education, the attorney general, and the president of the Iowa association of community college trustees. 2007 Acts,

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322 - MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, WHOLESALERS, AND DEALERS Section 322.7B - Consignment sales of motor trucks.

322.7B Consignment sales of motor trucks. A licensed motor vehicle dealer may sell a used motor truck on a consignment basis if all of the following conditions apply: 1. The dealer is licensed to sell used motor vehicles. 2. The motor truck offered for sale has a gross vehicle weight rating of twenty-six thousand one or more pounds. 3. The dealer prominently displays the words “consignment vehicle” on the motor truck and indicates clearly in the sales documentation that the motor truck is a consignment vehicle. The dealer shall put customers on notice that the dealer does not have title to the vehicle and does not warranty the title. 4. The purchaser certifies to the dealer that the person is either a corporation, limited liability company, or partnership or a person who files a schedule C or schedule F form for federal income tax purposes, and that the motor truck is being purchased for business purposes, and not for personal use. 5. The dealer assumes no liability for damages resulting from a customer’s test drive of the motor truck, and the consignor maintains financial liability coverage as required under section 321.20B or 325A.6, as appropriate, for the motor truck throughout the term of the consignment. 2014 Acts, ch 1123, §32 Referred to in §321.48, 322.9

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322 - MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, WHOLESALERS, AND DEALERS Section 322.8 - Supplemental statements.

322.8 Supplemental statements. 1. Each motor vehicle dealer licensee shall promptly file with the department from time to time during the period of the license, statements supplemental to the statements contained in the application for license whenever any change shall occur in the licensee’s personnel or in the licensee’s plan or method of doing business or in the location of the place or places of business, so that the statements made in the application do, after such change, properly disclose the licensee’s status and method and plan of doing business. The supplemental statement shall be in the form prescribed by the department and shall disclose such information as would have been required by this chapter if such changes had occurred prior to the licensee making application for a license. 2. A supplemental statement shall include any change in the licensee’s financial liability coverage. 3. If the department finds that the changes set forth in the supplemental statement do not violate the provisions of this chapter and it grants to the licensee the privilege of doing business in the manner set forth therein, it shall upon surrender to it of the license of the motor vehicle dealer, issue to the dealer a new license appropriate to the dealer’s original application as modified by such supplemental statement. [C39, §5039.08; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §322.8] 97 Acts, ch 139, §13, 17; 2017 Acts, ch 54, §76

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322 - MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, WHOLESALERS, AND DEALERS Section 322.9 - Revocation or suspension of license.

322.9 Revocation or suspension of license. 1. The department may revoke or suspend the license of a retail motor vehicle dealer if, after notice and hearing by the department of inspections, appeals, and licensing, it finds that the licensee has been guilty of an act which would be a ground for the denial of a license under section 322.6. 2. The department may revoke or suspend the license of a retail motor vehicle dealer if, after notice and hearing by the department of inspections, appeals, and licensing, it finds that the licensee has been convicted or has forfeited bail on three charges of: a. Failing upon the sale or transfer of a vehicle, except upon the sale of a vehicle under section 322.7B, to deliver to the purchaser or transferee of the vehicle sold or transferred, a manufacturer’s or importer’s certificate, or a certificate of title duly assigned, as provided in chapter 321. b. Failing upon the purchasing or otherwise acquiring of a vehicle, except a vehicle acquired on consignment under section 322.7B, to obtain a manufacturer’s or importer’s certificate, or a certificate of title duly assigned as provided in chapter 321. c. Failing upon the purchasing or otherwise acquiring of a vehicle, except a vehicle acquired on consignment under section 322.7B, to obtain a new certificate of title to such vehicle when and where required in chapter 321. [C39, §5039.09; C46, §322.9; C50, 54, §322.9, 322.16; C58, 62, 66, 71, 73, 75, 77, 79, 81, §322.9] 85 Acts, ch 67, §38; 89 Acts, ch 273, §3; 2010 Acts, ch 1061, §180; 2014 Acts, ch 1123, §33; 2023 Acts, ch 19, §1967, 1968 Subsection 1 amended Subsection 2, unnumbered paragraph 1 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322A - MOTOR VEHICLE FRANCHISERS Section 322A.1 - Definitions.

322A.1 Definitions. When used in this chapter, unless the context otherwise requires: 1. “Additional motor vehicle dealership” includes a facility providing manufacturer-authorized or distributor-authorized service or warranty work for motor vehicles, except motor homes, of a line-make in a community in which the same line-make is represented. 2. “Community” means the franchisee’s area of responsibility as stipulated in the franchise. 3. “Consumer care” means to perform, for the public, necessary maintenance and repairs to motor vehicles. 4. “Department” means the state department of transportation. 5. a. “Franchise” means a contract between two or more persons when all of the following conditions are included: (1) A commercial relationship of definite duration or continuing indefinite duration is involved. (2) The franchisee is granted the right to offer and sell motor vehicles manufactured or distributed by the franchiser. (3) The franchisee, as an independent business, constitutes a component of the franchiser’s distribution system. (4) The operation of the franchisee’s business is substantially associated with the franchiser’s trademark, service mark, trade name, advertising, or other commercial symbol designating the franchiser. (5) The operation of the franchisee’s business is substantially reliant on the franchiser for the continued supply of motor vehicles, parts, and accessories. b. “Franchise” includes a

separate written agreement between the franchisee and the franchiser which materially affects the franchise, whether entered into prior to the date of the franchise, contemporaneously with the franchise, or subsequent to the date of the franchise. 6. “Franchisee” means a person who receives motor vehicles from the franchiser under a franchise and who offers and sells such motor vehicles to the general public. 7. “Franchiser” means a person who manufactures or distributes motor vehicles and who may enter into a franchise as hereinafter defined. 8. “Motor vehicle” means “motor vehicles” as defined in chapter 321 which are subject to registration pursuant to the provisions thereof. 9. “Person” means a sole proprietor, partnership, corporation, or any other form of business organization. 10. “Substantially detrimental” means that, by a preponderance of the evidence, the market share of the franchiser’s motor vehicles in the community will be significantly reduced in comparison to the franchiser’s historical market share in the community. 11. “Termination or noncontinuance” includes a reduction of the geographic area of a community. [C71, 73, 75, 77, 79, 81, §322A.1; 81 Acts, ch 22, §22] 86 Acts, ch 1245, §1940; 91 Acts, ch 27, §3; 99 Acts, ch 69, §2; 2001 Acts, ch 32, §35, 40; 2010 Acts, ch 1081, §1; 2013 Acts, ch 30, §70 Referred to in §322.5

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322A - MOTOR VEHICLE FRANCHISERS Section 322A.10 - Rules of evidence.

322A.10 Rules of evidence. 1. The rules of civil procedure relating to discovery and inspection shall apply to hearings held under the provisions of this chapter, and the department of inspections, appeals, and licensing may issue orders to give effect to such rules. 2. In the event issues are raised which would involve violations of any state or federal antitrust or price-fixing law, all discovery and inspection proceedings which would be available under such issues in a state or federal court action shall be available to the parties to the hearing, and the department of inspections, appeals, and licensing may issue orders to give effect to such proceedings. 3. Evidence which would be admissible under the issues in a state or federal court action is admissible in a hearing held by the department of inspections, appeals, and licensing. The department of inspections, appeals, and licensing shall apportion all costs between the parties. [C71, 73, 75, 77, 79, 81, §322A.10; 81 Acts, ch 22, §22] 2017 Acts, ch 54, §76; 2023 Acts, ch 19, §1976 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322A - MOTOR VEHICLE FRANCHISERS Section 322A.11 - Condition barring change in franchise.

322A.11 Condition barring change in franchise. Notwithstanding the terms, provisions, or conditions of any agreement or franchise, the following shall not be considered facts supporting a finding of good cause for the termination or noncontinuation of a franchise, or for entering into a franchise for the establishment of an additional dealership in a community for the same line-make: 1. The sole fact that franchiser desires further penetration of the market. 2. The change of ownership of the franchisee’s dealership or the change of executive management of the franchisee’s dealership, unless the franchiser, having the burden of proof, proves that such change of ownership or executive management will be substantially detrimental to the distribution of the franchiser’s motor vehicles in the community and that good cause for the termination or noncontinuation of the franchise or for the establishment of an additional dealership otherwise exists. 3. The fact that the franchisee refused to purchase or accept delivery of any motor vehicle or vehicles, parts, accessories or any other commodity or service not ordered by the franchisee. 4. The fact that the dealership moved to another facility and location within the dealership’s community which are equal to or superior to the dealership’s former location and facility or the fact that the dealership added an additional line-make to the dealership if the dealership’s facility is adequate to accommodate the additional line-make. 5. The fact that the dealership does not meet an index or standard established by the franchiser, unless the franchiser proves that the failure of the dealership to meet the index or standard will be substantially detrimental to the distribution of the franchiser’s motor vehicles in the community and that good cause for the termination or noncontinuation of the franchise or for the establishment of an additional dealership otherwise exists. [C71, 73, 75, 77, 79, 81, §322A.11] 98 Acts, ch 1075, §27; 2000 Acts, ch 1232, §26; 2001 Acts, ch 32, §36, 37, 40 Referred to in §322A.12, 322A.15, 322A.22

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322A - MOTOR VEHICLE FRANCHISERS Section 322A.12 - Sale or transfer of ownership.

322A.12 Sale or transfer of ownership. 1. Notwithstanding the terms, provisions, or conditions of an agreement or franchise, subject to the provisions of section 322A.11, subsection 2, in the event of the sale or transfer of ownership of a franchisee’s dealership by sale or transfer of the business or by stock transfer or in the event of a change in the executive management of a franchisee’s dealership, the franchiser shall give effect to the change in the franchise unless the transfer of the franchisee’s license under chapter 322 is denied or the new owner is unable to obtain a license under that chapter. 2. Notwithstanding the terms, provisions, or conditions of an agreement or franchise, the sale or transfer, or the proposed sale or transfer, of a franchisee’s dealership, or the change or proposed change in the executive management of a franchisee’s dealership shall not make applicable any right of first refusal of the franchiser. [C71, 73, 75, 77, 79, 81, §322A.12] 2002 Acts, ch 1063, §39

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322A - MOTOR VEHICLE FRANCHISERS Section 322A.13 - Compulsory attendance at hearings.

322A.13 Compulsory attendance at hearings. The department of inspections, appeals, and licensing may issue subpoenas, administer oaths, compel the attendance of witnesses and production of books, papers, documents, and all other evidence. The department of

inspections, appeals, and licensing may apply to the district court of the county wherein the hearing is being held for a court order enforcing this section. [C71, 73, 75, 77, 79, 81, §322A.13; 81 Acts, ch 22, §22] 2023 Acts, ch 19, §1977 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322A - MOTOR VEHICLE FRANCHISERS Section 322A.14 - License to dealer denied.

322A.14 License to dealer denied. In the event that a franchiser enters into or attempts to enter into a franchise, whether upon termination or refusal to continue another franchise or upon the establishment of an additional motor vehicle dealership in a community where the same line-make is then represented, without first complying with the provisions of this chapter, no license under chapter 322 shall be issued to that franchisee or proposed franchisee to engage in the business of selling motor vehicles manufactured or distributed by that franchiser. [C71, 73, 75, 77, 79, 81, §322A.14]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322A - MOTOR VEHICLE FRANCHISERS Section 322A.15 - Guidelines.

322A.15 Guidelines. 1. In determining whether good cause has been established for terminating or not continuing a franchise, the department of inspections, appeals, and licensing shall take into consideration the existing circumstances, including, but not limited to: a. Amount of business transacted by the franchisee. b. Investment necessarily made and obligations incurred by the franchisee in the performance of the franchisee's part of the franchise. c. Permanency of the investment. d. Whether it is injurious to the public welfare for the business of the franchisee to be disrupted. e. Whether the franchisee has adequate motor vehicle service facilities, equipment, parts and qualified service personnel to reasonably provide consumer care for the motor vehicles sold at retail by the franchisee and any other motor vehicles of the same line-make. f. Whether the franchisee refuses to honor warranties of the franchiser to be performed by the franchisee, provided that the franchiser reimburses the franchisee for such warranty work performed by the franchisee. g. Except as provided in section 322A.11, failure by the franchisee to substantially comply with those requirements of the franchise which are determined by the department of inspections, appeals, and licensing to be reasonable and material. h. Except as provided in section 322A.11, bad faith by the franchisee in complying with those terms of the franchise which are determined by the department of inspections, appeals, and licensing to be reasonable and material. 2. Good cause does not include a realignment, relocation, or reduction of dealerships. [C71, 73, 75, 77, 79, 81, §322A.15; 81 Acts, ch 22, §22] 97 Acts, ch 108, §40; 2010 Acts, ch 1061, §180; 2023 Acts, ch 19, §1978, 1979 Subsection 1, unnumbered paragraph 1 amended Subsection 1, paragraphs g and h amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322A - MOTOR VEHICLE FRANCHISERS Section 322A.16 - Additional guidelines.

322A.16 Additional guidelines. In determining whether good cause has been established for entering into an additional franchise for the same line-make, the department of inspections, appeals, and licensing shall take into consideration the existing circumstances, including, but not limited to: 1. Amount of business transacted by other franchisees of the same line-make in that community. 2. Investment necessarily made and obligations incurred by other franchisees of the same line-make, in that community, in the performance of their part of their franchises. 3. Permanency of the investment. 4. Effect on the retail motor vehicle business as a whole in that community. 5. Whether it is injurious to the public welfare for an additional franchise to be established. 6. Whether the franchisees of the same line-make in that community are providing adequate consumer care for the motor vehicles of the line-make which shall include the adequacy of motor vehicle service facilities, equipment, supply of parts and qualified service personnel. [C71, 73, 75, 77, 79, 81, §322A.16; 81 Acts, ch 22, §22] 2023 Acts, ch 19, §1980 Unnumbered paragraph 1 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322A - MOTOR VEHICLE FRANCHISERS Section 322A.17 - Review.

322A.17 Review. 1. A decision of the department of inspections, appeals, and licensing is subject to review by the state department of transportation, whose decision is final agency action for the purpose of judicial review. 2. Judicial review of actions of the state department of transportation may be sought in the manner provided for in section 322.10. [C71, 73, 75, 77, 79, 81, §322A.17; 81 Acts, ch 22, §22] 89 Acts, ch 273, §6; 2023 Acts, ch 19, §1981 Subsection 1 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322A - MOTOR VEHICLE FRANCHISERS Section 322A.18 - Duty of good faith.

322A.18 Duty of good faith. A franchise imposes on the parties a duty of good faith in performance and enforcement of the franchise agreement. "Good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing in the trade. 2010 Acts, ch 1081, §2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322A - MOTOR VEHICLE FRANCHISERS Section 322A.19 - Jurisdiction.

322A.19 Jurisdiction. 1. A condition, stipulation, or provision in a franchise restricting jurisdiction to a forum outside this state is void. 2. A condition, stipulation, or provision in a franchise providing that the franchisee consents to the jurisdiction of a forum

outside this state is void. 3. A civil action or proceeding arising out of a franchise may be commenced wherever jurisdiction over the parties or subject matter exists, even if the franchise limits actions or proceedings to a designated jurisdiction. 2010 Acts, ch 1081, §3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322A - MOTOR VEHICLE FRANCHISERS Section 322A.2 - Discontinuing franchise.

322A.2 Discontinuing franchise. 1. Unless otherwise provided in subsection 2, notwithstanding the terms, provisions, or conditions of any agreement or franchise, a franchiser shall not terminate or refuse to continue any franchise unless the franchiser has first established, in a hearing held under the provisions of this chapter, that both of the following apply: a. The franchiser has good cause for termination or noncontinuance. b. Upon termination or noncontinuance, another franchise in the same line-make will become effective in the same community, without diminution of the motor vehicle service formerly provided, or that the community cannot be reasonably expected to support such a dealership. 2. A franchiser may terminate a franchise for a particular line-make if the franchiser discontinues that line-make and a franchiser may terminate a franchise if the franchisee's license as a motor vehicle dealer is revoked pursuant to the provisions of chapter 322. [C71, 73, 75, 77, 79, 81, §322A.2] 2010 Acts, ch 1069, §110 Referred to in §322A.22

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322A - MOTOR VEHICLE FRANCHISERS Section 322A.20 - Choice of law.

322A.20 Choice of law. 1. A condition, stipulation, or provision in a franchise requiring the application of the law of another state in lieu of this chapter is void. 2. A condition, stipulation, or provision in a franchise that the franchise is to be governed by or construed in accordance with the law of another state is void. 2010 Acts, ch 1081, §4

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322A - MOTOR VEHICLE FRANCHISERS Section 322A.21 - Waivers void.

322A.21 Waivers void. A condition, stipulation, or provision in a franchise requiring a franchisee to waive compliance with or relieving a person of a duty or liability imposed by or a right provided by this chapter or order under this chapter is void. This section shall not affect the settlement of disputes, claims, controversies or civil lawsuits arising or brought pursuant to this chapter by written release or other written document where separate and adequate consideration is offered and accepted. 2010 Acts, ch 1081, §5

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322A - MOTOR VEHICLE FRANCHISERS Section 322A.22 - Other line-makes.

322A.22 Other line-makes. A condition, stipulation, or provision in a franchise prohibiting or restricting the franchisee from continuing another line-make at the dealership or adding an additional line-make to the dealership is void. This section does not limit a franchiser from establishing good cause for the termination of a franchise pursuant to sections 322A.2 and 322A.11 on the grounds that the franchisee's dealership facility is not adequate to accommodate an additional line-make that has been added to the franchisee's dealership. 2010 Acts, ch 1081, §6

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322A - MOTOR VEHICLE FRANCHISERS Section 322A.23 - Customer lists.

322A.23 Customer lists. A condition, stipulation, or provision in a franchise which requires the franchisee to provide its customer lists or service files to the franchiser is void. This section shall not apply to notification by the franchisee to the franchiser of the delivery of a new motor vehicle to a customer, including information necessary to complete the sale of the vehicle, or to the submission to the franchiser of a claim for warranty parts, recalls, repairs, or services supplied or performed by the franchisee. 2010 Acts, ch 1081, §7

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322A - MOTOR VEHICLE FRANCHISERS Section 322A.24 - Construction.

322A.24 Construction. This chapter shall be liberally construed to effectuate its purposes. 2010 Acts, ch 1081, §8

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322A - MOTOR VEHICLE FRANCHISERS Section 322A.3 - New franchise.

322A.3 New franchise. In the event that a franchiser is permitted to terminate or not continue a franchise, and is further permitted not to enter into a franchise for the line-make in the community, no franchise shall thereafter be entered into for the sale of motor vehicles of that line-make in the community, unless the franchiser has first established, in a hearing held under the provisions of this chapter, that there has been a change of circumstances so that the community at that time can be reasonably expected to support the dealership. [C71, 73, 75, 77, 79, 81, §322A.3]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322A - MOTOR VEHICLE FRANCHISERS Section 322A.3A - Alteration of franchise.

322A.3A Alteration of franchise. 1. A franchiser shall not unreasonably alter a franchisee's community. 2. A franchiser shall notify a franchisee of a proposed alteration to the franchisee's community at least sixty days prior to the effective date of the proposed alteration. Within thirty days of a request by the affected franchisee, unless otherwise provided in the notice, the franchiser shall provide the franchisee with an explanation of the basis for the proposed alteration. 3. Prior to the effective date of a proposed alteration of a franchisee's community and after the receipt of the explanation of the basis for the proposed alteration, a franchisee may object to the proposed alteration of the franchisee's community. Upon a franchisee's objection, a franchiser shall provide an internal appeal process for the franchisee. However, the franchiser is not required to provide an internal appeal process if the franchiser has already provided the franchisee with an opportunity to object to the alteration of the franchisee's community and to provide information in objection to the alteration for the franchiser's consideration prior to the franchiser's issuance of notice of the proposed alteration. 4. a. Within fifteen days of the completion of the franchiser's internal appeal process, a franchisee may challenge the reasonableness of the proposed alteration of the franchisee's community by filing an application with the department requesting a hearing to be held pursuant to section 322A.7. b. After a hearing held as described in this subsection, the department of inspections, appeals, and licensing may affirm, deny, or modify the proposed alteration of a franchisee's community, may enter any other orders necessary to ensure that an alteration of the franchisee's community is reasonable in light of all the relevant circumstances, and may assess the costs of the hearing among the parties to the hearing as appropriate. 5. No change to the franchisee's community shall take effect during the pendency of the internal appeals process specified in subsection 3 or the hearing specified in subsection 4. 6. A franchiser shall not take any adverse action against a franchisee as a result of an alteration of the franchisee's community for at least twelve months after the effective date of the alteration. 2013 Acts, ch 63, §1; 2023 Acts, ch 19, §1970 Subsection 4, paragraph b amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322A - MOTOR VEHICLE FRANCHISERS Section 322A.4 - Additional franchise.

322A.4 Additional franchise. No franchiser shall enter into any franchise for the purpose of establishing an additional motor vehicle dealership in any community in which the same line-make is then represented, unless the franchiser has first established in a hearing held under the provisions of this chapter that there is good cause for such additional motor vehicle dealership under such franchise, and that it is in the public interest. [C71, 73, 75, 77, 79, 81, §322A.4]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322A - MOTOR VEHICLE FRANCHISERS Section 322A.5 - Warranties and recalls.

322A.5 Warranties and recalls. 1. Every franchiser and franchisee shall fulfill the terms of any express or implied warranty concerning the sale of a motor vehicle to the public of the line-make which is the subject of a contract or franchise agreement between the parties. If it is determined by the district court that either the franchiser or franchisee, or both, have violated an express or implied warranty, the court shall add to any award or relief granted an additional award for reasonable attorney fees and other necessary expenses for maintaining the litigation. 2. a. A franchiser shall specify in writing to each of the franchiser's franchisees operating in this state the franchisee's obligations for preparation, delivery, and warranty services related to the franchiser's products. The franchiser shall compensate the franchisee for the warranty services the franchiser requires the franchisee to provide, including warranty and recall obligations related to repairing and servicing motor vehicles of the franchiser and all parts and components authorized by the manufacturer to be installed in or manufactured for installation in such motor vehicles. b. The franchiser shall provide to the franchisee a schedule of compensation that specifies reasonable compensation the franchiser will pay to the franchisee for such warranty services, including for parts, labor, and diagnostics. (1) In determining the schedule of compensation for parts, the franchiser may multiply the price paid by the franchisee for parts, including all shipping costs and other charges, by the sum of one and the franchisee's average percentage markup. The franchisee's average percentage markup is calculated by subtracting one from the result of dividing the total amounts charged by the franchisee for parts used in warranty-like repairs by the total cost to the franchisee for the parts in the retail service orders submitted pursuant to subparagraph (3). (2) In determining the schedule of compensation for labor-related warranty services, the franchiser may calculate the franchisee's retail labor rate by dividing the total amount of retail sales attributable to labor for warranty-like services by the number of hours of labor spent to generate the retail sales in the retail service orders submitted pursuant to subparagraph (3). (3) (a) The franchisee may establish its average percentage markup for parts or its labor rate by submitting to the franchiser copies of one hundred sequential retail service orders paid by the franchisee's customers, or all of the franchisee's retail service orders paid by the franchisee's customers in a ninety-day period, whichever is less, for services provided within the previous one-hundred-eighty-day period. The franchiser shall not consider retail service orders or portions of retail service orders attributable to routine maintenance such as tire service or oil service. (b) Within thirty days of receiving the franchisee's submission, the franchiser may choose to audit the submitted orders. The franchiser shall then approve or deny the establishment of the franchisee's average percentage markup or labor rate. If the franchiser approves the establishment of the franchisee's average percentage markup or labor rate, the markup or rate calculated under this subparagraph shall go into effect forty-five days after the date of the franchiser's approval. If the franchiser denies the establishment of the franchisee's average percentage markup or labor rate, the franchisee may file a complaint with the

department and a hearing shall be held before the department of inspections, appeals, and licensing. The franchiser shall have the burden of proof to establish that the franchiser's denial was reasonable. If the department of inspections, appeals, and licensing finds the denial was not reasonable, the denial shall be deemed a violation of this chapter and the department of inspections, appeals, and licensing shall determine the franchisee's average percentage markup or labor rate for purposes of calculating a reasonable schedule of compensation. In making such a determination, the department of inspections, appeals, and licensing shall not consider retail service orders or portions of retail service orders attributable to routine maintenance such as tire service or oil service. (c) A franchiser shall not require a franchisee to establish an average percentage markup or labor rate by a methodology, or by requiring the submission of information, that is unduly burdensome or time-consuming to the franchisee, including but not limited to requiring part-by-part or transaction-by-transaction calculations. (d) A franchisee shall not request a change in the franchisee's average percentage markup or labor rate more than once in any one-year period. (4) The compensation to the franchisee for warranty parts and labor shall not be less than the rates charged by the franchisee for like parts and services to retail customers, provided the rates are reasonable. c. The franchiser shall provide to the franchisee a list of time allowances for the performance of warranty services. Time allowances for the performance of warranty services, including diagnostic services, shall be reasonable and adequate for the services to be performed. 3. A franchiser shall not do any of the following: a. Fail to perform any warranty obligation. b. Fail to compensate any of the franchiser's franchisees operating in this state for repairs relating to a recall. 4. a. A claim made by a franchisee for warranty services pursuant to this section shall be paid within thirty days after the claim's approval. A franchiser shall either approve or deny a claim within thirty days after the franchiser receives a claim if the claim is submitted on a proper form generally used by the franchiser and the claim contains the information required by the franchiser. If a franchiser does not deny a claim in writing within thirty days after the receipt of the claim, the claim shall be deemed to be approved by the franchiser and payment shall be made to the franchisee within thirty days. b. A franchiser may deny a franchisee's claim for compensation for warranty or recall services if the franchisee's claim is based on a repair not related to warranty or recall services, the repair was not properly performed, the franchisee lacks the reasonably required documentation for the claim, the franchisee fails to comply with the terms and conditions of the franchiser's warranty or recall compensation program, or the franchiser has a bona fide belief based on factual evidence that the franchisee's claim was submitted containing an intentionally false or fraudulent statement or misrepresentation. A franchiser may reject, but shall not deny, a claim based solely on a franchisee's unintentional failure to comply with a specific claim processing requirement, such as a clerical error, that does not otherwise affect the legitimacy of the claim. If a claim is rejected for such a failure, the franchisee may resubmit a corrected claim in a timely manner to the franchiser. c. The requirement to approve a claim within thirty days or to pay an approved claim within thirty days as provided in this subsection shall not be construed to preclude denials, reductions, or chargebacks not otherwise prohibited under section 322.3, subsection 14. 5. The obligations set forth in this section shall apply to any franchiser as defined in this chapter and any franchiser of new motor vehicle transmissions, engines, or rear axles that separately warrants such components to customers. [C71, 73, 75, 77, 79, 81, §322A.5] 2018 Acts, ch 1095, §4; 2021 Acts, ch 38, §5; 2023 Acts, ch 19, §1971 Subsection 2, paragraph b, subparagraph (3), subparagraph division (b) amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322A - MOTOR VEHICLE FRANCHISERS Section 322A.6 - Application filed with the department.

322A.6 Application filed with the department. 1. If a franchiser seeks to terminate or not continue a franchise, or seeks to enter into a franchise establishing an additional motor vehicle dealership of the same line-make, the franchiser shall file an application with the department for permission to terminate or not continue the franchise, or for permission to enter into a franchise for additional representation of the same line-make in that community. 2. An applicant seeking permission to enter into a franchise for additional representation of the same line-make in a community shall deposit with the department at the time the application is filed, an amount of money to be determined by the department of inspections, appeals, and licensing to pay the costs of the hearing. [C71, 73, 75, 77, 79, 81, §322A.6; 81 Acts, ch 22, §22] 86 Acts, ch 1244, §42; 89 Acts, ch 273, §5; 2023 Acts, ch 19, §1972 Subsection 2 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322A - MOTOR VEHICLE FRANCHISERS Section 322A.7 - Department of inspections, appeals, and licensing to hold hearing.

322A.7 Department of inspections, appeals, and licensing to hold hearing. 1. Upon receiving an application, the department shall notify the department of inspections, appeals, and licensing which shall enter an order fixing a time, which shall be within ninety days of the date of the order, and place of hearing, and shall send by certified or registered mail, with return receipt requested, a copy of the order to the franchisee whose franchise the franchiser seeks to terminate or not continue, or to the franchiser who is seeking to alter a franchisee's community, as applicable. If the application requests permission to establish an additional motor vehicle dealership, a copy of the order shall be sent to all franchisees in the community who are then engaged in the business of offering to sell or selling the same line-make. If the application challenges the reasonableness of a proposed alteration to a franchisee's community, a copy of the order shall be sent to all franchisees located in Iowa surrounding the affected community which are then engaged in the business of offering to sell or selling the same line-make. Copies of orders shall be addressed to the franchisee at the place where the business is conducted. The department of inspections, appeals, and licensing may also give notice of the franchiser's application to any other parties deemed interested persons, the notice to be in the form and substance and given in the manner the department of inspections, appeals, and licensing deems appropriate. 2. Any person who can show an interest in the application may become a party to the hearing, whether or not that person receives notice. However, a party not receiving notice

shall be limited to participation at the hearing on the question of the public interest in the termination or continuation of the franchise or in the establishment of an additional motor vehicle dealership. [C71, 73, 75, 77, 79, 81, §322A.7; 81 Acts, ch 22, §22] 86 Acts, ch 1245, §1941; 2013 Acts, ch 63, §2; 2023 Acts, ch 19, §1973 Referred to in §322A.3A Subsection 1 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322A - MOTOR VEHICLE FRANCHISERS Section 322A.8 - Continuation.

322A.8 Continuation. If the department of inspections, appeals, and licensing finds it desirable it may upon request continue the date of hearing for a period of ninety days, and may upon application, but not ex parte, continue the date of hearing for an additional period of ninety days. [C71, 73, 75, 77, 79, 81, §322A.8; 81 Acts, ch 22, §22] 2023 Acts, ch 19, §1974 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322A - MOTOR VEHICLE FRANCHISERS Section 322A.9 - Burden of proof.

322A.9 Burden of proof. 1. Upon hearing, the franchiser shall have the burden of proof to establish that under the provisions of this chapter the franchiser should be granted permission to terminate or not continue the franchise, or to enter into a franchise establishing an additional motor vehicle dealership, or to alter a franchisee's community. 2. Nothing contained in this chapter shall be construed to require or authorize any investigation by the department of any matter before the department under this chapter. Upon hearing, the department of inspections, appeals, and licensing shall hear the evidence introduced by the parties and shall make its decision solely upon the record so made. [C71, 73, 75, 77, 79, 81, §322A.9; 81 Acts, ch 22, §22] 2013 Acts, ch 63, §3; 2023 Acts, ch 19, §1975 Subsection 2 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322C - TOWABLE RECREATIONAL VEHICLE DEALERS, MANUFACTURERS, AND DISTRIBUTORS Section 322C.1 - Administration.

322C.1 Administration. This chapter shall be administered by the director of transportation. The state department of transportation may employ persons necessary for the administration of this chapter. [C81, §322C.1]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322C - TOWABLE RECREATIONAL VEHICLE DEALERS, MANUFACTURERS, AND DISTRIBUTORS Section 322C.10 - Fees.

322C.10 Fees. Fees accruing from the administration of this chapter shall be accounted for and paid by the department into the state treasury monthly and credited to the road use tax fund. [C81, §322C.10]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322C - TOWABLE RECREATIONAL VEHICLE DEALERS, MANUFACTURERS, AND DISTRIBUTORS Section 322C.11 - Penalties.

322C.11 Penalties. A person violating a provision of section 322C.3 or 322C.7 is guilty of a serious misdemeanor. [C81, §322C.11] 2000 Acts, ch 1154, §27

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322C - TOWABLE RECREATIONAL VEHICLE DEALERS, MANUFACTURERS, AND DISTRIBUTORS Section 322C.12 - Semitrailer or towable recreational vehicle retail installment contract — finance charges.

322C.12 Semitrailer or towable recreational vehicle retail installment contract — finance charges. 1. A retail installment contract or agreement for the sale of a semitrailer or towable recreational vehicle may include a finance charge not in excess of the following rates: a. Class 1. Any new semitrailer or towable recreational vehicle designated by the manufacturer by a year model not earlier than the year in which the sale is made, an amount equivalent to one and three-fourths percent per month simple interest on the declining balance of the amount financed. b. Class 2. Any new semitrailer or towable recreational vehicle not in class 1 and any used semitrailer designated by the manufacturer by a year model of the same or not more than two years prior to the year in which the sale is made, an amount equivalent to two percent per month simple interest on the declining balance of the amount financed. c. Class 3. Any used semitrailer or towable recreational vehicle not in class 2 and designated by the manufacturer by a year model more than two years prior to the year in which the sale is made, an amount equivalent to two and one-fourth percent per month simple interest on the declining balance of the amount financed. 2. "Amount financed" means the same as defined in section 537.1301. 3. The limitations contained in this section do not apply in a transaction referred to in section 535.2, subsection 2. With respect to a consumer credit sale, as defined in section 537.1301, the limitations contained in this section supersede conflicting provisions of chapter 537, article 2, part 2. [C81, §322C.12; 82 Acts, ch 1153, §3, 18(1)] 2010 Acts, ch 1061, §180; 2019 Acts, ch 67, §9, 20 This section was not enacted as a part of this chapter; 79 Acts, ch 128, §1

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322C - TOWABLE RECREATIONAL VEHICLE DEALERS, MANUFACTURERS, AND DISTRIBUTORS Section 322C.13 - Manufacturer-dealer agreement required — community.

322C.13 Manufacturer-dealer agreement required — community. 1. A manufacturer or distributor shall not sell a new towable recreational vehicle in this state to or through a towable recreational vehicle dealer without first entering into a manufacturer-dealer agreement with the dealer that has been signed by both parties. A dealer shall not sell a new towable recreational vehicle in this state

without first entering into a manufacturer-dealer agreement with a manufacturer or distributor that has been signed by both parties.

2. Except as provided in subsection 3, a manufacturer-dealer agreement shall designate the community exclusively assigned to a dealer by the manufacturer or distributor, and the manufacturer or distributor shall not change the community or contract with another dealer for the sale of the same line-make of towable recreational vehicle in the community for the duration of the agreement.

3. The community designated in a manufacturer-dealer agreement may be reviewed or changed with the consent of both parties not less than twelve months after execution of the agreement. 2019 Acts, ch 67, §10, 20

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322C - TOWABLE RECREATIONAL VEHICLE DEALERS, MANUFACTURERS, AND DISTRIBUTORS Section 322C.14 - Manufacturer-dealer agreement — termination, cancellation, nonrenewal, or alteration by manufacturer or distributor.

322C.14 Manufacturer-dealer agreement — termination, cancellation, nonrenewal, or alteration by manufacturer or distributor. 1. Notwithstanding section 322C.3, subsection 5, a manufacturer or distributor may, either directly or through any authorized officer, agent, or employee, terminate, cancel, or fail to renew a manufacturer-dealer agreement with or without good cause. If the manufacturer or distributor terminates, cancels, or fails to renew a manufacturer-dealer agreement without good cause, the manufacturer or distributor shall comply with the repurchase requirements set forth in section 322C.16. 2. A manufacturer or distributor shall have the burden of proof to demonstrate good cause for terminating, canceling, or failing to renew a manufacturer-dealer agreement. For purposes of determining whether good cause exists for the manufacturer's or distributor's termination, cancellation, or failure to renew a manufacturer-dealer agreement, any of the following factors may be considered: a. The extent of the dealer's presence in the community. b. The nature and extent of the dealer's investment in the dealer's business. c. The adequacy of the dealer's service facilities, equipment, parts, supplies, and personnel. d. The effect that the proposed termination, cancellation, or nonrenewal of the manufacturer-dealer agreement would have on the community. e. The extent and quality of the dealer's service under the warranties of the towable recreational vehicles sold by the dealer. f. The dealer's failure to follow procedures or standards related to the overall operation of the dealership that were agreed to by the dealer. g. The dealer's performance under the terms of the manufacturer-dealer agreement. 3. a. Except as otherwise provided in this subsection or subsection 4, a manufacturer or distributor shall provide to a dealer written notice of termination, cancellation, or nonrenewal of a manufacturer-dealer agreement for good cause at least ninety days prior to terminating, canceling, or failing to renew the manufacturer-dealer agreement. b. (1) The notice shall state all of the reasons for the termination, cancellation, or nonrenewal and shall further state that if, within thirty days following receipt of the notice, the dealer provides to the manufacturer or distributor a written notice of intent to cure all claimed deficiencies, the dealer shall then have ninety days following receipt of the notice to cure the deficiencies. (2) If the deficiencies are cured within ninety days, the manufacturer's or distributor's notice is voided. If the dealer fails to provide the notice of intent to cure the deficiencies within thirty days, or fails to cure the deficiencies within ninety days, the termination, cancellation, or nonrenewal takes effect as provided in the original notice. If the dealer has possession of new and untitled inventory, the inventory may be sold pursuant to section 322C.16. c. The notice period for termination, cancellation, or nonrenewal of a manufacturer-dealer agreement for good cause may be reduced to thirty days if the grounds for termination, cancellation, or nonrenewal are due to any of the following factors: (1) The dealer or one of the dealer's owners has been convicted of, or has entered a plea of guilty or nolo contendere to, a felony. (2) The dealer has abandoned or closed the dealer's business operations for ten consecutive business days. This subparagraph does not apply if the closing is due to a normal seasonal closing and the dealer notifies the manufacturer or distributor of the planned closing, or is due to an act of God, a strike, a labor difficulty, or any other cause over which the dealer has no control. (3) The dealer has made a significant misrepresentation that materially affects the business relationship of the manufacturer or distributor and the dealer. (4) The dealer's license has been suspended, revoked, denied, or has not been renewed by the department. (5) The dealer has committed a material violation of this chapter which is not cured within thirty days after receipt of written notice of the violation. 4. Subsection 3 does not apply if the manufacturer or distributor terminates, cancels, or fails to renew the manufacturer-dealer agreement because the dealer is insolvent, or has filed for bankruptcy, receivership, or assignment for the benefit of creditors. 2019 Acts, ch 67, §11, 20; 2020 Acts, ch 1063, §168

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322C - TOWABLE RECREATIONAL VEHICLE DEALERS, MANUFACTURERS, AND DISTRIBUTORS Section 322C.15 - Manufacturer-dealer agreement — termination, cancellation, nonrenewal, or alteration by dealer.

322C.15 Manufacturer-dealer agreement — termination, cancellation, nonrenewal, or alteration by dealer. 1. A dealer may terminate, cancel, or fail to renew a manufacturer-dealer agreement with or without good cause. If the dealer terminates, cancels, or fails to renew a manufacturer-dealer agreement with good cause, the manufacturer or distributor shall comply with the repurchase requirements set forth in section 322C.16. 2. The dealer shall have the burden of proof to demonstrate good cause for terminating, canceling, or failing to renew a manufacturer-dealer agreement. For purposes of determining whether good cause exists for the dealer's termination, cancellation, or failure to renew a manufacturer-dealer agreement, any of the following factors shall be deemed to be good cause: a. The manufacturer or distributor has been convicted of, or has entered a plea of guilty or nolo contendere to, a felony. b. The manufacturer's or distributor's business operations have been abandoned or caused the dealer's business operations to close for ten consecutive business days. This paragraph does not apply if the closing is due to a normal seasonal closing and the manufacturer or distributor notifies the dealer of the planned closing, or is due to an act of God, a strike, a labor difficulty, or any other cause over which the manufacturer or distributor has no control. c. The manufacturer or distributor has made a significant

misrepresentation that materially affects the business relationship of the manufacturer or distributor and the dealer. d. The manufacturer or distributor has committed a material violation of this chapter which is not cured within thirty days after receipt of written notice of the violation. e. The manufacturer or distributor is insolvent, or has filed for bankruptcy, receivership, or assignment for the benefit of creditors. 3. a. A dealer shall provide to a manufacturer or distributor written notice of termination, cancellation, or nonrenewal of a manufacturer-dealer agreement at least thirty days prior to terminating, canceling, or failing to renew the manufacturer-dealer agreement. b. (1) If a termination or cancellation is for good cause, the notice shall state all of the reasons for the termination or cancellation and shall further state that if, within thirty days following receipt of the notice, the manufacturer or distributor provides to the dealer a written notice of intent to cure all claimed deficiencies, the manufacturer or distributor shall then have ninety days following receipt of the notice to cure the deficiencies. (2) If the deficiencies are cured within ninety days, the dealer's notice is voided. If the manufacturer or distributor fails to provide the notice of intent to cure the deficiencies within thirty days, or fails to cure the deficiencies within ninety days, the termination or cancellation takes effect as provided in the original notice. 2019 Acts, ch 67, §12, 20; 2019 Acts, ch 89, §14; 2020 Acts, ch 1063, §169

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322C - TOWABLE RECREATIONAL VEHICLE DEALERS, MANUFACTURERS, AND DISTRIBUTORS Section 322C.16 - Repurchase or sale of inventory.

322C.16 Repurchase or sale of inventory. 1. If a manufacturer-dealer agreement is terminated, canceled, or not renewed by the manufacturer or distributor without good cause, or by a dealer with good cause and, in the case of termination or cancellation, the manufacturer or distributor fails to provide notice or cure the deficiencies claimed by the dealer, the manufacturer or distributor shall, at the dealer's option and within forty-five days after termination, cancellation, or nonrenewal, repurchase all of the following: a. All new, untitled towable recreational vehicles that the dealer acquired from the manufacturer or distributor within twelve months prior to the effective date of the notice of termination, cancellation, or nonrenewal of the manufacturer-dealer agreement that have not been used other than for demonstration purposes, and that have not been altered or damaged, at one hundred percent of the net invoice cost, including transportation, less applicable rebates and discounts to the dealer. If any of the towable recreational vehicles repurchased pursuant to this paragraph are damaged, but do not require a disclosure under section 321.69A, the amount due to the dealer shall be reduced by the cost to repair the vehicle. Damage incurred by a vehicle prior to delivery to the dealer that was disclosed at the time of delivery shall not disqualify repurchase pursuant to this paragraph. b. All undamaged proprietary parts for any line-make subject to the termination, cancellation, or nonrenewal that was sold to the dealer for resale within twelve months prior to the effective date of the termination, cancellation, or nonrenewal of the manufacturer-dealer agreement, if accompanied by the original invoice, at one hundred five percent of the original net price paid to the manufacturer or distributor. c. All properly functioning diagnostic equipment, special tools, current signage, or other equipment and machinery that was purchased by the dealer upon the request of the manufacturer or distributor for any line-make subject to the termination, cancellation, or nonrenewal within five years prior to the effective date of the termination, cancellation, or nonrenewal of the manufacturer-dealer agreement that can no longer be used in the normal course of the dealer's ongoing business. 2. If towable recreational vehicles of a particular line-make subject to a terminated, canceled, or nonrenewed manufacturer-dealer agreement are not repurchased or required to be repurchased pursuant to the agreement, the dealer may continue to sell such vehicles existing in the dealer's inventory until the vehicles are no longer in the dealer's inventory. 2019 Acts, ch 67, §13, 20 Referred to in §322C.14, 322C.15

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322C - TOWABLE RECREATIONAL VEHICLE DEALERS, MANUFACTURERS, AND DISTRIBUTORS Section 322C.17 - Transfer of ownership — family succession — objection.

322C.17 Transfer of ownership — family succession — objection. 1. a. If a towable recreational vehicle dealer makes or intends to make a change in ownership of a dealership by sale of the business assets, a stock transfer, or in another manner, the dealer shall provide to a manufacturer or distributor that is a party to a manufacturer-dealer agreement with the dealer written notice of the proposed change at least fifteen business days before the change becomes effective. The notice shall include all supporting documentation that may be reasonably required by the manufacturer or distributor to determine whether to make an objection to the change. b. In the absence of a breach by the dealer of the manufacturer-dealer agreement or a violation of this chapter, the manufacturer or distributor shall not object to the proposed change in ownership unless the objection is to the prospective transferee for any of the following reasons: (1) The transferee has previously been a party to a manufacturer-dealer agreement with the manufacturer or distributor and the agreement was terminated, canceled, or not renewed by the manufacturer or distributor for good cause. (2) The transferee has been convicted of a felony or any crime of fraud, deceit, or moral turpitude. (3) The transferee lacks any license required by law. (4) The transferee does not have an active line of credit sufficient to purchase the manufacturer's or distributor's products. (5) The transferee is insolvent or has been within the previous ten years, or has filed for bankruptcy, receivership, or assignment for the benefit of creditors within the previous ten years. c. If a manufacturer or distributor objects to a proposed change in ownership of a dealership, the manufacturer or distributor shall provide written notice of the reasons for the objection to the dealer within fifteen business days after receipt of the dealer's notification and supporting documentation about the proposed change. The manufacturer or distributor shall have the burden of proof to demonstrate that the objection complies with the requirements of this subsection. If the manufacturer or distributor does not provide the dealer with timely notice of the objection, the dealer's proposed change in ownership of the dealership shall be deemed approved. 2. a. A manufacturer or distributor shall provide to a dealer the opportunity to designate, in writing, a family member as a successor to ownership of a dealership in the event of the death, incapacity, or retirement of the dealer. If a dealer desires to designate a family member as a successor to ownership of a

dealership, the dealer shall provide to the manufacturer or distributor that is a party to the manufacturer-dealer agreement with the dealer written notice of the proposed designation, or modification of a previous designation, at least fifteen business days before the designation or proposed modification of a designation becomes effective. The notice shall include all supporting documentation as may be reasonably required by the manufacturer or distributor to determine whether to make an objection to the succession plan. b. In the absence of a breach by the dealer of the manufacturer-dealer agreement or a violation of this chapter, the manufacturer or distributor shall not object to the designation or proposed modification of a designation unless the objection is to the designated successor for any of the following reasons: (1) The designated successor has previously been a party to a manufacturer-dealer agreement with the manufacturer or distributor and the agreement was terminated, canceled, or not renewed by the manufacturer or distributor for good cause. (2) The designated successor has been convicted of a felony or any crime of fraud, deceit, or moral turpitude. (3) The designated successor lacks any license required by law at the time of succession. (4) The designated successor does not have an active line of credit sufficient to purchase the manufacturer's or distributor's products at the time of succession. (5) The designated successor is insolvent or has been within the previous ten years, or has filed for bankruptcy, receivership, or assignment for the benefit of creditors within the previous ten years. c. If a manufacturer or distributor objects to a succession plan, the manufacturer or distributor shall provide written notice of the reasons for the objection to the dealer within fifteen business days after receipt of the dealer's notification and supporting documentation about the proposed designation or proposed modification of a designation. The manufacturer or distributor shall have the burden of proof to demonstrate that the objection complies with the requirements of this subsection. If the manufacturer or distributor does not provide the dealer with timely notice of the objection, the dealer's proposed succession plan shall be deemed approved. A manufacturer or distributor shall allow the succession of ownership of a dealership to a designated family member when a dealer is deceased, incapacitated, or has retired, unless the manufacturer or distributor has provided to the dealer written notice of the manufacturer's or distributor's objections to the succession within fifteen days after receipt of notice of the succession. However, a family member of a dealer shall not succeed to ownership of a dealership if the succession involves, without the manufacturer's or distributor's consent, a relocation of the dealership or alteration of the terms and conditions of the manufacturer-dealer agreement. 2019 Acts, ch 67, §14, 20

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322C - TOWABLE RECREATIONAL VEHICLE DEALERS, MANUFACTURERS, AND DISTRIBUTORS Section 322C.18 - Warranty obligations.

322C.18 Warranty obligations. 1. A warrantor shall do all of the following: a. Specify in writing to each dealer what obligations the dealer has, if any, for the preparation and delivery of, and warranty services on, the warrantor's products. b. Compensate the dealer for warranty services the warrantor requires the dealer to perform. c. Provide the dealer with a schedule of compensation and time allowances for the performance of warranty services. The schedule of compensation shall include reasonable compensation for warranty services performed by the dealer, including diagnostic services. 2. a. Time allowances for the performance of warranty services, including diagnostic services, shall be reasonable for the service to be performed. b. In determining what constitutes reasonable compensation under this section, the principle factors to be given consideration shall be the actual wage rates being paid by the dealer and the actual retail wage rates being charged by other dealers in the community in which the dealer is doing business. The compensation of a dealer for warranty services shall not be less than the lowest actual retail wage rates charged by the dealer for similar nonwarranty services, as long as the actual retail wage rates are reasonable. 3. A warrantor shall reimburse a dealer for any warranty part, accessory, or complete component at actual wholesale cost to the dealer plus a minimum of a thirty percent handling charge, not to exceed one hundred fifty dollars, and plus the cost, if any, to the dealer to return such part, component, or accessory to the warrantor. 4. A warrantor may conduct a warranty audit of a dealer's records within twelve months after the payment of a warranty claim. A warrantor shall not deny a dealer's claim for warranty compensation except for good cause, including performance of nonwarranty repairs, material noncompliance with the warrantor's published policies and procedures, lack of material documentation, fraud, or misrepresentation. 5. A dealer shall submit claims for compensation for the performance of warranty services to the warrantor within forty-five days after completion of the warranty services. 6. A dealer shall immediately notify a warrantor in writing if the dealer is unable to perform warranty services, including diagnostic services, within ten days of receipt of a written complaint from a consumer. 7. A warrantor shall deny a claim submitted by a dealer for compensation for the performance of warranty services, in writing, within thirty days after submission of the claim in the manner and form prescribed by the warrantor. A claim not specifically denied as required by this subsection shall be deemed approved and shall be paid within sixty days of submission of the claim. 8. A warrantor shall not do any of the following: a. Fail to perform any of the warrantor's obligations with respect to its warranted products. b. Fail to include, in written notices of a factory campaign to towable recreational vehicle owners and dealers, the expected date by which necessary parts and equipment, including tires and chassis or chassis parts, will be available to dealers to perform the factory campaign work. The warrantor may ship parts to a dealer for purposes of factory campaign work, and, if such parts are in excess of the dealer's requirements, the dealer may return unused, undamaged parts to the warrantor for credit after completion of the factory campaign. c. Fail to compensate the warrantor's dealers for authorized repairs performed by the dealer on merchandise damaged in manufacture or in transit to the dealer by a carrier designated by the warrantor, factory branch, distributor, or distributor branch. d. Fail to compensate the warrantor's dealers in accordance with the schedule of compensation provided to the dealer pursuant to this section, if the warranty services for which compensation is claimed are performed by the dealer in a timely and competent manner as required in this section. e. Intentionally misrepresent in any way to consumers that warranties with respect to the manufacture, performance, or design of towable recreational vehicles are made by the dealer as warrantor or co-warrantor. f. Require the warrantor's dealers to make warranties to a consumer that are in any manner

related to the manufacture of a towable recreational vehicle. 9. A dealer shall not do any of the following: a. Fail to perform predelivery inspection functions, as specified by the warrantor, in a competent and timely manner. b. Fail to perform warranty services, as authorized by the warrantor, in a competent and timely manner on any transient consumer's towable recreational vehicle of a line-make sold or serviced by the dealer. c. Fail to accurately document the time spent completing each repair, the total number of repair attempts conducted on a single towable recreational vehicle, and the number of repair attempts for the same repair conducted on a single towable recreational vehicle. d. Fail to notify the warrantor within ten days of a second repair attempt on a towable recreational vehicle which impairs the use, value, or safety of the vehicle. e. Fail to maintain written records, including a consumer's written or electronic verification or signature, regarding the amount of time a towable recreational vehicle is stored for the consumer's convenience during a repair. f. Make fraudulent warranty claims or misrepresent the terms of any warranty. 2019 Acts, ch 67, §15, 20

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322C - TOWABLE RECREATIONAL VEHICLE DEALERS, MANUFACTURERS, AND DISTRIBUTORS Section 322C.19 - Indemnification — warrantor and dealer.

322C.19 Indemnification — warrantor and dealer. 1. a. Notwithstanding the terms of a manufacturer-dealer agreement, a warrantor shall indemnify and hold harmless the warrantor's dealer against any loss or damage, to the extent the loss or damage is caused by willful misconduct of the warrantor. b. A warrantor shall not deny a dealer indemnification for failure to discover, disclose, or remedy a defect in the design or manufacture of a new towable recreational vehicle. A warrantor may deny a dealer indemnification if the dealer fails to remedy a known and announced defect in accordance with the written instructions of the warrantor for whom the dealer is obligated to perform warranty services. c. A warrantor shall provide to the dealer a copy of any pending lawsuit in which allegations are made against the warrantor of willful misconduct. The warrantor shall provide the copy to the dealer within ten days after receiving notice of the lawsuit. 2. a. Notwithstanding the terms of a manufacturer-dealer agreement, a dealer shall indemnify and hold harmless the dealer's warrantor against any loss or damage, to the extent that the loss or damage is caused by willful misconduct of the dealer. b. A dealer shall provide to the warrantor a copy of any pending lawsuit in which allegations are made against the dealer of willful misconduct. The dealer shall provide the copy to the warrantor within ten days after receiving notice of the lawsuit. 3. Notwithstanding any provision of law to the contrary, this section continues to apply after a new towable recreational vehicle is titled. 2019 Acts, ch 67, §16, 20

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322C - TOWABLE RECREATIONAL VEHICLE DEALERS, MANUFACTURERS, AND DISTRIBUTORS Section 322C.2 - Definitions.

322C.2 Definitions. As used in this chapter unless the context otherwise requires: 1. To sell "at retail" means to sell a towable recreational vehicle to a person who will devote it to a consumer use. 2. "Community" means a towable recreational vehicle dealer's area of responsibility as stipulated in the manufacturer-dealer agreement. 3. "Department" means the state department of transportation. 4. "Distributor" means a person who sells or distributes towable recreational vehicles to towable recreational vehicle dealers either directly or through a representative employed by a distributor. 5. "Factory campaign" means an effort by or on behalf of a warrantor to contact towable recreational vehicle dealers or owners to address an equipment or part issue. 6. "Family member" means a spouse, child, grandchild, parent, sibling, niece, or nephew, or the spouse of a child, grandchild, parent, sibling, niece, or nephew. 7. "Fifth-wheel travel trailer" means a vehicle mounted on wheels that has an overall length of forty-five feet or less, is designed to provide temporary living quarters for recreational, camping, or travel use, is of such a size and weight as to not require a permit under chapter 321E when moved on a highway, and is designed to be towed by a motor vehicle equipped with a towing mechanism located above or forward of the motor vehicle's rear axle. "Fifth-wheel travel trailer" includes a toy-hauler fifth-wheel travel trailer. 8. "Folding camping trailer" means a vehicle mounted on wheels and constructed with collapsible side walls designed to be folded when towed by a motor vehicle and unfolded to provide temporary living quarters for recreational, camping, or travel use. 9. "Line-make" means a specific series of towable recreational vehicles meeting all of the following criteria: a. The vehicles are identified by a common series trade name or trademark. b. The vehicles are targeted at a particular market segment, as determined by the vehicles' decoration, features, equipment, size, weight, and price range. c. The vehicles have lengths and interior floor plans distinguishable from other towable recreational vehicles with substantially similar decoration, features, equipment, weight, and price. d. The vehicles belong to a single, distinct classification of a towable recreational vehicle product type having a substantial degree of commonality in the construction of the chassis, frame, and body. e. A manufacturer-dealer agreement authorizes a dealer to sell the vehicles. 10. "Manufacturer" means a person engaged in the manufacture of towable recreational vehicles. 11. "Manufacturer-dealer agreement" means a written agreement or contract entered into between a manufacturer or distributor and a towable recreational vehicle dealer that specifies the rights and responsibilities of the parties and authorizes the dealer to sell and service new towable recreational vehicles. 12. "New towable recreational vehicle" means a towable recreational vehicle that has not been sold at retail. 13. "Park model recreational vehicle" means a vehicle meeting all of the following criteria: a. The vehicle is designed to provide, and marketed as providing, temporary living quarters for recreational, camping, travel, or seasonal use. b. The vehicle is not permanently affixed to real property for use as a permanent dwelling. c. The vehicle is built on a single chassis mounted on wheels with a gross trailer area not exceeding four hundred square feet in the vehicle's set-up mode. d. The vehicle is certified by the manufacturer as in compliance with the American national standard for park model recreational vehicles, commonly cited as "ANSI A 119.5". 14. "Person" includes any individual, partnership, corporation, association, fiduciary, or other legal entity engaged in business, other than a unit or agency of government or governmental subdivision. 15. "Place of business" means a

designated location where facilities are maintained for displaying, reconditioning, and repairing either new or used towable recreational vehicles. 16. “Proprietary part” means any part manufactured by or for, and sold exclusively by, a manufacturer. 17. “Sell” includes barter, exchange, and other methods of dealing. 18. “Supplier” means a person engaged in the manufacture of towable recreational vehicle parts, accessories, or components. 19. “Towable recreational vehicle” means a vehicle designed to be towed by a motor vehicle owned by a consumer and to provide temporary living quarters for recreational, camping, or travel use, that complies with all applicable federal regulations, and that is certified by the vehicle’s manufacturer as in compliance with the national fire protection association standard on recreational vehicles, commonly cited as “NFPA 1192”, or the American national standard for park model recreational vehicles, commonly cited as “ANSI A 119.5”, as applicable. “Towable recreational vehicle” includes a travel trailer, toy-hauler travel trailer, fifth-wheel travel trailer, toy-hauler fifth-wheel travel trailer, folding camping trailer, truck camper, and park model recreational vehicle. For purposes of registration and titling under chapter 321, a towable recreational vehicle shall be considered a travel trailer or fifth-wheel travel trailer, as those terms are defined in section 321.1, as applicable. 20. “Towable recreational vehicle dealer” or “dealer” means a person required to be licensed under this chapter who is authorized to sell and service towable recreational vehicles. 21. “Toy-hauler fifth-wheel travel trailer” means a fifth-wheel travel trailer equipped with a back wall capable of being lowered to form a ramp for loading and unloading a specialized rear compartment that can then be resecured for travel. 22. “Toy-hauler travel trailer” means a travel trailer equipped with a back wall capable of being lowered to form a ramp for loading and unloading a specialized rear compartment that can then be resecured for travel. 23. “Transient consumer” means a consumer who is temporarily traveling through a towable recreational vehicle dealer’s community. 24. “Travel trailer” means a vehicle mounted on wheels that has a width of eight feet six inches or less and an overall length of forty-five feet or less, is designed to provide temporary living quarters for recreational, camping, or travel use, and is of such a size and weight as to not require a permit under chapter 321E when towed by a motor vehicle on a highway. “Travel trailer” includes a toy-hauler travel trailer. “Travel trailer” does not include a vehicle that is so designed as to permit it to be towed exclusively by a motorcycle. 25. “Truck camper” means a vehicle designed to be placed in the bed of a pickup truck to provide temporary living quarters for recreational, camping, or travel use. 26. “Used towable recreational vehicle” means a towable recreational vehicle which has been sold at retail and previously registered in this or any other state. 27. “Warrantor” means a person, including a manufacturer, distributor, or supplier, that provides a written warranty to a consumer in connection with a new towable recreational vehicle or any part, accessory, or component of a new towable recreational vehicle. “Warrantor” does not include a dealer, distributor, supplier, or other person that is not owned or controlled by a manufacturer that provides a service contract, mechanical or other insurance, or an extended warranty sold for separate consideration to a consumer. [C81, §322C.2] 2000 Acts, ch 1016, §24; 2002 Acts, ch 1119, §156; 2012 Acts, ch 1048, §5, 6; 2015 Acts, ch 123, §39; 2019 Acts, ch 67, §2, 20; 2019 Acts, ch 89, §13

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322C - TOWABLE RECREATIONAL VEHICLE DEALERS, MANUFACTURERS, AND DISTRIBUTORS Section 322C.20 - Inspection and rejection by dealer.

322C.20 Inspection and rejection by dealer. 1. Whenever a new towable recreational vehicle is damaged prior to transit or is damaged in transit to a dealer and the carrier or means of transportation has been selected by the manufacturer or distributor, the dealer shall notify the manufacturer or distributor of the damage within the time frame specified in the manufacturer-dealer agreement and shall do either of the following: a. Request from the manufacturer or distributor authorization to replace the components, parts, or accessories damaged, or otherwise repair the vehicle to make it ready for sale at retail. b. Reject the vehicle within the time frame set forth in the manufacturer-dealer agreement pursuant to subsection 4. 2. If the manufacturer or distributor refuses to authorize repair of the new towable recreational vehicle within ten days after receipt of a dealer’s notification, or if the dealer rejects the new towable recreational vehicle because of damage to the vehicle, ownership of the vehicle shall revert to the manufacturer or distributor. 3. The dealer shall exercise due care when in custody of a damaged new towable recreational vehicle, but the dealer shall have no other obligations, financial or otherwise, with respect to the vehicle following rejection in accordance with the manufacturer-dealer agreement pursuant to subsection 4. 4. The time frame for inspection and rejection of a damaged new towable recreational vehicle by a dealer shall be specified in the manufacturer-dealer agreement, but shall not be less than two business days after the physical delivery of the vehicle to the dealer. 2019 Acts, ch 67, §17, 20

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322C - TOWABLE RECREATIONAL VEHICLE DEALERS, MANUFACTURERS, AND DISTRIBUTORS Section 322C.21 - Civil action — mediation.

322C.21 Civil action — mediation. 1. A dealer, manufacturer, distributor, or warrantor injured by another party’s violation of this chapter may bring a civil action in district court to recover actual damages resulting from the violation. The court shall award reasonable attorney fees and costs to the prevailing party in such an action. Venue for a civil action authorized by this section shall be exclusively in the county in which the dealer’s business is located. In an action involving more than one dealer, venue may be in any county in which any dealer that is a party to the action is located. 2. a. Prior to bringing a civil action under this section, the party alleging a violation of this chapter shall serve a written demand for mediation upon the alleged offending party. b. The demand for mediation shall be served upon the alleged offending party via certified mail at the address stated in the manufacturer-dealer agreement between the parties, if applicable. c. The demand for mediation shall contain a statement of the dispute or violation alleged and the relief sought by the party serving the demand. d. Within twenty days after service of a demand for mediation, the parties shall mutually select an independent certified mediator and shall meet with the mediator for the purpose of attempting to resolve the dispute or alleged violation. The meeting place for the mediation shall be in this state at a location selected by the

mediator. The mediator may extend the date before which the parties are required to have the meeting for good cause shown by either party or upon a stipulation by both parties. e. The service of a demand for mediation under this section shall toll the period during which a party is required to file any complaint, petition, protest, or other action under this chapter until representatives of both parties have met with the mutually agreed-upon mediator for the purpose of attempting to resolve the dispute or alleged violation. If a complaint, petition, protest, or other action has been filed before the mediation meeting, the court shall enter an order suspending any proceeding or action relating to such complaint, petition, protest, or other action until the mediation meeting has occurred and may, upon written stipulation by all parties to the proceeding or action that the parties wish to continue mediation under this section, enter an order suspending the proceeding or action for any period the court considers appropriate. f. Each party to the mediation shall pay the party's own costs for attorney fees. The costs of the mediation services shall be allocated equally amongst the parties. 3. In addition to the remedies provided in this section, and notwithstanding the existence of any remedy at law, a manufacturer, distributor, warrantor, or dealer may petition the district court for a temporary or permanent injunction, or both, restraining any person from acting as a dealer without being properly licensed, from violating or continuing to violate any of the provisions of this chapter, or from failing or refusing to comply with the requirements of this chapter. Such injunction shall be issued, upon a hearing and for cause shown, without bond. A single act in violation of this chapter shall be considered sufficient cause to authorize the issuance of an injunction pursuant to this subsection. 2019 Acts, ch 67, §18, 20; 2020 Acts, ch 1063, §170, 171

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322C - TOWABLE RECREATIONAL VEHICLE DEALERS, MANUFACTURERS, AND DISTRIBUTORS Section 322C.3 - Prohibited acts — exception.

322C.3 Prohibited acts — exception. 1. A person shall not engage in this state in the business of selling at retail new towable recreational vehicles of any line-make, or represent or advertise that the person is engaged in or intends to engage in such business in this state, unless the person is authorized by a manufacturer-dealer agreement between that person and the manufacturer or distributor of that line-make of new towable recreational vehicles to sell the vehicles in this state, and unless the department has issued to the person a license as a towable recreational vehicle dealer for the same line-make of towable recreational vehicle which the dealer is authorized to sell under the manufacturer-dealer agreement. 2. A person, other than a licensed dealer in new towable recreational vehicles, shall not engage in the business of selling at retail used towable recreational vehicles or represent or advertise that the person is engaged in or intends to engage in such business in this state unless the department has issued to the person a license as a used towable recreational vehicle dealer. 3. A person is not required to obtain a license as a dealer if the person is disposing of a towable recreational vehicle acquired or repossessed, so long as the person is exercising a power or right granted by a lien, title-retention instrument, or security agreement given as security for a loan or a purchase money obligation. 4. A dealer shall not enter into a contract, agreement, or understanding, expressed or implied, with a manufacturer or distributor that the dealer will sell, assign, or transfer an agreement or contract arising from the retail installment sale of a towable recreational vehicle only to a designated person or class of persons. Any such condition, agreement, or understanding between a manufacturer or distributor and a dealer is against the public policy of this state and is unlawful and void. 5. A manufacturer or distributor of towable recreational vehicles or an agent or representative of the manufacturer or distributor shall not refuse to renew a manufacturer-dealer agreement for a term of less than twelve months, and shall not terminate or threaten to terminate a contract, agreement, or understanding for the sale of new towable recreational vehicles to a dealer in this state without just, reasonable, and lawful cause or because the dealer failed to sell, assign, or transfer a contract or agreement arising from the retail sale of a towable recreational vehicle to only a person or a class of persons designated by the manufacturer or distributor. 6. A dealer shall not make and enter into a security agreement or other contract unless the agreement or contract meets the following requirements: a. The security agreement or contract is in writing, is signed by both the buyer and the seller, and is complete as to all essential provisions prior to the signing of the agreement or contract by the buyer except that, if delivery of the towable recreational vehicle is not made at the time of the execution of the agreement or contract, the identifying numbers of the towable recreational vehicle or similar information and the due date of the first installment may be inserted in the agreement or contract after its execution. b. The agreement or contract complies with the Iowa consumer credit code, chapter 537, where applicable. 7. A manufacturer or distributor of towable recreational vehicles or an agent or representative of a manufacturer or distributor shall not coerce or attempt to coerce a dealer to accept delivery of a towable recreational vehicle, or parts or accessories thereof, or any other commodity which has not been ordered by the dealer. 8. Except as provided under subsection 9, a person licensed under section 322C.4 shall not, either directly or through an agent, salesperson, or employee, engage or represent or advertise that the person is engaged in or intends to engage in this state in the business of buying or selling new or used towable recreational vehicles on Sunday. 9. A dealer may display new towable recreational vehicles at fairs, shows, and exhibitions on any day of the week as provided in this subsection. Dealers, in addition to selling towable recreational vehicles at their principal place of business and lots, may, upon receipt of a temporary permit approved by the department, display and offer new towable recreational vehicles for sale and negotiate sales of new towable recreational vehicles at fairs, shows, and exhibitions. Application for temporary permits shall be made upon forms provided by the department and shall be accompanied by a ten dollar permit fee. Temporary permits shall be issued for a period not to exceed fourteen days. The department may issue multiple consecutive temporary permits. 10. A person who has been convicted of a fraudulent practice, has been convicted of three or more violations of section 321.92, subsection 2, or section 321.99, or has been convicted of any other indictable offense in connection with selling or other activity relating to vehicles, in this state or any other state, shall not for a period of five years from the date of conviction be an owner, salesperson, employee, officer of a corporation, or representative of a licensed towable recreational vehicle

dealer or represent themselves as an owner, salesperson, employee, officer of a corporation, or representative of a licensed towable recreational vehicle dealer. [C81, §322C.3] 2001 Acts, ch 32, §39; 2003 Acts, ch 44, §114; 2006 Acts, ch 1068, §39; 2011 Acts, ch 38, §23; 2019 Acts, ch 67, §3, 20 Referred to in §322C.11, 322C.14

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322C - TOWABLE RECREATIONAL VEHICLE DEALERS, MANUFACTURERS, AND DISTRIBUTORS Section 322C.4 - Dealer's license application and fees.

322C.4 Dealer's license application and fees. 1. Upon application and payment of a fee, a person may be licensed as a towable recreational vehicle dealer. The license fee is seventy dollars for a two-year period or part thereof. The person shall pay an additional fee of twenty dollars for a two-year period or part thereof for each towable recreational vehicle lot in addition to the principal place of business unless the lot is adjacent to the principal place of business. For purposes of this subsection, "adjacent" means that the principal place of business and each additional lot are adjoining parcels of property. The applicant shall file in the office of the department a verified application for license as a dealer in the form the department prescribes, which shall include the following: a. The name of the applicant and the applicant's principal place of business. b. The name of the applicant's business and whether the applicant is an individual, partnership, corporation, or other legal entity. (1) If the applicant is a partnership, the name under which the partnership intends to engage in business and the name and post office address of each partner. (2) If the applicant is a corporation, the state of incorporation and the name and post office address of each officer and director. c. The line-make or line-makes of new towable recreational vehicles, if any, which the applicant will offer for sale at retail in this state. d. The location of each place of business within this state to be used by the applicant for the conduct of the business. e. If the applicant is a party to a contract, agreement including a manufacturer-dealer agreement, or understanding with a manufacturer or distributor of towable recreational vehicles or is about to become a party to a contract, agreement, or understanding, the applicant shall state the name of each manufacturer and distributor and the line-make or line-makes of new towable recreational vehicles, if any, which are the subject matter of the contract, agreement, or understanding. f. Other information concerning the business of the applicant the department reasonably requires for administration of this chapter. 2. The license shall be granted or refused within thirty days after application. A license is valid for a two-year period and expires, unless revoked or suspended by the department, on December 31 of even-numbered years. A licensee shall have the month of expiration and the month after the month of expiration to renew the license. A person who fails to renew a license by the end of this time period and desires to hold a license shall file a new license application and pay the required fee. A separate license shall be obtained for each county in which an applicant does business as a dealer. 3. A licensee shall file with the department a supplemental statement when there is a change in an item of information required under subsection 1, paragraphs "a" through "e", within fifteen days after the change. Upon filing a supplemental statement, the licensee shall surrender its license to the department together with a thirty-five-dollar fee. The department shall issue a new license modified to reflect the changes on the supplemental statement. 4. Before the issuance of a dealer's license, the applicant shall furnish a surety bond executed by the applicant as principal and executed by a corporate surety company licensed and qualified to do business within this state, which bond shall run to the state of Iowa, be in the amount of seventy-five thousand dollars, be conditioned upon the faithful compliance by the applicant as a dealer with all statutes of this state regulating or applicable to a dealer, and indemnify any person dealing or transacting business with the dealer from loss or damage caused by the failure of the dealer to comply with the provisions of chapter 321 and this chapter, including the furnishing of a proper and valid certificate of title to a towable recreational vehicle. The bond shall be filed with the department prior to the issuance of the license. [C81, §322C.4] 92 Acts, ch 1175, §17, 18; 97 Acts, ch 108, §41; 98 Acts, ch 1075, §29; 2000 Acts, ch 1016, §25; 2006 Acts, ch 1068, §54, 55, 57; 2019 Acts, ch 53, §1, 2; 2019 Acts, ch 67, §4, 20; 2020 Acts, ch 1063, §167 Referred to in §322C.3, 322C.5, 322C.6

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322C - TOWABLE RECREATIONAL VEHICLE DEALERS, MANUFACTURERS, AND DISTRIBUTORS Section 322C.5 - Display of license.

322C.5 Display of license. A license issued under section 322C.4 shall specify the location of the principal place of business and the location of each additional place of business, if any, for which the license is issued, and the license shall be conspicuously displayed at the principal place of business except during periods when the license is surrendered for modification. [C81, §322C.5]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322C - TOWABLE RECREATIONAL VEHICLE DEALERS, MANUFACTURERS, AND DISTRIBUTORS Section 322C.6 - Denial, suspension, or revocation of license.

322C.6 Denial, suspension, or revocation of license. A license issued under section 322C.4 or 322C.9 may be denied, revoked, or suspended, after opportunity for a hearing before the department of inspections, appeals, and licensing in accordance with chapters 10A and 17A, if it is determined that the licensee or applicant has done any of the following: 1. Violated a provision of this chapter. 2. Made a material misrepresentation to the department in connection with an application for a license, certificate of title, or registration of a towable recreational vehicle or other vehicle. 3. Been convicted of a fraudulent practice in connection with selling or offering for sale vehicles or parts of vehicles subject to registration under chapter 321. 4. Failed to maintain an established principal place of business in the county. 5. Had a license issued under this chapter, chapter 321H, or chapter 322, suspended or revoked within the previous three years. 6. Been convicted of a violation of any provision of section 321.52, 321.78, 321.92, 321.97, 321.98, 321.99, 321.100, or 714.16. 7. Knowingly made misleading, deceptive, untrue, or fraudulent representations in the business as a distributor of towable recreational vehicles or engaged in unethical conduct or practice harmful or detrimental to the public. [C81, §322C.6] 89 Acts, ch 273, §9; 2019 Acts, ch 67, §5, 20; 2023 Acts, ch 19, §1982 Fraudulent practices, see §714.8 – 714.14

Unnumbered paragraph 1 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322C - TOWABLE RECREATIONAL VEHICLE DEALERS, MANUFACTURERS, AND DISTRIBUTORS Section 322C.7 - Manufacturer's or distributor's license.

322C.7 Manufacturer's or distributor's license. A manufacturer or distributor of towable recreational vehicles shall not engage in business in this state without a license pursuant to this chapter. [C81, §322C.7] 2019 Acts, ch 67, §6, 20 Referred to in §322C.11

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322C - TOWABLE RECREATIONAL VEHICLE DEALERS, MANUFACTURERS, AND DISTRIBUTORS Section 322C.8 - Applicability to agreements.

322C.8 Applicability to agreements. If a towable recreational vehicle dealer also sells and services motorized recreational vehicles or other motor vehicles, the provisions of this chapter relating to manufacturer-dealer agreements apply only to such agreements, or those provisions of such agreements, applicable to towable recreational vehicles. 2019 Acts, ch 67, §7, 20

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322C - TOWABLE RECREATIONAL VEHICLE DEALERS, MANUFACTURERS, AND DISTRIBUTORS Section 322C.9 - License application and fees.

322C.9 License application and fees. Upon application and payment of a seventy dollar fee for a two-year period or part thereof, a person may be licensed as a manufacturer or distributor of towable recreational vehicles. The application shall be in the form and shall contain information as the department prescribes. The license shall be granted or refused within thirty days after application. The license expires, unless sooner revoked or suspended by the department, on December 31 of even-numbered years. A licensee shall have the month of expiration and the month after the month of expiration to renew the license. A person who fails to renew a license by the end of this time period and desires to hold a license shall file a new license application and pay the required fee. [C81, §322C.9] 2000 Acts, ch 1016, §26; 2000 Acts, ch 1154, §26; 2006 Acts, ch 1068, §56, 57; 2019 Acts, ch 67, §8, 20 Referred to in §322C.6

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322D - FARM IMPLEMENT, MOTORCYCLE, AUTOCYCLE, SNOWMOBILE, AND ALL-TERRAIN VEHICLE FRANCHISES Section 322D.1 - Definitions.

322D.1 Definitions. When used in this chapter, unless the context otherwise requires: 1. "All-terrain vehicle" means a motor vehicle designed to travel on three or more wheels and designed primarily for off-road recreational use but not including farm tractors or equipment, construction equipment, forestry vehicles, or lawn and grounds maintenance vehicles. 2. "Attachment" means a machine or part of a machine designed to be used on and in conjunction with a farm implement, motorcycle, autocycle, all-terrain vehicle, or snowmobile. 3. "Autocycle" means as defined in section 321.1. 4. "Farm implement" means a machine designed or adapted and used exclusively for agricultural or horticultural operations or livestock raising. 5. "Franchise" means a contract between two or more persons when all of the following conditions are included: a. A commercial relationship of definite duration or continuing indefinite duration is involved. b. The franchisee is granted the right to offer and sell farm implements, motorcycles, autocycles, all-terrain vehicles, snowmobiles, or related parts or attachments manufactured or distributed by the franchiser. c. The franchisee, as an independent business, constitutes a component of the franchiser's distribution system. d. The operation of the franchisee's business is substantially associated with the franchiser's trademark, service mark, trade name, advertising, or other commercial symbol designating the franchiser. e. The operation of the franchisee's business is substantially reliant on the franchiser for the continued supply of farm implements, motorcycles, autocycles, all-terrain vehicles, snowmobiles, or related parts or attachments. 6. "Franchisee" means a person who receives farm implements, motorcycles, autocycles, all-terrain vehicles, snowmobiles, or related parts or attachments from the franchiser under a franchise and who offers and sells the farm implements, motorcycles, autocycles, all-terrain vehicles, snowmobiles, or related parts or attachments to the general public. 7. "Franchiser" means a person who manufactures, wholesales, or distributes farm implements, motorcycles, autocycles, all-terrain vehicles, snowmobiles, or related parts or attachments, and who enters into a franchise. 8. "Motorcycle" means a motor vehicle as defined in section 321.1 other than an all-terrain vehicle, which has a saddle or seat for the use of a rider and that is designed to travel on not more than two wheels in contact with the ground, but excluding a motorized bicycle, a low-speed electric bicycle, or autocycle as defined in section 321.1. 9. "Net cost" means the price the franchisee actually paid for the merchandise to the franchiser less any applicable trade, volume, cash or bonus discounts. 10. "Net price" means the price listed in the franchiser's price list in effect at the time the franchise is canceled, less any applicable trade, volume or cash discounts. 11. "Person" means a sole proprietor, partnership, corporation, or any other form of business organization. 12. "Snowmobile" means the same as defined in section 321G.1. 84 Acts, ch 1087, §1; 85 Acts, ch 47, §1 – 4; 2002 Acts, ch 1011, §1 – 4; 2003 Acts, ch 28, §1 – 4, 8; 2004 Acts, ch 1132, §82; 2010 Acts, ch 1186, §11; 2016 Acts, ch 1098, §23 – 26; 2021 Acts, ch 125, §6

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322D - FARM IMPLEMENT, MOTORCYCLE, AUTOCYCLE, SNOWMOBILE, AND ALL-TERRAIN VEHICLE FRANCHISES Section 322D.10 - Application — snowmobile franchise agreements.

322D.10 Application — snowmobile franchise agreements. The rights under section 322D.2, subsection 1, apply to snowmobile franchises in effect on January 1, 2003, which have no expiration date and are continuing franchises, and to franchises executed or

renewed on or after January 1, 2003, but only to snowmobiles and related parts or attachments purchased on or after January 1, 2003. 2003 Acts, ch 28, §7, 8

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322D - FARM IMPLEMENT, MOTORCYCLE, AUTOCYCLE, SNOWMOBILE, AND ALL-TERRAIN VEHICLE FRANCHISES Section 322D.2 - Franchisee's rights to payment.

322D.2 Franchisee's rights to payment. 1. A franchisee who enters into a written franchise with a franchiser to maintain a stock of farm implements, motorcycles, autocycles, all-terrain vehicles, snowmobiles, or related parts or attachments has the following rights to payment, at the option of the franchisee, if the franchise is terminated: a. One hundred percent of the net cost of new, unused, complete farm implements, motorcycles, autocycles, all-terrain vehicles, snowmobiles, or related attachments, which were purchased from the franchiser. In addition, the franchisee shall have a right of payment for transportation charges on the farm implements, motorcycles, autocycles, all-terrain vehicles, or snowmobiles, which have been paid by the franchisee. b. Eighty-five percent of the net prices of any repair parts, including superseded parts, which were purchased from the franchiser and held by the franchisee on the date that the franchise terminated. c. Five percent of the net prices of parts resold under paragraph "b" for handling, packing, and loading of the parts. However, this payment shall not be due to the franchisee if the franchiser elects to perform the handling, packing, and loading. 2. Upon receipt of the payments due under subsection 1, the franchiser is entitled to possession of and title to the farm implements, motorcycles, autocycles, all-terrain vehicles, snowmobiles, or related parts or attachments. 3. The cost of farm implements, motorcycles, autocycles, all-terrain vehicles, snowmobiles, or related attachments and the price of repair parts shall be determined by reference to the franchiser's price list or catalog in effect at the time of the franchise termination. 84 Acts, ch 1087, §2; 85 Acts, ch 26, §1; 85 Acts, ch 47, §5 – 7; 2002 Acts, ch 1011, §5; 2003 Acts, ch 28, §5, 8; 2016 Acts, ch 1098, §27 Referred to in §322D.8, 322D.9, 322D.10

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322D - FARM IMPLEMENT, MOTORCYCLE, AUTOCYCLE, SNOWMOBILE, AND ALL-TERRAIN VEHICLE FRANCHISES Section 322D.3 - Exceptions.

322D.3 Exceptions. This chapter does not require repurchase from a franchisee of: 1. A repair part which has a limited storage life or is otherwise subject to deterioration, such as rubber items, gaskets or batteries. 2. A repair part which is in a broken or damaged package. 3. A single repair part which is priced as a set of two or more items. 4. A repair part which because of its condition is not resalable as a new part without repackaging or reconditioning. 5. Any inventory for which the franchisee is unable to furnish evidence of title and ownership in the franchisee that is free and clear of all claims, liens and encumbrances to the satisfaction of the franchiser. 6. Any inventory which a franchisee desires to keep, provided the franchisee has a contractual right in the franchise agreement to do so. 7. A farm implement, motorcycle, autocycle, all-terrain vehicle, or snowmobile which is not in new, unused, undamaged, or complete condition. 8. A repair part which is not in new, unused, or undamaged condition. 9. A farm implement, motorcycle, autocycle, all-terrain vehicle, or snowmobile which was purchased twenty-four months or more prior to the termination of the franchise. 10. Any inventory which was ordered by the franchisee on or after the date of notification of termination of the franchise. 11. Any inventory which was acquired by the franchisee from a source other than the franchiser with whom the franchise is being terminated. 12. A repair part not listed in the franchiser's current price list in effect on the date of notice of termination or classified as nonreturnable or obsolete by the franchiser as of the date of termination. However, this exception to the repurchase requirement applies only if the franchiser provided the franchisee with an opportunity to return the exempted part prior to notice of termination of the franchise. 84 Acts, ch 1087, §3; 85 Acts, ch 47, §8; 85 Acts, ch 67, §39; 2002 Acts, ch 1011, §6; 2003 Acts, ch 28, §6, 8; 2016 Acts, ch 1098, §28

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322D - FARM IMPLEMENT, MOTORCYCLE, AUTOCYCLE, SNOWMOBILE, AND ALL-TERRAIN VEHICLE FRANCHISES Section 322D.4 - Franchiser failure to comply — civil penalty.

322D.4 Franchiser failure to comply — civil penalty. In the event that any franchiser fails to make payment to the franchisee or the franchisee's heir or heirs as required by this chapter within sixty days after the inventory has been received by the franchiser, the franchiser is civilly liable for one hundred percent of the current net price of the inventory; transportation charges which have been paid by the franchisee; eighty-five percent of the current net price of repair parts; five percent of the current net price of repair parts to cover handling, packing and loading, if applicable; and attorney fees incurred by the franchisee or the franchisee's heir or heirs. 84 Acts, ch 1087, §4; 85 Acts, ch 47, §9

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322D - FARM IMPLEMENT, MOTORCYCLE, AUTOCYCLE, SNOWMOBILE, AND ALL-TERRAIN VEHICLE FRANCHISES Section 322D.5 - Death of a franchisee or majority stockholder.

322D.5 Death of a franchisee or majority stockholder. If the franchisee is a natural person, the rights under this chapter may be exercised by the heirs of the franchisee upon the death of the franchisee. If the franchisee is a business organization, the rights may be exercised by the heirs of a majority stockholder of the franchisee upon the death of the majority stockholder. 84 Acts, ch 1087, §5

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322D - FARM IMPLEMENT, MOTORCYCLE, AUTOCYCLE, SNOWMOBILE, AND ALL-TERRAIN VEHICLE FRANCHISES Section 322D.6 - Security interests not affected.

322D.6 Security interests not affected. The provisions of this chapter shall not be construed to affect, in any way, the existence or enforcement of any security interest which a supplier, any financial institution or any other person may have in the inventory of the retailer. 84 Acts, ch 1087, §6; 94 Acts, ch 1121, §1

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322D - FARM IMPLEMENT, MOTORCYCLE, AUTOCYCLE, SNOWMOBILE, AND ALL-TERRAIN VEHICLE FRANCHISES Section 322D.7 - Application — farm implement franchise agreements.

322D.7 Application — farm implement franchise agreements. This chapter applies until July 1, 1990, to all farm implement franchise agreements in effect before July 1, 1990, which have no expiration date and to all other such agreements entered into or renewed after April 12, 1985, but before July 1, 1990, which will expire after April 12, 1985. Any agreement in effect on April 12, 1985, which by its own terms will terminate on a subsequent date shall be governed by the law as it existed prior to April 12, 1985. 85 Acts, ch 26, §2; 90 Acts, ch 1077, §1 For provisions applicable on and after July 1, 1990, to agricultural equipment dealership agreements having no expiration date or entered into or renewed on or after July 1, 1990, see chapter 322F; §322F.9

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322D - FARM IMPLEMENT, MOTORCYCLE, AUTOCYCLE, SNOWMOBILE, AND ALL-TERRAIN VEHICLE FRANCHISES Section 322D.8 - Application — motorcycle or autocycle franchise agreements.

322D.8 Application — motorcycle or autocycle franchise agreements. The rights under section 322D.2, subsection 1, apply to motorcycle or autocycle franchise agreements in effect on July 1, 1985, which have no expiration date and are continuing agreements, and to those entered into or renewed after July 1, 1985, but only to motorcycles, autocycles, and motorcycle or autocycle attachments and parts purchased after July 1, 1985. 85 Acts, ch 47, §10; 2016 Acts, ch 1098, §29

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322D - FARM IMPLEMENT, MOTORCYCLE, AUTOCYCLE, SNOWMOBILE, AND ALL-TERRAIN VEHICLE FRANCHISES Section 322D.9 - Application — all-terrain vehicles.

322D.9 Application — all-terrain vehicles. 1. This chapter applies to a franchise for all-terrain vehicles only if chapter 322F does not apply to a dealership engaged in the retail sale of equipment designed to be principally used for agricultural operations under chapter 322F. 2. The rights under section 322D.2, subsection 1, shall apply to a franchise for all-terrain vehicles as follows: a. All franchises in effect on July 1, 2002, that have no expiration date and are continuing franchises. b. Franchises that have been executed or renewed on or after July 1, 2002, but only for all-terrain vehicles and related parts or attachments purchased on or after July 1, 2002. 2002 Acts, ch 1011, §7

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322F - EQUIPMENT DEALERSHIP AGREEMENTS Section 322F.1 - Definitions.

322F.1 Definitions. As used in this chapter, unless the context otherwise requires: 1. “Agricultural equipment” means a device, part of a device, or an attachment to a device designed to be principally used for an agricultural purpose. “Agricultural equipment” includes but is not limited to equipment associated with livestock or crop production, horticulture, or floriculture. “Agricultural equipment” includes but is not limited to tractors; trailers; combines; tillage, planting, and cultivating implements; balers; irrigation implements; and all-terrain vehicles. 2. “All-terrain vehicle” means the same as defined in section 321I.1. 3. “Construction equipment”, “industrial equipment”, or “utility equipment” means a device, part of a device, or an attachment to a device designed to be principally used for a construction or industrial purpose. “Construction equipment”, “industrial equipment”, or “utility equipment” includes equipment associated with earthmoving, industrial material handling, mining, forestry, highway construction or maintenance, and landscaping. “Construction equipment”, “industrial equipment”, or “utility equipment” includes but is not limited to tractors, graders, excavators, loaders, and backhoes. 4. “Dealer” or “dealership” means a person engaged in the retail sale of equipment. 5. “Dealership agreement” means an oral or written agreement, either express or implied, between a supplier and a dealer which provides that the dealer is granted the right to sell, distribute, or service the supplier’s equipment, regardless of whether the equipment carries a trade name, trademark, service mark, logotype, advertisement, or other commercial symbol, and which provides evidence of a continuing commercial relationship between the supplier and the dealer. 6. “Equipment” means agricultural equipment, construction equipment, industrial equipment, utility equipment, or outdoor power equipment. However, “equipment” does not include self-propelled machines designed primarily for the transportation of persons or property on a street or highway. 7. “Good cause” means a condition which occurs under any of the following circumstances: a. The dealer fails to substantially comply with an essential and reasonable requirement imposed upon the dealer by the dealership agreement, but only if that requirement is also generally imposed upon similarly situated dealers. b. The dealer has made a material misrepresentation or falsification of any record, contract, report, or other document which the dealer has submitted to the supplier. c. The dealer transfers an interest in the dealership; a person with a substantial interest in the ownership or control of the dealership withdraws from the dealership, including an individual proprietor, partner, major shareholder, or manager; or a substantial reduction occurs in the interest of a partner or major shareholder in the dealership. However, good cause does not exist if the supplier consents to an action described in this paragraph. d. The dealer has filed a voluntary petition in bankruptcy. e. An involuntary petition in bankruptcy has been filed against the dealership and has not been discharged within thirty days after the filing. f. The dealership is subject to a closeout or sale of a

substantial part of the dealership equipment or assets related to the equipment. g. A dissolution or liquidation of dealership assets has commenced. h. The dealer's principal place of business is relocated, unless the supplier consents to the change in location. i. The dealer has defaulted under a security agreement, including but not limited to a chattel mortgage, between the dealer and the supplier or any subsidiary or affiliate of the supplier. j. A guarantee of the dealer's present or future obligations to the supplier is revoked or discontinued. k. The dealer has failed to operate in the normal course of business for seven consecutive business days or has otherwise abandoned business operations. l. The dealer has pleaded guilty to or has been convicted of a felony. m. The dealer has engaged in conduct which is injurious or detrimental to the dealer's customers or to the public welfare, including but not limited to, misleading advertising, failing to provide reasonable service or replacement parts, or failing to honor warranty obligations. n. The dealer consistently fails to comply with applicable state licensing requirements relating to the products and services represented on behalf of the supplier. o. The dealer has inadequately represented the manufacturer's product relating to sales when compared to similarly situated dealers. 8. "Net cost" means the price the dealer paid to the supplier for the equipment, less applicable discounts. 9. "Net price" means the current price listed in the supplier's effective price list or catalog, less any applicable trade or cash discount. 10. "Outdoor power equipment" means equipment using small motors or engines, if the equipment is used principally for outside service, including but not limited to aerators, augers, blowers, brush clearers, brush cutters, chain saws, dethatchers, edgers, hedge trimmers, lawn mowers, pole saws, power rakes, snowblowers, and tillers. 11. "Supplier" means the manufacturer, wholesaler, or distributor of equipment sold by a dealer. 90 Acts, ch 1077, §2; 2002 Acts, ch 1011, §8, 9; 2003 Acts, ch 55, §1 – 3; 2004 Acts, ch 1086, §62; 2004 Acts, ch 1132, §83 Referred to in §16.79A, 214A.1, 322F.2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322F - EQUIPMENT DEALERSHIP AGREEMENTS Section 322F.2 - Notice of termination.

322F.2 Notice of termination. 1. a. A supplier shall terminate a dealership agreement for equipment other than outdoor power equipment by cancellation, nonrenewal, or a substantial change in competitive circumstances only upon good cause and upon at least ninety days' prior written notice delivered to the dealer by certified mail or restricted certified mail. A supplier shall terminate a dealership agreement for outdoor power equipment by cancellation or nonrenewal only upon good cause and upon at least ninety days' prior written notice delivered to the dealer by restricted certified mail or hand delivered by a representative of the supplier to the dealer or a designated representative of the dealer. b. A written termination notice must specify each deficiency constituting good cause for the action. The notice must also state that the dealer has sixty days to cure a specified deficiency. If the deficiency is cured within sixty days from the date that the notice is delivered, the notice is void. However, if the deficiency is based on a dealer's inadequate representation of a manufacturer's product relating to sales, as provided in section 322F.1, the notice must state that the dealer has eighteen months to cure the deficiency. If the deficiency based on inadequate representation of a manufacturer's product relating to sales is cured within eighteen months from the date that notice is delivered, the notice is void. 2. The supplier shall have the right to terminate immediately without notice in the event the action is for good cause as defined in section 322F.1, subsection 7, paragraphs "b" through "m". 90 Acts, ch 1077, §3; 2003 Acts, ch 55, §4 Referred to in §322F.8

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322F - EQUIPMENT DEALERSHIP AGREEMENTS Section 322F.3 - Termination of agreement — repurchase of equipment.

322F.3 Termination of agreement — repurchase of equipment. 1. If a dealership agreement is terminated by cancellation or nonrenewal by either the dealer or supplier, the supplier must repurchase equipment and parts in the dealer's inventory and must repurchase special tools and computer hardware or software required for the dealership. The repurchase is subject to the following conditions: a. The supplier must pay to the dealer or credit the dealer's account with one hundred percent of the net cost of all unused complete equipment including attachments. The equipment must be in new condition and purchased by the dealership from the supplier within twenty-four months preceding notification by either party of an intent to terminate the contract. b. The supplier must pay to the dealer or credit the dealer's account with ninety percent of the net price for repair parts, including superseded parts listed in the price lists or catalogs in use by the supplier on the date of termination. The supplier shall also pay the dealer or credit the dealer's account with five percent of the net price on the date of termination on all parts returned for the dealer's handling, packing, and loading of the parts to be returned to the supplier. However, the supplier is not required to pay or credit the five percent if the supplier elects to perform the handling, packing, and loading. c. The supplier shall pay to the dealer or credit the dealer's account with the amortized value of any specific computer hardware or software that the supplier required the dealer to purchase within the five years immediately preceding notification by either party of an intent to terminate the contract. d. The supplier shall pay to the dealer or credit the dealer's account with the following amounts for special repair tools that were unique to the supplier's product line and that are in complete and resalable condition: (1) Seventy-five percent of the net cost of special repair tools purchased within the three years immediately preceding notification by either party of an intent to terminate the contract. (2) Fifty percent of the net cost of special repair tools purchased within the four to six years immediately preceding notification by either party of an intent to terminate the contract. e. The supplier shall only be required to repurchase the items described in paragraphs "c" and "d" if the items are free and clear of all claims, liens, and encumbrances, to the satisfaction of the supplier. f. The supplier must pay to the dealer or credit the dealer's account with one hundred percent of the net cost of all equipment used in demonstrations, including equipment leased primarily for demonstration or lease, at the equipment's agreed-upon depreciated value, provided that such equipment is in new condition and has not been abused. 2. Upon payment or allowance of a credit to the dealer's account as required in this section, the title to the repurchased equipment is transferred to the supplier making the repurchase, and the supplier

may take immediate possession of the repurchased equipment. 3. The supplier must make payment or allowance of a credit as required under this section not later than ninety days from the date that the supplier takes possession of the repurchased equipment. 4. This section does not require repurchase from the dealer of repair parts which have a limited storage life or are otherwise subject to deterioration, including but not limited to rubber items, gaskets, and batteries. This section also does not require repurchase from the dealer of parts in broken or damaged packages, single repair parts priced as a set of two or more items, or repair parts which because of their condition are not resalable as new parts without new packaging or reconditioning. 90 Acts, ch 1077, §4; 2001 Acts, ch 42, §1, 2; 2003 Acts, ch 55, §5; 2021 Acts, ch 70, §1 Referred to in §322F.5, 322F.8

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322F - EQUIPMENT DEALERSHIP AGREEMENTS Section 322F.4 - Security interests not affected.

322F.4 Security interests not affected. This chapter shall not be construed to affect the existence or enforcement of a security interest which any person, including a supplier or financial institution, may have in the inventory of the dealer. 90 Acts, ch 1077, §5; 94 Acts, ch 1121, §2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322F - EQUIPMENT DEALERSHIP AGREEMENTS Section 322F.5 - Death or incapacity of dealer.

322F.5 Death or incapacity of dealer. If a dealer or a person holding a majority interest in a business entity operating a dealership dies or is incapacitated, the rights under this chapter may be exercised as an option by the heirs at law if the dealer or majority interest holder died intestate, or by the executor under the terms of the dealer's or majority interest holder's will. If the heirs or the executor do not exercise this option within twelve months from the date of death of the dealer or majority interest holder, the supplier must repurchase the equipment as if the supplier had terminated the dealership agreement pursuant to section 322F.3. However, this section does not entitle an heir, executor, administrator, legatee, or devisee of a deceased dealer or majority interest holder to continue to operate the dealership without the consent of the supplier. 90 Acts, ch 1077, §6; 2003 Acts, ch 55, §6

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322F - EQUIPMENT DEALERSHIP AGREEMENTS Section 322F.5A - Transfer of dealership.

322F.5A Transfer of dealership. 1. If a supplier has contractual authority to approve or deny a request for a sale or transfer of a dealer's business or an equity ownership interest in the business, the supplier shall approve or deny the request within sixty days after receiving a written request from the dealer. If the supplier has not approved or denied the request within the sixty-day period, the request shall be deemed approved. The dealer's request shall include reasonable financial information, personal background information, character references, and work histories for each acquiring person. 2. If a supplier denies a request made pursuant to this section, the supplier shall provide the dealer with a written notice of the denial that states the reasons for the denial. A supplier may only deny a request based on the failure of a proposed transferee to meet the reasonable requirements consistently imposed by the supplier in determining whether to approve a transfer or a new dealership. 2005 Acts, ch 27, §1 Referred to in §322F.9

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322F - EQUIPMENT DEALERSHIP AGREEMENTS Section 322F.6 - Assignees and successors in interest.

322F.6 Assignees and successors in interest. The obligations under this chapter apply to the supplier's assignee or successor in interest. A successor in interest includes, but is not limited to, a purchaser of assets or stock, a surviving corporation resulting from a merger or liquidation, a receiver, or a trustee of the supplier. 90 Acts, ch 1077, §7

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322F - EQUIPMENT DEALERSHIP AGREEMENTS Section 322F.7 - Violations.

322F.7 Violations. A violation of this chapter includes but is not limited to a supplier doing any of the following: 1. Requires a dealer to accept delivery of equipment that the dealer has not ordered. 2. Requires a dealer to order or accept delivery of equipment with special features or accessories not included in the base price list of equipment as publicly advertised by the supplier. 3. Requires a dealer to enter into any agreement, whether written or oral, which amends or supplements an existing dealership agreement with the supplier, unless the supplementary or amendatory agreement is imposed on other similarly situated dealers. 4. Requires as a condition of renewal or extension of a dealership agreement that the dealer complete substantial renovation of the dealer's place of business, or acquire new or additional space to serve as the dealer's place of business, unless the supplier provides at least one year's written notice of the condition which states all grounds supporting the condition. The supplier must provide a reasonable time for the dealer to complete the renovation or acquisition. 5. Requires a dealer to refuse to purchase equipment distributed by another supplier. 6. Discriminates in the prices charged for equipment of like grade and quality sold by the supplier to similarly situated dealers. This subsection does not prevent the use of differentials which make only due allowance for costs related to the manufacture, sale, or delivery of equipment, or to methods or quantities of equipment sold or delivered. 7. a. (1) For a dealership agreement governing equipment other than outdoor power equipment, takes action terminating, canceling, or failing to renew the dealership agreement, or substantially changes the competitive circumstances intended by the dealership agreement, due to the results of conditions beyond the dealer's control, including drought, flood, labor disputes, or economic recession. (2) For a

dealership agreement governing outdoor power equipment, takes action terminating, canceling, or failing to renew the dealership agreement due to the results of conditions beyond the dealer's control, including drought, flood, labor disputes, or economic recession. b. This subsection shall not apply if the dealer is in default of a security agreement in effect with the supplier. 90 Acts, ch 1077, §8; 2003 Acts, ch 55, §7; 2004 Acts, ch 1086, §63; 2011 Acts, ch 44, §1 Referred to in §322F.8

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322F - EQUIPMENT DEALERSHIP AGREEMENTS Section 322F.8 - Supplier liability.

322F.8 Supplier liability. 1. a. (1) A dealer may bring a legal action against a supplier for damages sustained by the dealer as a consequence of the supplier's violation of any provision of this chapter, including but not limited to a violation described in section 322F.7. A supplier violating this chapter shall compensate the dealer for damages sustained by the dealer as a consequence of the supplier's violation, together with the actual costs of the action, including reasonable attorney fees. (2) For a dealership agreement governing equipment other than outdoor power equipment, a dealer may be granted injunctive relief against unlawful termination, cancellation, or the nonrenewal of the dealership agreement, or a substantial change of competitive circumstances as provided in section 322F.2. (3) For a dealership agreement governing outdoor power equipment, a dealer may be granted injunctive relief against unlawful termination, cancellation, or the nonrenewal of the dealership agreement as provided in section 322F.2. b. The remedies in this section are in addition to any other remedies permitted by law. 2. a. If the payment or allowance of equipment repurchased pursuant to section 322F.3 is not made as required, or the supplier is found liable for damages pursuant to subsection 1, paragraph "a", subparagraph (1), the amount due to the dealer shall bear interest at the rate of one and one-half percent per month calculated from the date that the dealership agreement was terminated. b. Upon termination of a dealership agreement by nonrenewal or cancellation, by a dealer or supplier, if the supplier fails to make payment or credit the account of the dealer as provided in any provision of this chapter, the supplier is liable in a civil action brought by the dealer for the repurchase amount set forth in section 322F.3, plus interest as calculated pursuant to paragraph "a". The supplier's civil liability as provided in this paragraph shall be in addition to and not in lieu of any remedy provided by subsection 1, paragraph "a", subparagraph (1). 3. The requirements of this chapter supplement any agreement between a dealer and a supplier. The dealer may elect either to pursue contractual remedies under the dealership agreement or remedies provided under this chapter. An election by the dealer to pursue a remedy provided under this chapter does not bar the dealer from pursuing any other remedy under law or equity, including contractual remedies. This chapter does not affect rights of the supplier to charge back to the dealer's accounts amounts previously paid or credited as a discount to the dealer's purchase of goods, including equipment. 90 Acts, ch 1077, §9; 2003 Acts, ch 55, §8, 9; 2011 Acts, ch 44, §2, 3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322F - EQUIPMENT DEALERSHIP AGREEMENTS Section 322F.9 - Applicability.

322F.9 Applicability. 1. A term of a dealership agreement that is inconsistent with the terms of this chapter is void and unenforceable and does not waive any rights that are provided to a person by this chapter. 2. a. For all dealership agreements other than those provided for in this section, this chapter applies to those dealership agreements in effect that have no expiration date and all other dealership agreements entered into or renewed on or after July 1, 1990. Any such dealership agreement in effect on June 30, 1990, which by its own terms will terminate on a subsequent date, shall be governed by the law as it existed prior to July 1, 1990. b. For all dealership agreements governing all-terrain vehicles, this chapter applies to those dealership agreements in effect that have no expiration date and all other such dealership agreements entered into or renewed on or after July 1, 2002. Any such dealership agreement in effect on July 1, 2002, which by its own terms will terminate on a subsequent date, shall be governed by the law as it existed prior to July 1, 2002. c. For all dealership agreements governing agricultural equipment used principally for floriculture and for all dealership agreements governing construction equipment, industrial equipment, utility equipment, and outdoor power equipment, this chapter applies to those dealership agreements in effect that have no expiration date and all other such dealership agreements entered into or renewed on or after July 1, 2003. Any dealership agreement in effect on July 1, 2003, which by its own terms will terminate on a subsequent date, shall be governed by the law as it existed prior to July 1, 2003. d. For all dealership agreements governing the sale or transfer of a dealer's business, section 322F.5A applies to those dealership agreements in effect that have no expiration date and all other such dealership agreements entered into or renewed on or after July 1, 2005. Any dealership agreement in effect on July 1, 2005, which by its own terms will terminate on a subsequent date, shall be governed by the law as it existed prior to July 1, 2005. 90 Acts, ch 1077, §10; 2002 Acts, ch 1011, §10; 2003 Acts, ch 55, §10; 2005 Acts, ch 27, §2 Applicability of chapter 322D to farm implement and all-terrain vehicle franchise agreements; §322D.7, 322D.9

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322G - DEFECTIVE MOTOR VEHICLES (LEMON LAW) Section 322G.1 - Legislative intent.

322G.1 Legislative intent. The general assembly recognizes that a motor vehicle is a major consumer acquisition and that a defective motor vehicle undoubtedly creates a hardship for the consumer. The general assembly further recognizes that a duly franchised motor vehicle dealer is an authorized service agent of the manufacturer. It is the intent of the general assembly that a good faith motor vehicle warranty complaint by a consumer be resolved by the manufacturer within a specified period of time. It is further the intent of the general assembly to provide the statutory procedures whereby a consumer may receive a replacement motor vehicle, or a full refund, for a motor vehicle which cannot be brought into conformity with the warranty provided for in this chapter. However,

this chapter does not limit the rights or remedies which are otherwise available to a consumer under any other law. 91 Acts, ch 153, §1

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322G - DEFECTIVE MOTOR VEHICLES (LEMON LAW) Section 322G.10 - Unfair or deceptive trade practice.

322G.10 Unfair or deceptive trade practice. A violation by a manufacturer of this chapter is an unfair or deceptive trade practice in violation of section 714.16, subsection 2, paragraph “a”. 91 Acts, ch 153, §10

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322G - DEFECTIVE MOTOR VEHICLES (LEMON LAW) Section 322G.11 - Dealer liability.

322G.11 Dealer liability. This chapter, except for the requirements of section 322G.12, does not impose any liability on a franchised motor vehicle dealer or create a cause of action by a consumer against a dealer. A dealer shall not be made a party defendant in any action involving or relating to this chapter, except as provided in this section. The manufacturer shall not charge back or require reimbursement by the dealer for any costs, including but not limited to any refunds or vehicle replacements, incurred by the manufacturer pursuant to this chapter, in the absence of a finding by a court that the related repairs had been carried out by the dealer in a manner substantially inconsistent with the manufacturer’s published instructions. A manufacturer who is found by a court to have improperly charged back a dealer because of a violation of this section is liable to the injured dealer for full reimbursement plus reasonable costs and any attorney’s fees. 91 Acts, ch 153, §11; 95 Acts, ch 45, §7

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322G - DEFECTIVE MOTOR VEHICLES (LEMON LAW) Section 322G.12 - Resale of returned vehicles.

322G.12 Resale of returned vehicles. 1. A manufacturer who accepts the return of a motor vehicle pursuant to a settlement, determination, or decision under this chapter shall notify the state department of transportation, report the vehicle identification number of that motor vehicle within ten days after the acceptance, and obtain a new certificate of title for the vehicle in the manufacturer’s name pursuant to section 321.46. In obtaining a new certificate of title, the manufacturer shall title the vehicle in the county of the transferor’s residence and shall be exempt from the registration fee requirements of section 321.46 and the fee for new registration under section 321.105A. The new certificate of title, and all subsequent registration receipts and certificates of title issued for the motor vehicle, shall contain a designation indicating that the motor vehicle was returned to the manufacturer pursuant to this chapter or a similar law of another state. The state department of transportation shall determine the manner in which the designation is to be indicated on registration receipts and certificates of title and may determine that a “REBUILT” or “SALVAGE” designation supersedes the designation required by this subsection and include the “REBUILT” or “SALVAGE” designation on the registration receipt and certificate of title in lieu of the designation required by this subsection. 2. A person shall not knowingly lease, sell, either at wholesale or retail, or transfer a title to a motor vehicle returned by reason of a settlement, determination, or decision pursuant to this chapter or a similar law of another state unless the nature of the nonconformity is clearly and conspicuously disclosed to the prospective transferee, lessee, or buyer. The attorney general shall prescribe by rule the form, content, and procedure pertaining to such a disclosure statement, recognizing the need of manufacturers to implement a uniform disclosure form. The manufacturer shall make a reasonable effort to ensure that such disclosure is made to the first subsequent retail buyer or lessee. For purposes of this section, “settlement” includes an agreement entered into between the manufacturer and the consumer that occurs after the thirtieth day following the manufacturer’s receipt of the consumer’s written notification pursuant to section 322G.4. 91 Acts, ch 153, §12; 95 Acts, ch 45, §8; 2000 Acts, ch 1047, §3, 4; 2008 Acts, ch 1113, §108; 2020 Acts, ch 1062, §44 Referred to in §312.2, 321.46, 321.105A, 322G.11

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322G - DEFECTIVE MOTOR VEHICLES (LEMON LAW) Section 322G.13 - Certain agreements void.

322G.13 Certain agreements void. Any agreement entered into by a consumer that waives, limits, or disclaims the rights set forth in this chapter is void as contrary to public policy. 91 Acts, ch 153, §13

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322G - DEFECTIVE MOTOR VEHICLES (LEMON LAW) Section 322G.14 - Rulemaking authority.

322G.14 Rulemaking authority. 1. The attorney general shall adopt rules as necessary to implement this chapter. 2. In prescribing rules and forms under this chapter, the attorney general may cooperate with agencies that perform similar functions in other states with a view to effectuating the policy of this chapter to achieve maximum uniformity in the form and content of certification, regulation, and procedural evaluation of manufacturer-established programs, required recordkeeping, required reporting wherever practicable, and required notices to consumers. 91 Acts, ch 153, §14 Referred to in §322G.7, 322G.9

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322G - DEFECTIVE MOTOR VEHICLES (LEMON LAW) Section 322G.15 - Applicability.

322G.15 Applicability. 1. This chapter takes effect July 1, 1991, and applies to motor vehicles originally purchased or leased by

consumers on or after that date. 2. This chapter applies to motor vehicles originally purchased or leased in this state and, except for section 322G.3, subsections 1 and 2, and section 322G.6, subsection 1, applies to motor vehicles originally purchased or leased in other states, if the consumer is a resident of this state at the time the consumer's rights are asserted under this chapter. 91 Acts, ch 153, §15; 95 Acts, ch 45, §9; 96 Acts, ch 1079, §10 Referred to in §322G.2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322G - DEFECTIVE MOTOR VEHICLES (LEMON LAW) Section 322G.2 - Definitions.

322G.2 Definitions. As used in this chapter, unless the context otherwise requires: 1. "Collateral charges" means those additional charges to a consumer wholly incurred as a result of the acquisition of the motor vehicle. For the purposes of this chapter, collateral charges include, but are not limited to, charges for manufacturer-installed or agent-installed items, earned finance charges, use taxes, and title charges. 2. "Condition" means a general problem that may be attributable to a defect in more than one part. 3. "Consumer" means the purchaser or lessee, other than for purposes of lease or resale, of a new or previously untitled motor vehicle, or any other person entitled by the terms of the warranty to enforce the obligations of the warranty during the duration of the lemon law rights period. 4. "Days" means calendar days. 5. "Department" means the attorney general. 6. "Incidental charges" means those reasonable costs incurred by the consumer, including, but not limited to, towing charges and the costs of obtaining alternative transportation, which are the direct result of the nonconformity or nonconformities which are the subject of the claim. Incidental charges do not include loss of use, loss of income, or personal injury claims. 7. "Lease price" means the aggregate of the following: a. Lessor's actual purchase costs. b. Collateral charges, if applicable. c. Any fee paid to another to obtain the lease. d. Any insurance or other costs expended by the lessor for the benefit of the lessee. e. An amount equal to state and local use taxes, not otherwise included as collateral charges, paid by the lessor when the vehicle was initially purchased. f. An amount equal to five percent of the lessor's actual purchase cost. 8. "Lemon law rights period" means the term of the manufacturer's written warranty, the period ending two years after the date of the original delivery of a motor vehicle to a consumer, or the first twenty-four thousand miles of operation attributable to a consumer, whichever expires first. 9. "Lessee" means any consumer who leases a motor vehicle for one year or more pursuant to a written lease agreement which provides that the lessee is responsible for repairs to the motor vehicle. 10. "Lessee cost" means the aggregate of the deposit and rental payments previously paid to the lessor for the leased vehicle. 11. "Lessor" means a person who holds the title to a motor vehicle leased to a lessee under a written lease agreement or who holds the lessor's rights under the agreement. 12. "Manufacturer" means a person engaged in the business of constructing or assembling new motor vehicles or installing on previously assembled vehicle chassis special bodies or equipment which, when installed, form an integral part of the new motor vehicle, or a person engaged in the business of importing new motor vehicles into the United States for the purpose of selling or distributing the new motor vehicles to new motor vehicle dealers. 13. "Motor vehicle" means a self-propelled vehicle purchased or leased in this state, except as provided in section 322G.15, and primarily designed for the transportation of persons or property over public streets and highways, but does not include mopeds, motorcycles, autocycles, motor homes, or vehicles over fifteen thousand pounds gross vehicle weight rating. 14. "Nonconformity" means a defect, malfunction, or condition in a motor vehicle such that the vehicle fails to conform to the warranty, but does not include a defect, malfunction, or condition that results from an accident, abuse, neglect, modification, or alteration of the motor vehicle by persons other than the manufacturer or its authorized service agent. 15. "Person" means person as defined in section 714.16. 16. "Program" means an informal dispute settlement procedure established by a manufacturer which mediates and arbitrates motor vehicle warranty disputes arising in this state. 17. "Purchase price" means the cash price paid for the motor vehicle appearing in the sales agreement or contract, including any net allowance given for a trade-in vehicle. 18. "Reasonable offset for use" means the number of miles attributable to a consumer up to the date of the third attempt to repair the same nonconformity which is the subject of the claim, or the first attempt to repair a nonconformity that is likely to cause death or serious bodily injury, or the twentieth cumulative day when the vehicle is out of service by reason of repair of one or more nonconformities, whichever occurs first, multiplied by the purchase price of the vehicle, or in the event of a leased vehicle, the lessor's actual lease price plus an amount equal to two percent of the purchase price, and divided by one hundred twenty thousand. 19. "Replacement motor vehicle" means a motor vehicle which is identical or reasonably equivalent to the motor vehicle to be replaced, and as the motor vehicle to be replaced would have existed without the nonconformity at the time of original acquisition. 20. "Substantially impair" means to render the motor vehicle unfit, unreliable, or unsafe for warranted or ordinary use, or to significantly diminish the value of the motor vehicle. 21. "Warranty" means any written warranty issued by the manufacturer; or any affirmation of fact or promise made by the manufacturer, excluding statements made by the dealer, in connection with the sale or lease of a motor vehicle to a consumer, which relates to the nature of the material or workmanship and affirms or promises that the material or workmanship is free of defects or will meet a specified level of performance. 91 Acts, ch 153, §2; 95 Acts, ch 45, §6; 2014 Acts, ch 1072, §1, 2; 2016 Acts, ch 1098, §30

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322G - DEFECTIVE MOTOR VEHICLES (LEMON LAW) Section 322G.3 - Duties of manufacturer.

322G.3 Duties of manufacturer. 1. At the time of the consumer's purchase or lease of the vehicle, the manufacturer shall provide to the consumer a written statement that explains the consumer's rights and obligations under this chapter. The written statement shall be prepared by the attorney general and shall contain a telephone number that the consumer can use to obtain information from the attorney general regarding the rights and obligations provided under this chapter. 2. At the time of the consumer's purchase or lease of the vehicle, the manufacturer shall provide to the consumer the address and phone number for the zone, district, or regional office

of the manufacturer for this state where a claim may be filed by the consumer. This information shall be provided to the consumer in a clear and conspicuous manner. Within thirty days of the introduction of a new model year for each make and model of motor vehicle sold in this state, the manufacturer shall notify the attorney general of such introduction. The manufacturer shall also inform the attorney general that a copy of the owner's manual and applicable written warranties shall be provided upon request and provide information as to where the request should be made. The manufacturer shall inform the attorney general where such a request should be directed and shall provide the copy of the owner's manual and applicable written warranties within five business days of a request by the attorney general. 3. A manufacturer or the authorized service agent of the manufacturer shall make repairs as necessary to conform the vehicle to the warranty if a motor vehicle does not conform to the warranty and the consumer reports the nonconformity to the manufacturer or authorized service agent during the lemon law rights period. Such repairs shall be made irrespective of whether they can be made prior to the expiration of the lemon law rights period. 4. A manufacturer or the authorized service agent of the manufacturer, shall provide to the consumer, each time the motor vehicle is returned after being examined or repaired under the warranty, a fully itemized, legible statement or repair order indicating any diagnosis made, and all work performed on the motor vehicle including, but not limited to, a general description of the problem reported by the consumer or an identification of the defect or condition, parts and labor, the date and the odometer reading when the motor vehicle was submitted for examination or repair, and the date when the repair or examination was completed. 5. Upon request from the consumer, the manufacturer, or the authorized service agent of the manufacturer, shall provide a copy of either or both of the following: a. Any report or printout of any diagnostic computer operation compiled by the manufacturer or authorized service agent regarding an inspection or diagnosis of the motor vehicle. b. A copy of any technical service bulletin issued by the manufacturer regarding the year and model of the motor vehicle as it pertains to any material, feature, component, or the performance of the motor vehicle. 91 Acts, ch 153, §3 Referred to in §322G.15

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322G - DEFECTIVE MOTOR VEHICLES (LEMON LAW) Section 322G.4 - Nonconformity of motor vehicles.

322G.4 Nonconformity of motor vehicles. 1. a. After three attempts have been made to repair the same nonconformity that substantially impairs the motor vehicle, or after one attempt to repair a nonconformity that is likely to cause death or serious bodily injury, the consumer may give written notification, which shall be by certified or registered mail or by overnight service, to the manufacturer of the need to repair the nonconformity in order to allow the manufacturer a final attempt to cure the nonconformity. The manufacturer shall, within ten days after receipt of such notification, notify and provide the consumer with the opportunity to have the vehicle repaired at a reasonably accessible repair facility and after delivery of the vehicle to the designated repair facility by the consumer, the manufacturer shall, within ten days, conform the motor vehicle to the warranty. If the manufacturer fails to notify and provide the consumer with the opportunity to have the vehicle repaired at a reasonably accessible repair facility or perform the repairs within the time periods prescribed in this subsection, the requirement that the manufacturer be given a final attempt to cure the nonconformity does not apply. b. After twenty or more cumulative days when the motor vehicle has been out of service by reason of repair of one or more nonconformities, the consumer may give written notification to the manufacturer which shall be by certified or registered mail or by overnight service. Commencing upon the date such notification is received, the manufacturer has ten cumulative days when the vehicle has been out of service by reason of repair of one or more nonconformities to conform the motor vehicle to the warranty. 2. a. If the manufacturer, or its authorized service agent, has not conformed the motor vehicle to the warranty by repairing or correcting one or more nonconformities that substantially impair the motor vehicle after a reasonable number of attempts, the manufacturer shall, within forty days of receipt of payment by the manufacturer of a reasonable offset for use by the consumer, replace the motor vehicle with a replacement motor vehicle acceptable to the consumer, or repurchase the motor vehicle from the consumer or lessor and refund to the consumer or lessor the full purchase or lease price, less a reasonable offset for use. The replacement or refund shall include payment of all collateral and reasonably incurred incidental charges. The consumer has an unconditional right to choose a refund rather than a replacement. If the consumer elects to receive a refund, and the refund exceeds the amount of the payment for a reasonable offset for use, the requirement that the consumer pay the reasonable offset for use in advance does not apply, and the manufacturer shall deduct that amount from the refund due to the consumer. If the consumer elects a replacement motor vehicle, the manufacturer shall provide the consumer a substitute motor vehicle to use until such time as the replacement vehicle is delivered to the consumer. At the time of the refund or replacement, the consumer, lienholder, or lessor shall furnish to the manufacturer clear title to and possession of the original motor vehicle. b. Refunds shall be made to the consumer and lienholder of record, if any, as their interests appear. If applicable, refunds shall be made to the lessor and lessee as follows: the lessee shall receive the lessee's cost less a reasonable offset for use, and the lessor shall receive the lease price less the aggregate deposit and rental payments previously paid to the lessor for the leased vehicle. If it is determined that the lessee is entitled to a refund pursuant to this chapter, the consumer's lease agreement with the lessor is terminated upon payment of the refund and no penalty for early termination shall be assessed. The department of revenue shall refund to the manufacturer any use tax or fee for new registration which the manufacturer refunded to the consumer, lessee, or lessor under this section, if the manufacturer provides to the department of revenue a written request for a refund and evidence that the use tax or fee for new registration was paid when the vehicle was purchased and that the manufacturer refunded the use tax or fee for new registration to the consumer, lessee, or lessor. 3. a. It is presumed that a reasonable number of attempts have been undertaken to conform a motor vehicle to the warranty if, during the lemon law rights period, any of the following occur: (1) The same nonconformity that substantially impairs the motor vehicle has been subject to examination or repair at least three times by the manufacturer or its

authorized service agent, plus a final attempt by the manufacturer to repair the motor vehicle if undertaken as provided for in subsection 1, and such nonconformity continues to exist. (2) A nonconformity that is likely to cause death or serious bodily injury has been subject to examination or repair at least one time by the manufacturer or its authorized service agent, plus a final attempt by the manufacturer to repair the motor vehicle if undertaken as provided for in subsection 1, and such nonconformity continues to exist. (3) The motor vehicle has been out of service by reason of repair by the manufacturer, or its authorized service agent, of one or more nonconformities that substantially impair the motor vehicle for a cumulative total of thirty or more days, exclusive of down time for routine maintenance prescribed by the owner's manual. The thirty-day period may be extended by any period of time during which repair services are not available to the consumer because of war, invasion, strike, fire, flood, or natural disaster. b. The terms of this subsection shall be extended for a period of up to two years after the date of the original delivery of a motor vehicle to a consumer, or the first twenty-four thousand miles of operation attributable to a consumer, whichever occurs first, if a nonconformity has been reported but has not been cured by the manufacturer, or its authorized service agent, before the expiration of the lemon law rights period. 4. A manufacturer, or its authorized service agent, shall not refuse to examine or repair any nonconformity for the purpose of avoiding liability under this chapter. 91 Acts, ch 153, §4; 2003 Acts, ch 145, §286; 2008 Acts, ch 1113, §107; 2010 Acts, ch 1061, §180 Referred to in §321.105A, 322G.6, 322G.8, 322G.12

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322G - DEFECTIVE MOTOR VEHICLES (LEMON LAW) Section 322G.5 - Affirmative defenses.

322G.5 Affirmative defenses. Any of the following is an affirmative defense to a claim under this chapter: 1. The alleged nonconformity or nonconformities do not substantially impair the motor vehicle. 2. A nonconformity is the result of an accident, abuse, neglect, or unauthorized modification or alteration of the motor vehicle by a person other than the manufacturer or its authorized service agent. 3. The claim by the consumer was not filed in good faith. 4. Any other defense allowed by law which may be raised against the claim. 91 Acts, ch 153, §5

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322G - DEFECTIVE MOTOR VEHICLES (LEMON LAW) Section 322G.6 - Informal dispute settlement procedures — operations and certification.

322G.6 Informal dispute settlement procedures — operations and certification. 1. At the time of the consumer's purchase or lease of the vehicle, a manufacturer who has established a program certified pursuant to this section shall, at a minimum, clearly and conspicuously disclose to the consumer in written materials accompanying the vehicle how and where to file a claim with the program. 2. A certified program shall be funded and competently staffed at a level sufficient to ensure fair and expeditious resolution of all disputes, and shall not charge consumers any fee for use of the program. The manufacturer shall take all steps necessary to ensure that a certified program and its staff and decision makers are sufficiently insulated from the manufacturer so that the performance of the staff and the decisions of the decision makers are not influenced by the manufacturer. Such steps, at a minimum, shall ensure that the manufacturer does not make decisions on whether a consumer's dispute proceeds to the decision maker. Staff and decision makers of a certified program shall be trained in the provisions of this chapter and rules adopted under this chapter. 3. a. A certified program shall allow an oral presentation by a party, or by a party's employee, agent, or representative. b. Within five days following the consumer's notification to the certified program of the dispute, the program shall inform each party of their right to make an oral presentation. c. Meetings of a certified program to hear and decide disputes shall be open to observers, including either party to the dispute, on reasonable and nondiscriminatory terms. 4. A certified program shall render a decision no later than sixty days from the day of the consumer's notification of the dispute, provided that a significant number of decisions are rendered within forty days. For the purposes of this section, notification is deemed to have occurred when a certified program has received the consumer's name and address; the current date and the date of the original delivery of the motor vehicle to a consumer; the year, make, model, and identification number of the motor vehicle; and a description of the nonconformity. If the consumer has not previously notified the manufacturer of the nonconformity, the sixty-day period is extended for an additional seven days. 5. A certified program shall, in rendering decisions, take into account the provisions of this chapter and all legal and equitable factors germane to a fair and just decision. The decision shall disclose to the consumer and the manufacturer the reasons for the decision, and the manufacturer's required actions, if applicable. If the decision is in favor of the consumer, the consumer shall have up to twenty-five days from the date of receipt of the certified program's decision to indicate acceptance of the decision. The decision shall prescribe a reasonable period of time, not to exceed thirty days from the date the consumer notifies the manufacturer of acceptance of the decision, within which the manufacturer must fulfill the terms of the decision. If the manufacturer has had a reasonable number of attempts to conform a motor vehicle to the warranty as set forth in section 322G.4, subsection 3, including a final attempt by the manufacturer to repair the motor vehicle, if undertaken as provided for in section 322G.4, subsection 1, and the consumer is entitled to a replacement vehicle or a refund under section 322G.4, subsection 2, the decision shall be limited to relief as allowed under section 322G.4, subsection 2. In an action brought by a consumer under this chapter, the decision of a certified program is admissible in evidence. 6. A certified program shall establish written procedures which explain operation of the certified program. Copies of the written procedures shall be made available to any person upon request and shall be sent to the consumer upon notification of the dispute. 7. A certified program shall retain all records for each dispute for at least four years after the final disposition of the dispute. A certified program shall have an independent audit conducted annually to determine whether the manufacturer and its performance and the program and its implementation are in compliance with this chapter. All records for each dispute shall be available for the audit. Such audit, upon completion, shall be forwarded to the attorney general. 8. Any manufacturer

licensed to sell motor vehicles in this state may apply to the attorney general for certification of its program. A manufacturer seeking certification of its program in this state shall submit to the attorney general an application for certification on a form prescribed by the attorney general. 9. A program certified in this state or a program established by a manufacturer applying for certification in this state shall submit to the attorney general a copy of each settlement approved by the program or decision made by the decision maker within thirty days after the settlement is reached or the decision is rendered. The decision or settlement shall contain information prescribed by the attorney general. 10. The attorney general shall review the operations of any certified program at least once annually. The attorney general shall prepare annual and periodic reports evaluating the operation of certified programs serving consumers in this state or programs established by motor vehicle manufacturers applying for certification in this state. The reports shall indicate whether certification should be granted, renewed, denied, or revoked. 11. If a manufacturer has established a program which the attorney general has certified as substantially complying with the provisions of and the rules adopted under this chapter, and has informed the consumer how and where to file a claim with the program pursuant to subsection 1, the provisions of section 322G.4, subsection 2, do not apply to any consumer who has not first resorted to the program. 91 Acts, ch 153, §6; 2010 Acts, ch 1061, §180 Referred to in §322G.7, 322G.15

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322G - DEFECTIVE MOTOR VEHICLES (LEMON LAW) Section 322G.7 - Informal dispute settlement procedure — certification uniformity.

322G.7 Informal dispute settlement procedure — certification uniformity. To facilitate uniform application, interpretation, and enforcement of this section and section 322G.6, and in implementing rules adopted pursuant to section 322G.14, the attorney general may cooperate with agencies that perform similar functions in any other states that enact these or similar sections. The cooperation authorized by this section may include any of the following: 1. Establishing a central depository for copies of all applications and accompanying materials submitted by manufacturers for certification, and all reports prepared, notices issued, and determinations made by the attorney general under section 322G.6. 2. Sharing and exchanging information, documents, and records pertaining to program operations. 3. Sharing personnel to perform joint reviews, surveys, and investigations of program operations. 4. Preparing joint reports evaluating program operations. 5. Granting joint certifications and certification renewals. 6. Issuing joint denials or revocations of certification. 7. Holding a joint administrative hearing. 8. Formulating, in accordance with chapter 17A, the administrative procedure Act, rules or proposed rules on matters such as guidelines, forms, statements of policy, interpretative opinions, and any other information necessary to implement section 322G.6. 91 Acts, ch 153, §7; 2019 Acts, ch 59, §99

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322G - DEFECTIVE MOTOR VEHICLES (LEMON LAW) Section 322G.8 - Consumer remedies.

322G.8 Consumer remedies. 1. If a consumer resorts to a manufacturer's certified program and a decision is not rendered within the time periods allowed in this chapter, or a manufacturer has no certified program and the consumer has notified the manufacturer pursuant to section 322G.4, subsection 1, the consumer may file an action in district court under this chapter within one year from the expiration of the lemon law rights period or an extension of the period pursuant to section 322G.4, subsection 3. 2. If a consumer resorts to a manufacturer's certified program and is not satisfied with the performance of the manufacturer as ordered in the decision, or the manufacturer does not perform as directed by the decision within the time period specified in the decision, the consumer may file an action in district court under this chapter within six months after the date prescribed in the decision by which the manufacturer must fulfill the terms of the decision. If the consumer declines to accept the decision of the manufacturer's certified program, the consumer may appeal the decision pursuant to subsection 4. For purposes of this subsection, "not satisfied with the performance of the decision" means, following the consumer's acceptance of the decision, the consumer indicates that the manufacturer failed to comply with the terms of the decision within the time specified in the decision or failed to cure the nonconformity within the time specified in the decision if further repairs were ordered. 3. In an action under either subsection 1 or 2, the court shall award a consumer who prevails the amount of any pecuniary loss, including relief the consumer is entitled to under section 322G.4, subsection 2, reasonable attorney's fees, and costs. In addition, if the court affirms the decision of the certified program, the court may award any additional amounts allowed under subsection 7. 4. A certified program's decision is final unless appealed by either party. A petition to the district court to appeal a decision must be made within fifty days after receipt of the decision or within twenty-five days from the date the consumer indicates acceptance of the decision to the manufacturer, whichever occurs first. Within seven days after the petition has been filed, the appealing party must send, by certified, registered, or express mail, a copy of the petition to the attorney general. If the attorney general receives no notice of the petition within sixty days after the manufacturer's receipt of a decision in favor of the consumer, and the consumer has indicated acceptance of the decision within the twenty-five days of receipt of the decision, but the manufacturer has neither complied with, nor petitioned to appeal the decision, the attorney general may apply to the court to impose a fine up to one thousand dollars per day against the manufacturer until the amount stands at twice the purchase price of the motor vehicle, unless the manufacturer provides clear and convincing evidence that the delay or failure was beyond its control or was acceptable to the consumer as evidenced by a written statement signed by the consumer. If the manufacturer fails to provide such evidence or fails to pay the fine, the attorney general shall initiate proceedings against the manufacturer for failure to pay the fine. The proceeds from the fine imposed shall be placed in the attorney general's motor vehicle fraud and odometer law enforcement fund for implementation and enforcement of this chapter. 5. If the manufacturer fails to comply with a decision which has been timely accepted by the consumer or fails to file a timely petition for appeal, the court shall affirm the board's decision upon application by the consumer. 6. An appeal of a decision by a certified program to the court by

a consumer or a manufacturer shall be tried de novo, and may be based upon stipulated facts. In a written petition to appeal a decision by the board, the appealing party must state the action requested and the grounds relied upon for appeal. 7. If a decision of the certified program in favor of the consumer is affirmed or upheld by the court, recovery by the consumer shall include the pecuniary value of the award, including relief the consumer is entitled to under section 322G.4, subsection 2, attorney's fees incurred in obtaining confirmation of the award, and all costs and continuing damages in an amount of twenty-five dollars per day for all days beyond the twenty-five-day period following the manufacturer's receipt of the consumer's acceptance of the certified program's decision. If a court determines that a manufacturer filed a petition for appeal to be tried de novo in bad faith or brought such an appeal solely for the purpose of harassment, the court shall double, and may triple, the amount of the total award, after consideration of all circumstances. 8. Appellate review of a court decision in favor of the consumer may be conditioned upon payment by the manufacturer of the consumer's attorney's fees and giving security for costs and expenses resulting from the review period. 9. This chapter does not prohibit a consumer from pursuing other rights or remedies under any other law. 91 Acts, ch 153, §8

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 322G - DEFECTIVE MOTOR VEHICLES (LEMON LAW) Section 322G.9 - Compliance and disciplinary action.

322G.9 Compliance and disciplinary action. The attorney general may enforce and ensure compliance with the provisions of this chapter and rules adopted pursuant to section 322G.14, may issue subpoenas requiring the attendance of witnesses and the production of evidence, and may petition any court having jurisdiction to compel compliance with the subpoenas. The attorney general may levy and collect an administrative fine in an amount not to exceed one thousand dollars for each violation against any manufacturer found to be in violation of this chapter or rules adopted pursuant to section 322G.14. A manufacturer may request a hearing pursuant to chapter 17A, the administrative procedure Act, if the manufacturer contests the fine levied against it. The proceeds from any fine levied and collected pursuant to this section shall be placed in the attorney general's motor vehicle fraud and odometer law enforcement fund for implementation and enforcement of this chapter. 91 Acts, ch 153, §9

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 323 - MOTOR FUEL AND SPECIAL FUEL Section 323.1 - Definitions.

323.1 Definitions. When used in this chapter, unless the context otherwise requires: 1. "Blender pump" means a motor fuel blender pump as defined in section 214.1 that dispenses motor fuel or special fuel in a manner required pursuant to chapters 214 and 214A. 2. "Dealer" means a person, other than an employee of a distributor or franchiser, who operates, maintains or conducts a place of business from which motor fuel or special fuel is sold or offered for sale at retail to the ultimate consumer, and who holds a license, issued as provided in chapter 214, for each pump and meter operated upon the retail premises. 3. "Dealer franchise" means an agreement or contract, either written or oral, between a franchiser and a dealer or between a distributor and a dealer when all of the following conditions are included: a. A commercial relationship of definite duration or continuing indefinite duration is involved. b. The dealer is granted the right to offer and sell motor fuel or special fuel that is imported, refined or distributed by the franchiser or by the distributor. c. The dealer's business is substantially reliant on the franchiser or distributor for the continued supply of motor fuel or special fuel. 4. "Department" means the department of inspections, appeals, and licensing. 5. a. "Dispenser" means a meter or similar commercial weighing and measuring device used to measure and dispense motor fuel or special fuel, including renewable fuel, originating from a storage tank used to store fuel. b. "Dispenser" includes but is not limited to a motor fuel pump or blender pump. 6. "Distributor" means distributor as defined in section 452A.2. 7. "Distributor franchise" means a written agreement or contract, either written or oral, between a franchiser and a distributor when all of the following conditions are included: a. A commercial relationship of definite duration or continuing indefinite duration is involved. b. The distributor is granted the right to offer and sell motor fuel or special fuel that is imported, refined or distributed by the franchiser. c. The distributor, as an independent business, constitutes a component of the franchiser's distribution system. d. The distributor's business, or a portion of it which is related to motor fuel or special fuel purchased from the franchiser is substantially reliant on the franchiser for the continued supply of motor fuel or special fuel. e. The distributor's business or a portion of it which is related to motor fuel or special fuel purchased from the franchiser is substantially associated with the franchiser's trademark, service mark, trade name, advertising or other commercial symbol designating the franchiser. 8. "Franchiser" means a person who is engaged in the importation, refining or distribution of motor fuel or special fuel and who has entered into a distributor franchise or a dealer franchise. 9. "Motor fuel" means motor fuel as defined in chapter 452A. 10. "Motor fuel pump" means the same as defined in section 214.1 that dispenses motor fuel or special fuel in a manner that complies with standards set forth in chapters 214 and 214A. 11. "Refiner" means a person engaged in the refining of crude oil to produce motor fuel or special fuel, and includes any affiliate of such person. 12. "Renewable fuel" means the same as defined in section 214A.1 that complies with standards set forth in section 214A.2. 13. "Retail premises" means real estate either owned or leased by the dealer and used primarily for the sale at retail to the ultimate consumer of motor fuel or special fuel. 14. "Retaliatory action" means action contrary to the purpose or intent of this chapter and may include a refusal to continue to sell or lease, a reduction in the quality or quantity of services or products customarily available for sale or lease, a violation of privacy, or an inducement of others to retaliate. 15. "Special fuel" means special fuel as defined in chapter 452A. 16. "Storage tank" means a motor fuel storage tank as defined in section 214.1, including an underground storage tank subject to regulation under chapter 455G. 17. "Supplier" means the same as defined in section 452A.2. [C75, 77, 79, 81, §323.1] 88 Acts, ch 1158, §68; 95 Acts, ch 155, §1; 96 Acts, ch 1034, §28; 2013 Acts, ch 127, §4; 2023 Acts, ch 19, §1983 Subsection 4 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 323 - MOTOR FUEL AND SPECIAL FUEL Section 323.10 - Intent.

323.10 Intent. The provisions of this chapter are enacted in the exercise of the police powers of this state for the purpose of protecting the health, safety and general welfare of the people of this state and because methods and practices in the marketing and distribution of motor fuel and special fuel have impaired the availability to the public of the fuel and the services supplied by distributors and dealers who have entered into a franchise agreement with their respective suppliers. [C75, 77, 79, 81, §323.10]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 323 - MOTOR FUEL AND SPECIAL FUEL Section 323.11 - Hearing.

323.11 Hearing. 1. Upon receiving an application, the department shall order a hearing. The hearing shall be held within thirty days of receipt of the application and in accordance with the Iowa administrative procedure Act, chapter 17A. The department shall notify the franchiser or distributor of the time and place of the hearing. The department may also give notice of the application to any other party the department deems an interested person. The notice shall be in the form and substance and given in the manner determined by the department. 2. Any person who can show an interest in the application may become a party to the hearing, whether or not the person receives notice; but a party not receiving notice shall be limited to participation at the hearing on the question of the public interest in the termination or continuation of the franchise. [C75, 77, 79, 81, §323.11] 2003 Acts, ch 44, §114; 2021 Acts, ch 76, §150

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 323 - MOTOR FUEL AND SPECIAL FUEL Section 323.12 - Appeal.

323.12 Appeal. Appeal may be taken from the final order of the department by either the distributor, franchiser or dealer, to the district court of the county where the distributor or dealer either resides or maintains the principal place of business, within thirty days from the time the decision is filed with the department, by giving at least ten days' notice to the department to be served on its chairperson or secretary in the same manner as original notices are now served, and by filing with the clerk of court a bond for costs in the sum of not less than five hundred dollars. Appeal shall be taken in accordance with the provisions of the Iowa administrative procedure Act, chapter 17A. [C75, 77, 79, 81, §323.12] 2003 Acts, ch 44, §114

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 323 - MOTOR FUEL AND SPECIAL FUEL Section 323.13 - Waiver.

323.13 Waiver. Any provision of a dealer franchise or distributor franchise which is an attempted waiver of the benefits of this chapter shall be void and unenforceable. [C75, 77, 79, 81, §323.13]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 323 - MOTOR FUEL AND SPECIAL FUEL Section 323.14 - Death of franchisee — successor — penalty.

323.14 Death of franchisee — successor — penalty. 1. It is unlawful to include in any distributor franchise or dealer franchise agreement a term which provides for the termination of the franchise by the franchiser upon the death of the franchisee if the franchisee, prior to the franchisee's death, designates a successor-in-interest in a form prescribed by and delivered to the franchiser. For the purposes of this section, "successor-in-interest" is restricted to either a surviving spouse or adult child of the franchisee who, at the time of the franchisee's death, is able to meet reasonable qualifications then being required of distributors or dealers by the franchiser. 2. The successor-in-interest designated as provided in subsection 1 shall have twenty-one days after the death of the franchisee to give written notice of an election to assume and operate the franchise. The notification shall contain such information regarding business experience and credit worthiness as is reasonably required by the franchiser. The successor-in-interest must offer to assume and commence operation of the franchise within ten days after the franchiser approves the assumption. 3. The franchise available to the successor-in-interest pursuant to this section shall be the same as that which existed in the name of the deceased franchisee at the time of the franchisee's death. 4. A franchisee may designate a primary and one alternate successor-in-interest. The alternate, if one is designated, has no rights under this section in the event of an exercise of rights by the primary successor-in-interest. If an alternate desires to assume and operate the franchise in the event the primary successor-in-interest fails to do so, the alternate must give notice of such election and otherwise comply with subsection 2. 5. Unless otherwise specifically provided in this section, actions to be performed by the franchiser or by the successor-in-interest under this section shall be performed within a reasonable time. 6. Following the death of a franchisee, and prior to the operation of the franchise by the successor-in-interest as provided in this section, the executor or administrator of the estate of the deceased franchisee may operate the franchise. 7. If the successor-in-interest assumes the franchise, the successor-in-interest shall account to the heirs or estate of the deceased franchisee for the value of personal property of the franchisee located at or related to the franchise. 8. If the successor-in-interest does not assume the franchise, the franchiser shall account to the heirs or the estate of the deceased franchisee for the value of branded products purchased directly from the franchiser. 9. A franchisee or successor-in-interest may commence a civil action to compel compliance by a franchiser with this section, or to obtain damages caused by a failure to comply with this section, or both, within two years after the date the franchiser fails to comply with the requirements of this section. [81 Acts, ch 114, §1, 2]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 323 - MOTOR FUEL AND SPECIAL FUEL Section 323.2 - Discontinuing distributor franchise.

323.2 Discontinuing distributor franchise. Notwithstanding the terms, provisions or conditions of any distributor franchise, a franchiser shall not terminate or refuse to renew a distributor franchise except as provided in this chapter. A franchiser shall not terminate or refuse to renew a distributor franchise unless the franchiser gives to the distributor thirty days' written notice of franchiser's intent to terminate or not renew. Notice shall be given by restricted certified mail, as defined in section 618.15. If a distributor, within thirty days after the date of delivery of the notice from the franchiser, applies to the department for a hearing under this chapter, the distributor franchise shall remain in effect pending a final order by the department. The application filed by the distributor shall state, under oath, that the distributor has not filed a petition in bankruptcy or been declared bankrupt within six months preceding the filing of the application, that the franchiser has not withdrawn entirely from the sale for resale of motor fuel and special fuel in this state, that there are no past due sums owing by the distributor to the franchiser, and that the distributor has not consented in writing to the termination or nonrenewal of the distributor franchise. [C75, 77, 79, 81, §323.2] 95 Acts, ch 155, §2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 323 - MOTOR FUEL AND SPECIAL FUEL Section 323.3 - Discontinuing dealer franchise.

323.3 Discontinuing dealer franchise. Notwithstanding the terms, provisions, or conditions of any dealer franchise, a distributor or franchiser shall not terminate or refuse to renew a dealer franchise except as provided in this chapter. A distributor or franchiser shall not terminate or refuse to renew a dealer franchise unless the distributor or franchiser gives to the dealer thirty days' written notice of distributor's or franchiser's intent to terminate or not renew. Notice shall be given by restricted certified mail, as defined in section 618.15. If a dealer, within thirty days after the date of delivery of the notice from the distributor or franchiser, applies to the department for a hearing under this chapter, the dealer franchise shall remain in effect pending a final order by the department. The application filed by the dealer shall state, under oath, that the dealer's license, issued pursuant to chapter 214, for pumps and meters located on the retail premises occupied by the dealer has not been canceled, that the dealer has not filed a petition in bankruptcy or been declared bankrupt within six months preceding the filing of the application, that the franchiser or distributor has not withdrawn entirely from the sale for resale of motor fuel and special fuel in this state, that there are no past due sums owing by the dealer to the franchiser or distributor, and that the dealer has not consented in writing to the termination or nonrenewal of the dealer franchise. [C75, 77, 79, 81, §323.3]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 323 - MOTOR FUEL AND SPECIAL FUEL Section 323.4 - Continuance.

323.4 Continuance. The department may continue the date of hearing for a period of thirty days, and may upon application, but not ex parte, continue the date of hearing for an additional period of thirty days. [C75, 77, 79, 81, §323.4]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 323 - MOTOR FUEL AND SPECIAL FUEL Section 323.4A - Use of renewable fuel.

323.4A Use of renewable fuel. 1. Except as provided in subsection 3, this section applies to a supply agreement or other document executed on or after July 1, 2013, by parties who are receiving and furnishing motor fuel or special fuel as follows: a. A dealer who is a party receiving motor fuel or special fuel from another party who is a refiner, supplier, or distributor furnishing the motor fuel or special fuel. b. A distributor who is a party receiving motor fuel or special fuel from another party who is a refiner, supplier, or other distributor furnishing the motor fuel or special fuel. 2. A supply agreement or other document shall not contain a provision restricting a dealer or distributor who is a party receiving motor fuel or special fuel from the other party furnishing the motor fuel or special fuel as described in subsection 1 from doing any of the following: a. Installing, converting, or operating a storage tank or a dispenser located on the distributor's or dealer's business premises for use in storing or dispensing renewable fuel. However, this paragraph does not apply to a dealer or distributor whose business premises are leased from the other party furnishing the renewable fuel. b. Using a dispenser to dispense ethanol blended gasoline, including gasoline with a specified blend or a range of blends under chapter 214A, if the dispenser is approved as required by the director of the department of inspections, appeals, and licensing for dispensing the specified blend or range of blends, including as provided in section 455G.31. c. Purchasing, selling, or dispensing motor fuel or special fuel that is a renewable fuel from a source other than the party furnishing other motor fuel or special fuel, if such party furnishing the other motor fuel or special fuel does not furnish motor fuel or special fuel that is a renewable fuel for sale by the distributor or dealer. d. Marketing the sale of any renewable fuel, including but not limited to advertising its availability or price on a sign, on a dispenser, or by media. e. Selling or dispensing renewable fuel in any specified area located on the distributor's or dealer's business premises, including but not limited to any area in which a name or logo of a franchiser or any other entity appears. f. Using a payment form for the sale of a renewable fuel by the retail dealer that is the same type as the payment form used for the sale of another type of motor fuel or special fuel by the dealer on the dealer's retail premises. 3. This section does not apply to any activity that constitutes mislabeling, misbranding, willful adulteration, or other trademark violation by a dealer. 2013 Acts, ch 127, §5; 2023 Acts, ch 19, §1657 Legislative intent regarding use of renewable fuels; 2013 Acts, ch 127, §1 Subsection 2, paragraph b amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 323 - MOTOR FUEL AND SPECIAL FUEL Section 323.5 - Burden of proof.

323.5 Burden of proof. 1. Upon hearing, if the department finds the statements contained in the application are true, then the franchiser or distributor that intends to terminate or not renew the distributor franchise or dealer franchise shall have the burden of proof to establish that the franchiser or distributor, as the case may be, has good cause for terminating or not renewing the franchise. 2. If the department finds the statements contained in the application are not true, the application shall be denied. Nothing contained in this chapter shall be construed to require or authorize any investigation by the department of any matter before the department under this chapter. Upon hearing, the department shall hear the evidence introduced by the parties and shall make its decision solely upon the record made. If the department denies the termination or nonrenewal of the franchise, it may make such further order as may be necessary to require compliance with the terms of the franchise and to prevent retaliatory action. [C75, 77, 79, 81, §323.5] 2021 Acts, ch 76, §150

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 323 - MOTOR FUEL AND SPECIAL FUEL Section 323.6 - Conditions barring change in distributor franchise.

323.6 Conditions barring change in distributor franchise. Notwithstanding the terms, provisions or conditions of a distributor franchise, the following shall not constitute good cause for the termination or refusal to renew a distributor franchise: 1. The sole fact that the franchiser desires further penetration of the market. 2. The change of executive management of the distributor, unless the franchiser, having the burden of proof, proves that the change of executive management will be substantially detrimental to the distribution of the franchiser's motor fuels or special fuels in the area served by the distributor. 3. The sale or change of ownership of the distributor's business. [C75, 77, 79, 81, §323.6] 95 Acts, ch 155, §3 Referred to in §323.7

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 323 - MOTOR FUEL AND SPECIAL FUEL Section 323.7 - Department's guidelines.

323.7 Department's guidelines. In determining whether good cause has been established for terminating or not renewing a distributor franchise or dealer franchise, the department shall take into consideration the existing circumstances, including, but not limited to: 1. Amount of business transacted by the distributor or dealer. 2. Investments made and obligations incurred by the distributor or dealer in performance of the franchise. 3. Permanency of the investment. 4. Whether it is injurious to the public welfare for the business of the distributor or dealer to be disrupted. 5. Ability of the distributor or dealer to timely pay financial obligations. 6. Whether the distributor or dealer has adequate equipment and qualified personnel to reasonably provide for the distribution and marketing of the motor fuel or special fuel sold to the distributor or dealer. 7. Except as provided in section 323.6, failure of the distributor to substantially comply with those requirements of the distributor franchise that are determined by the department to be reasonable and material. 8. Failure of the dealer to substantially comply with those requirements of the dealer franchise that are determined by the department to be reasonable and material. [C75, 77, 79, 81, §323.7]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 323 - MOTOR FUEL AND SPECIAL FUEL Section 323.8 - Compulsory attendance at hearings.

323.8 Compulsory attendance at hearings. The department may issue subpoenas, administer oaths, compel the attendance of witnesses and production of books, papers, documents and other evidence. The department may apply to the district court of the county in which the hearing is to be held for a court order to enforce actions taken under this section. [C75, 77, 79, 81, §323.8]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 323 - MOTOR FUEL AND SPECIAL FUEL Section 323.9 - Violations.

323.9 Violations. Any person violating the provisions of this chapter is guilty of a simple misdemeanor. [C75, 77, 79, 81, §323.9]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 323A - PURCHASING FUEL FROM ALTERNATE SOURCES Section 323A.1 - Definitions.

323A.1 Definitions. For purposes of this chapter, unless the context otherwise requires: 1. "E-85 gasoline" means the same as defined in section 214A.1. 2. "Ethanol blended gasoline" means the same as defined in section 214A.1. 3. "Franchise" means a contract between a refiner and a distributor, a refiner and a retailer, a distributor and another distributor, or a distributor and a retailer under which a refiner or distributor authorizes a retailer or distributor to use, in connection with the sale, consignment, or distribution of motor fuel, a trademark which is owned or controlled by the refiner or by a refiner which supplies motor fuel to the distributor which authorizes the use. "Franchise" includes any contract under which a retailer or distributor is permitted to occupy leased premises, which premises are to be used in connection with the sale, consignment, or distribution of motor fuel under a trademark which is owned or controlled by a refiner or a refiner which supplies motor fuel to the distributor and permits the occupancy of the leased premises. 4. "Franchisor" means a refiner or distributor who authorizes or permits, under a franchise, a retailer or distributor to use a trademark in connection with the sale, consignment, or distribution of motor fuel. 5. "Franchisee" means a retailer or distributor who is authorized or permitted, under a franchise, to use a trademark in connection with the sale, consignment, or distribution of motor fuel. 6. "Motor fuel" means the same as motor fuel as defined in section 214A.1, which is of a

type distributed for use as a fuel in self-propelled vehicles designed primarily for use on public streets, roads, and highways. [C81, §323A.1] 2006 Acts, ch 1142, §21, 22, 27

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 323A - PURCHASING FUEL FROM ALTERNATE SOURCES Section 323A.2 - Purchase from other source.

323A.2 Purchase from other source. 1. The orderly flow of an adequate supply of motor fuel is declared to be essential to the economy and to the welfare of the people of this state. Therefore, in the public interest and notwithstanding the terms, provisions, or conditions of any franchise, a franchisee unable to obtain motor fuel from the franchisor may purchase the fuel from another available source, subject to subsections 2 through 5 and provided the franchisee has done all of the following: a. At least forty-eight hours prior to entering into an agreement to purchase motor fuel from another source, the franchisee has requested delivery of motor fuel from the franchisor and the requested motor fuel has not been delivered and the franchisor has given the franchisee notice that the franchisor is unable to provide the requested motor fuel, or prior to entering into an agreement the franchisor has stated to the franchisee that the requested motor fuel will not be delivered. The request to the franchisor for delivery shall be for a type of fuel normally provided by the franchisor to the franchisee and for a quantity of fuel not exceeding the average amount sold by the franchisee in one week, based upon average weekly sales in the three months preceding the request, except that this provision shall not restrict a franchisee from purchasing ethanol blended gasoline from a source other than the franchisor or limit the quantity to be purchased when the franchisor does not normally supply the franchisee with ethanol blended gasoline. A franchisee may also purchase E-85 gasoline as provided in section 323A.2A. b. The franchisee has requested and has been denied delivery of motor fuel sold or distributed under the trademark named in the franchise from a person other than the franchisor. c. The director of the economic development authority determines that the franchisee has demonstrated that a special hardship exists in the community served by the franchisee relating to the public health, safety, and welfare, as specified under the rules of the authority. 2. The quantity of motor fuel requested or purchased from another source including the source listed in subsection 1, paragraph “b”, shall not exceed the quantity requested from the franchisor. 3. At the time a franchisee enters into an agreement to purchase motor fuel from a source other than the franchisor, the franchisee shall inform the franchisor by the quickest available means. 4. If the franchisee sells motor fuel supplied from a source other than the franchisor, the franchisee shall prominently post a sign disclosing this fact to the public on each motor fuel pump used for dispensing the motor fuel. The size of the sign shall not be less than eight inches by ten inches and the letters on the sign shall be at least three inches in height. 5. A franchisee who sells motor fuel supplied from a source other than the franchisor shall also fully indemnify the franchisor against any claims asserted by a user on which the claimant prevails and in which the court determines that motor fuel not acquired from the franchisor was the proximate cause of the injury. 6. Purchases of motor fuel in accordance with this section are not good cause for termination of a franchise. [C81, §323A.2] 89 Acts, ch 83, §47; 91 Acts, ch 87, §2; 2006 Acts, ch 1142, §23, 27; 2009 Acts, ch 108, §15, 41; 2011 Acts, ch 25, §32; 2011 Acts, ch 118, §50, 87, 89; 2021 Acts, ch 80, §187

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 323A - PURCHASING FUEL FROM ALTERNATE SOURCES Section 323A.2A - Purchase of E-85 gasoline from other source.

323A.2A Purchase of E-85 gasoline from other source. 1. a. When on and after May 30, 2006, a franchise is entered into or renewed, the franchisor shall provide for the delivery of volumes of E-85 gasoline at times demanded by the franchisee or shall allow the franchisee to purchase those volumes of E-85 gasoline at those times from another source. b. If a franchise is in effect on May 30, 2006, and does not have an expiration date, the franchisor shall provide for the delivery of volumes of E-85 gasoline at times demanded by the franchisee or shall allow the franchisee to purchase those volumes of E-85 gasoline at those times from another source. 2. If the franchisee sells E-85 gasoline delivered from a source other than the franchisor, the franchisee shall prominently post a sign disclosing this fact to the public on each motor fuel pump used for dispensing the E-85 gasoline. The size of the sign shall not be less than eight inches by ten inches and the letters on the sign shall be at least three inches in height. 3. A franchisee who sells E-85 gasoline delivered from a source other than the franchisor shall also fully indemnify the franchisor against any claims asserted by a user on which the claimant prevails and in which the court determines that E-85 gasoline not acquired from the franchisor was the proximate cause of the injury. 4. a. A purchase of E-85 gasoline in accordance with this section is not good cause for the termination of a franchise. b. A term of a franchise that is inconsistent with this section is void and unenforceable. 2006 Acts, ch 1142, §24, 27 Referred to in §323A.2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 323A - PURCHASING FUEL FROM ALTERNATE SOURCES Section 323A.3 - Effective date.

323A.3 Effective date. The provisions of this chapter shall be applicable only to franchise agreements entered into or renewed after July 1, 1980. [C81, §323A.3]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 324A - TRANSPORTATION PROGRAMS Section 324A.1 - Definitions.

324A.1 Definitions. For purposes of this chapter, unless the context otherwise requires: 1. “Department” means the state department of transportation. 2. “Federal aid” means any federal grants, loans, or other federal assistance whether or not state or local funds are

required to match or contribute toward the costs of the program for which the aid is available. 3. “Private aid” means any grants, loans, or other assistance available from nonprofit corporations, foundations, and all private or nongovernmental sources, whether or not state or local funds are required to match or contribute toward the costs of the program for which the aid is available. 4. “Public transit system” means an urban or regional transit system providing transit services accessible to the general public and receiving federal, state or local tax support. 5. “Regional transit system” means a public transit system serving one county or all or part of a multicounty area whose boundaries correspond to the same boundaries as those of the regional planning areas designated by the governor except as agreed upon by the county and the department. Each county, through the county board of supervisors, within the region shall be responsible for determining the service and funding within its own county. However, the administration and overhead support services for the regional transit system shall be consolidated into one existing or new agency to be mutually agreed upon by the participating members. 6. “Transportation” means the movement of individuals in a four or more wheeled motorized vehicle designed to carry passengers, including a car, van, or bus, between one geographic point and another geographic point. “Transportation” does not include emergency or incidental transportation or transportation conducted by the department of health and human services at its institutions. 7. “Transportation disadvantaged persons” means persons with physical or mental disabilities, persons who are determined by the department to be economically disadvantaged and other persons or groups determined by the department to be disadvantaged in terms of the transportation services that are available to them. 8. “Urban transit system” means a system designated by the department in which motor buses are operated primarily upon the streets of cities for the transportation of passengers who present themselves for transportation without discrimination up to the limit of the capacity of each motor bus. “Urban transit system” also includes motor buses operated upon the streets of adjoining cities, whether interstate or intrastate for the transportation of passengers without discrimination up to the limit of the capacity of each motor bus. A privately chartered bus service or interurban carrier subject to the jurisdiction of the state department of transportation is not an urban transit system. [C77, 79, 81, §601J.1] 84 Acts, ch 1200, §1 C93, §324A.1 96 Acts, ch 1129, §80; 2023 Acts, ch 19, §1079 Referred to in §321.1, 321.377, 321E.11, 423.3 Subsection 6 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 324A - TRANSPORTATION PROGRAMS Section 324A.2 - Technical assistance.

324A.2 Technical assistance. The department shall, at the request of a state agency, political subdivision, or public transit system or organization affected by this chapter, provide to them the following technical transportation assistance: 1. An evaluation of existing public transit systems, including but not limited to an evaluation of rolling stock, the costs of operation including the costs of fuel, maintenance and personnel and the development of common management and operating systems and procedures. 2. An analysis of existing urban and rural transit system services provided for transportation disadvantaged persons and the service needs of transportation disadvantaged persons, including an evaluation of specialized equipment required to meet the service needs of transportation disadvantaged persons. [C77, 79, 81, §601J.2] 83 Acts, ch 60, §1; 84 Acts, ch 1200, §2 C93, §324A.2 2002 Acts, ch 1112, §1

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 324A - TRANSPORTATION PROGRAMS Section 324A.3 - Fiscal and service plan.

324A.3 Fiscal and service plan. The department shall at the request of a political subdivision, or public and private providers of transportation services affected by this chapter assist the providers in the development of a fiscal and service plan which may be used by them to coordinate and consolidate all forms of urban and rural transportation services except public school transportation, including but not limited to, the following: 1. Senior citizen transportation. 2. Head start transportation. 3. Services for persons with disabilities. 4. Cab companies. 5. Common carriers. 6. Transportation services provided by private nonprofit agencies to their clients or the general public. [C77, 79, 81, §601J.3] 84 Acts, ch 1200, §3 C93, §324A.3 96 Acts, ch 1129, §81

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 324A - TRANSPORTATION PROGRAMS Section 324A.4 - Federal, state, local, and private aid — report.

324A.4 Federal, state, local, and private aid — report. 1. The department shall compile and maintain current information on the use of federal, state, local, and private aid affecting urban and rural public transit programs. Public, private, and private nonprofit organizations applying for or receiving federal, state, or local aid for providing transit services shall annually report to the department the costs of their transportation programs, depicting funds used for public transit programs and such other information as the department may require prior to receiving any federal or state funds or any aid from a political subdivision of the state. The report shall list all of the funding sources of the organization along with the listing of funds expended by that organization during the preceding fiscal year. The department, in cooperation with the regional planning agencies as the responsible agency for annual updating the regional transit development programs, shall compile this information annually. A state agency or organization administering funds for transit services is required to submit all funding requests through the regional and state clearinghouse and the department. An organization, state agency, political subdivision, or public transit system, except public school transportation, receiving federal, state, or local aid to provide or contract for public transit services or transportation to the general public and specific client groups, must coordinate and consolidate funding and resulting service, to the maximum extent possible, with the urban or regional transit system. 2. a. Upon request, the department shall provide assistance to political subdivisions, state agencies, and organizations affected by this chapter for federal aid applications for urban and rural transit system program aid. The

department, in cooperation with the regional planning agencies, shall maintain current information reflecting the amount of federal, state, and local aid received by the public and private nonprofit organizations providing public transit services and the purpose for which the aid is received. The department shall biennially prepare a report to be submitted to the general assembly and the governor prior to December 15 of even-numbered years. The report shall recommend methods to increase transportation coordination and improve the efficiency of federal, state, and local government programs used to finance public transit services and may address other topics as appropriate. The department of health and human services and the officers and agents of the other affected state and local government units shall provide input as requested by the department. b. The department shall use the following criteria to adopt rules to determine compliance with and exceptions to subsection 1: (1) Elimination of duplicative and inefficient administrative costs, policies, and management. (2) Utilization of resources for transportation services effectively and efficiently. (3) Elimination of duplicative and inefficient transportation services. (4) Development of transportation services which meet the needs of the general public and insure services adequate to the needs of transportation disadvantaged persons. (5) Protection of the rights of private enterprise public transit providers. (6) Coordination of planning for transportation services at the urban and regional level by all agencies or organizations receiving public funds that are purchasing or providing transportation services. (7) Management of equipment and facilities purchased with public funds so that efficient and routine maintenance and replacement is accomplished. (8) Training of transit management, drivers, and maintenance personnel to provide safe, efficient, and economical transportation services. c. Eligibility to receive or expend federal, state, or local funds for transportation services by all agencies or organizations purchasing or providing these services shall be contingent upon compliance with these criteria as determined by the department. 3. The department shall receive and distribute federal aid to public transit systems unless precluded by federal statute; however, the department shall not retain or redirect any portion of funds received by the department for a particular public transit system except that the department may redirect unused funds after a project is completed in order to prevent the lapse of funds. The department may designate the public transit systems as the direct recipients of federal aid. [C77, 79, 81, §601J.4] 84 Acts, ch 1200, §4, 5; 91 Acts, ch 27, §5 C93, §324A.4 2002 Acts, ch 1112, §2, 3; 2009 Acts, ch 23, §62; 2011 Acts, ch 38, §31; 2023 Acts, ch 19, §1080 Referred to in §324A.5 Subsection 2, paragraph a amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 324A - TRANSPORTATION PROGRAMS Section 324A.5 - Coordination of transportation services.

324A.5 Coordination of transportation services. The department of health and human services and the officers and agents of other state and local governmental units shall assist the department in carrying out section 324A.4, subsections 1 and 2, insofar as the functions of these respective officers and departments are concerned with the health, welfare and safety of any recipient of transportation services. 1. Any agency or organization found to be in noncompliance with section 324A.4 shall be notified in writing by the department of those activities which are not in compliance. The notice shall also provide for a period of thirty days during which compliance with section 324A.4 can be accomplished without penalty or sanction. 2. If noncompliant activities continue after the period of thirty days, the department shall, in cooperation with the attorney general and the director of the department of administrative services, initiate the following actions: a. If the activities that are not in compliance with section 324A.4 are funded with state or federal funds which are administered by the state and can be used by agencies or organizations that are in compliance with section 324A.4, then upon notice by the department, the director of the department of administrative services shall not permit the expenditure of ten percent of the funds during the fiscal year immediately following the notice, an additional twenty percent of funds during the following year, an additional thirty percent during the third year, and the remaining funds in the fourth year that the activities remain in noncompliance. Any funds retained by the director of the department of administrative services shall be returned to the originating state agency for redistribution to agencies and organizations eligible to receive the funds for transportation purposes. b. If the activities that are not in compliance with section 324A.4 are funded with state, federal or local funds which are not administered by the state or cannot be used by agencies and organizations that are in compliance with section 324A.4, then upon notice by the department, the attorney general shall file an action to enjoin agencies or organizations from expending funds for transportation purposes until and unless compliance with section 324A.4 is achieved. If federal funds are involved in such cases, then the attorney general shall notify the responsible federal agency of the actions and request its cooperation. c. The department of inspections, appeals, and licensing shall establish an appeal process pursuant to chapters 10A and 17A which allows those agencies or organizations determined to not be in compliance with this chapter an opportunity for a timely hearing before the department of inspections, appeals, and licensing. A decision by the department of inspections, appeals, and licensing is subject to review by the state department of transportation. The state department of transportation's decision is the final agency action. Judicial review of the action of the department may be sought in accordance with chapter 17A. d. The department shall, in accordance with chapter 17A, adopt and enforce rules setting minimum standards for determination of compliance and certification. The rules and standards required by this section shall be formulated in consultation with all affected state agencies, local government units with professional and consumer groups affected, and shall be designed to further the accomplishment of the purposes of this chapter. 84 Acts, ch 1200, §6 C85, §601J.5 89 Acts, ch 273, §40; 90 Acts, ch 1233, §35 C93, §324A.5 2002 Acts, ch 1112, §4, 5; 2003 Acts, ch 145, §286; 2009 Acts, ch 23, §63; 2023 Acts, ch 19, §1081, 1984 Unnumbered paragraph 1 amended Subsection 2, paragraph c amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 324A - TRANSPORTATION PROGRAMS Section 324A.6 - Public transit assistance moneys.

324A.6 Public transit assistance moneys. 1. a. Moneys appropriated for purposes of public transit assistance under this chapter shall

be expended for providing assistance to public transit for the development, improvement, and maintenance of public transit systems. Moneys received by the department by agreements, grants, gifts, or other means from individuals, companies or other business entities, or cities and counties for the purposes stated in this section shall be credited to the general fund of the state. b. Moneys received by the department by agreements, grants, gifts, or other means and deposited into the state general fund as a result of this subsection are appropriated to the department for purposes of this subsection. 2. The department may enter into agreements with public transit systems, the United States government, cities, counties, business entities, or other persons for carrying out the purposes of this section. 3. The department may accept federal funds to carry out this section. Federal funds received under this section are appropriated for the purposes set forth in the federal grants. 4. Notwithstanding chapter 8, funds appropriated for public transit purposes to implement a state assistance plan shall be allocated in whole or in part to a public transit system prior to the time actual expenditures are incurred if the allocation is first approved by the department. A public transit system shall make application for advance allocations to the department specifically stating the reasons why an advance allocation is required and this allocation shall be included in the total to be audited. 84 Acts, ch 1151, §1 C85, §601J.6 86 Acts, ch 1245, §1968; 91 Acts, ch 260, §1249 C93, §324A.6 93 Acts, ch 131, §13; 94 Acts, ch 1107, §52; 2010 Acts, ch 1061, §180

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 324A - TRANSPORTATION PROGRAMS Section 324A.6A - Public transit infrastructure grant fund.

324A.6A Public transit infrastructure grant fund. A public transit infrastructure grant fund is established within the department. Moneys in the fund shall be awarded to public transit systems within the state for construction and infrastructure projects that meet the definition of “vertical infrastructure” in section 8.57, subsection 5, paragraph “c”. The fund shall consist of appropriations made to the fund and transfers of interest, earnings, and moneys from other funds as provided by law. In awarding grant assistance, the office of public transit within the department shall, by rule, specify certain criteria that must be included in a grant application, which shall include but not be limited to information on the feasibility of completion of an individual infrastructure project. Notwithstanding section 8.33, moneys in the public transit infrastructure grant fund shall not revert to the fund from which they are appropriated but shall remain available indefinitely for expenditure under this section. 2006 Acts, ch 1179, §55; 2012 Acts, ch 1021, §138

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 324A - TRANSPORTATION PROGRAMS Section 324A.7 - Urban public transit systems — intent.

324A.7 Urban public transit systems — intent. An urban public transit system shall, to the extent practicable, utilize private-sector operators in the planning and provision of transit services. 2003 Acts, ch 8, §23

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 325A - MOTOR CARRIER AUTHORITY Section 325A.1 - Definitions.

325A.1 Definitions. As used in this chapter: 1. “Bulk liquid commodities” means liquid commodities or compressed gases transported in a vehicle having a total cargo tank shell capacity of more than two thousand gallons. 2. “Department” means the state department of transportation. 3. “Highway” means a street, road, bridge, or thoroughfare of any kind in this state. 4. “Interstate motor carrier number” means a United States department of transportation number or motor carrier number issued by the federal highway administration to a motor carrier engaged in interstate commerce. 5. “Intrastate” means a movement of property or passengers from one location to another within this state. “Intrastate” does not include transportation of property or passengers which is a furtherance of an interstate movement. 6. “Intrastate motor carrier number” means a United States department of transportation number or motor carrier number issued by the federal highway administration to a motor carrier engaged only in intrastate commerce. 7. “Motor carrier” means a person defined in subsection 9, 10, 11, or 12, but does not include a transportation network company or a transportation network company driver, as defined in section 321N.1. 8. “Motor carrier certificate” means a certificate issued by the department to a motor carrier of passengers. This certificate is transferable. 9. “Motor carrier of bulk liquid commodities” means a person engaged in the transportation, for hire, of bulk liquid commodities upon a highway in this state. 10. “Motor carrier of household goods” means a person engaged in the transportation, for hire, of personal effects and property used or to be used in a dwelling, and includes the following: a. Furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments when a part of the stock, equipment, or supply of such establishment; except, this paragraph shall not be construed to include the stock-in-trade of any establishment, except when transported as an incident to the removal of the establishment from one location to another. b. Articles including objects of art, displays, and exhibits, which because of their unusual nature or value, require the specialized handling and equipment usually employed in moving household goods. 11. “Motor carrier of passengers” means any person transporting passengers on any highway of this state for hire, other than a transportation network company or a transportation network company driver, as defined in section 321N.1. 12. “Motor carrier of property” means a person engaged in the transportation, for hire, of property by motor vehicle including a carrier transporting liquid commodities or compressed gases in a vehicle having a total cargo tank shell capacity of two thousand gallons or less. 13. “Motor carrier permit” means a permit issued by the department to any person operating any motor vehicle on any highway of this state to transport property for hire. A motor carrier permit is not transferable unless it was issued to a motor carrier of household goods. 14. “Motor vehicle” means an automobile, motor truck, truck tractor, road tractor, motor bus, or other self-propelled vehicle, or a trailer, semitrailer, or other device used in connection with the transportation of property or passengers. “Motor vehicle” does not include a

motor vehicle owned by a school district or used exclusively in conveying school children to and from school or school activities. 15. “Private carrier” means a person who provides transportation of property or passengers by motor vehicle or who transports commodities of which the person is the owner, lessee, or bailee and the transportation is a furtherance of the person’s primary business or occupation, but is not a for-hire motor carrier or a transportation network company or a transportation network company driver, as defined in section 321N.1. 16. “Transportation for hire” means all transportation of property or passengers made available by a person for compensation. 97 Acts, ch 104, §32, 61; 2001 Acts, ch 132, §18, 19; 2016 Acts, ch 1101, §17, 24; 2017 Acts, ch 29, §101; 2018 Acts, ch 1070, §1, 2 Referred to in §8C.7A, 15.274, 321.514, 321.518, 321E.27, 321N.3, 325B.1

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 325A - MOTOR CARRIER AUTHORITY Section 325A.10 - Rules for operation.

325A.10 Rules for operation. The department of public safety, in consultation with the department of transportation, shall adopt rules pursuant to chapter 17A as necessary to govern and control the operation, maintenance, and inspection of vehicles covered by this chapter upon the highways. 97 Acts, ch 104, §41, 61; 2023 Acts, ch 85, §21 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 325A - MOTOR CARRIER AUTHORITY Section 325A.11 - Passenger transportation.

325A.11 Passenger transportation. In addition to the requirements of subchapter I, motor carriers of passengers and charter carriers shall comply with the requirements of this subchapter. A transportation network company or a transportation network company driver, as defined in section 321N.1, need not comply with the requirements of subchapter I or this subchapter. 97 Acts, ch 104, §42, 61; 2016 Acts, ch 1101, §20, 24

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 325A - MOTOR CARRIER AUTHORITY Section 325A.12 - Definitions.

325A.12 Definitions. As used in this subchapter: 1. “Car pool” means transportation of a group of at least two riders in a motor vehicle having a seating capacity of not more than eight passengers between a rider’s, owner’s, or operator’s residence or other designated location and a rider’s, owner’s, or operator’s place of employment or other common destination of the group, if the motor vehicle is driven by one of the members of the group. 2. “Charter” means an agreement whereby the owner of a motor vehicle lets the motor vehicle to a group of persons as one party for a specified sum and for a specified act of transportation at a specified time and over an irregular route. 3. “Charter carrier” means a person engaged in the business of transporting the public by motor vehicle under charter. “Charter carrier” does not include any of the following: a. Taxicabs with a seating capacity of less than seven passengers, or persons having a license, contract, or franchise with a city in this state to carry or transport passengers for hire while operating within the guidelines of the license, contract, or franchise. b. A city engaged in the business of carrying or transporting passengers for hire over regular routes. c. School bus operators when engaged in transportation involving any school activity. d. A regular-route motor carrier of passengers. e. A transportation network company or a transportation network company driver, as defined in section 321N.1. 4. “Regional transit system” means a public transit system serving one county or all or part of a multicounty area whose boundaries correspond to the same boundaries as those of the regional planning areas designated by the governor except as agreed upon by the county or the department. Each county board of supervisors within the region is responsible for determining the service and funding within its county. However, the administration and overhead support services for the overall regional transit system shall be consolidated into one existing or new agency to be mutually agreed upon by the participating members. Privately chartered bus services and uses other than providing services that are open and public on a shared-ride basis shall not be construed to be a regional transit system. 5. “Regular-route motor carrier of passengers” means a person engaged in the for-hire transportation of passengers by motor vehicle over regular routes by scheduled service and available to the general public. 6. “Taxicab service” means a person engaged in the for-hire transportation of passengers in a taxicab having a seating capacity of less than seven passengers and not operating on a regular route or between specified points. 7. “Van pool” means transportation of a group of riders in a vehicle having a seating capacity of not less than eight passengers and not more than fifteen passengers between a rider’s, owner’s, or operator’s residence or other designated location and a rider’s, owner’s, or operator’s place of employment or other common destination of the group, if the vehicle is driven by one of the members of the group. 97 Acts, ch 104, §43, 61; 2016 Acts, ch 1101, §21, 24; 2018 Acts, ch 1070, §5, 6 Referred to in §321N.3, 327C.2, 327D.1

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 325A - MOTOR CARRIER AUTHORITY Section 325A.13 - Passenger certificate required — exceptions.

325A.13 Passenger certificate required — exceptions. 1. It is unlawful for a charter carrier to transport passengers by motor vehicle for hire from any place in this state to another place in this state irrespective of the route or highway traversed, without first having obtained a charter passenger certificate from the department. 2. a. It is unlawful for a regular-route motor carrier of passengers to transport passengers for hire upon the highways of this state in intrastate commerce without first having obtained from the department a regular-route passenger certificate. The department shall issue a regular-route passenger certificate if the department finds that the applicant is fit, willing, and able. b. In determining whether a regular-route motor carrier of passengers is fit, willing, and able, the department shall only consider the applicant’s compliance with safety, financial fitness, and insurance requirements. c.

A regular-route passenger certificate authorizing the transportation of passengers includes the authority to transport newspapers, baggage of passengers, express packages, or mail in the same motor vehicle with passengers. d. A regular-route motor carrier of passengers holding a regular-route passenger certificate may at any time commence scheduled service over any regular route from any point or place in this state to another place in this state irrespective of the route or highway traversed and may at any time discontinue any part of its regular-route service. e. A regular-route motor carrier of passengers granted a certificate prior to January 1, 1998, which authorized motor carrier passenger operations, may continue to provide motor carrier passenger service with all rights and privileges granted by a regular-route passenger certificate issued under this section. f. An Iowa urban transit system as defined in section 452A.57, subsection 6, may operate within the metropolitan area which it serves and between its service area and another city which is located not more than ten miles from its service area without obtaining a regular-route passenger certificate if the other city is not served by another motor carrier of passengers operating under a regular-route passenger certificate. 3. It is unlawful for a taxicab service to transport passengers by motor vehicle for hire from any place in this state to another place in this state, irrespective of the route or highway traversed, without first having obtained a taxicab service passenger certificate from the department. However, a taxicab service passenger certificate issued by the department does not authorize a taxicab service to transport passengers within the boundaries of an area governed by a local authority that licenses or regulates such vehicles pursuant to section 321.236, subsection 7, unless the taxicab service is in compliance with all applicable regulations of the local authority. 4. A person shall not operate as a charter carrier, regular-route motor carrier of passengers, or taxicab service in this state unless the person possesses a certificate issued by the department applicable to the type of operation in which the person is engaged. 5. A motor carrier providing primarily passenger service for persons who are elderly, persons with disabilities, and other transportation-disadvantaged persons is exempt from the certification requirements of this section if it satisfies all of the following requirements: a. The motor carrier is not a corporation organized for profit under the laws of Iowa or any other state or the motor carrier is a governmental organization. b. The motor carrier received or receives operating funds from federal, state, or local government sources. c. The motor carrier does not duplicate a transportation service provided by a motor carrier issued a regular-route passenger certificate. 6. A person operating a motor vehicle in a car pool or van pool is exempt from the requirements of this chapter. 7. Except for a person operating a car pool or van pool, each motor carrier exempt from the requirement for obtaining a certificate under this section shall obtain a nontransferable permit from the department. Such motor carriers shall comply with all safety, insurance, and other rules of the department pertaining to a publicly funded transit system. 97 Acts, ch 70, §15; 97 Acts, ch 104, §44, 61; 2000 Acts, ch 1016, §33 – 35; 2018 Acts, ch 1070, §7, 8; 2019 Acts, ch 59, §100

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 325A - MOTOR CARRIER AUTHORITY Section 325A.2 - Duties of department and local authorities.

325A.2 Duties of department and local authorities. 1. The department shall do all of the following: a. Prescribe and enforce safety and financial responsibility regulations for motor carriers and require the filing of reports regarding safety and financial responsibility. b. Approve a tariff for motor carriers of household goods. c. Issue, amend, suspend, or revoke motor carrier permits and certificates. 2. A local authority, as defined in section 321.1, shall not impose any regulations, including special registration or inspection requirements, upon the operation of motor carriers that are more restrictive than any of the provisions of this chapter, or section 321.449 or 321.450. This subsection does not, however, prohibit a local authority from exercising the home rule power of the local authority to impose additional or more restrictive regulations or requirements upon the operation of taxicabs or limousines engaged in nonfixed route transportation for hire, except to the extent such regulations or requirements conflict with section 321.241, section 325A.6, or any other provision of the Code. 97 Acts, ch 104, §33, 61; 98 Acts, ch 1178, §10; 2000 Acts, ch 1016, §30; 2010 Acts, ch 1035, §11; 2016 Acts, ch 1101, §18, 24 Referred to in §325A.7B

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 325A - MOTOR CARRIER AUTHORITY Section 325A.21 - Regular-route certificate nontransferable.

325A.21 Regular-route certificate nontransferable. A regular-route passenger certificate shall not be sold, transferred, leased, or assigned. 97 Acts, ch 104, §52, 61; 2000 Acts, ch 1016, §37; 2011 Acts, ch 38, §25

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 325A - MOTOR CARRIER AUTHORITY Section 325A.22 - Riding on outside part.

325A.22 Riding on outside part. Passengers shall not ride on the running boards, fenders, or on any other outside part of passenger-carrying motor vehicles. 97 Acts, ch 104, §53, 61

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 325A - MOTOR CARRIER AUTHORITY Section 325A.23 - Suspension or revocation of permit or certificate.

325A.23 Suspension or revocation of permit or certificate. The department may, in addition to other penalties, revoke or suspend the permit or certificate of a motor carrier for a violation of this chapter or a rule adopted under this chapter. For flagrant or persistent violations of safety or hazardous materials rules by the holder of a permit or certificate or the holder's agent, the department may suspend the permit or certificate of necessity until the rules adopted by the department are complied with, or the department may revoke the permit or certificate for continued noncompliance. 97 Acts, ch 104, §54, 61

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 325A - MOTOR CARRIER AUTHORITY Section 325A.24 - Scheduled fines — penalty.

325A.24 Scheduled fines — penalty. A person who violates this chapter or a rule adopted pursuant to this chapter for which a penalty is not otherwise established, or who aids or abets a person in a failure to comply with this chapter or a rule adopted pursuant to this chapter, is subject to the fine provided in section 805.8A, subsection 13, paragraph “e”. 97 Acts, ch 104, §55, 61; 2001 Acts, ch 137, §5

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 325A - MOTOR CARRIER AUTHORITY Section 325A.3 - Application and issuance of permit or certificate.

325A.3 Application and issuance of permit or certificate. 1. Upon the filing of an application by a motor carrier and compliance with the terms and conditions of this chapter, the department shall issue to the applicant a permit or certificate. The actual operation by a motor carrier of a motor vehicle shall not begin without the permit or certificate being issued by the department. 2. All applications shall be in writing and contain the following: a. The name and tax identification number of the person making the application. b. The applicant’s principal place of business. c. The type of permit or certificate being requested. d. A signed statement agreeing to comply with all applicable safety regulations as prescribed by the department. e. A copy of all existing tariffs provided to the department for approval by motor carriers of household goods. f. A financial statement completed by motor carriers of bulk liquid commodities or passengers from which the department can determine the financial fitness of the applicant to engage in the transport of bulk liquid commodities or passengers. g. A verification of liability and property damage insurance coverage as required in section 325A.6, in a form prescribed by the department. 3. In addition to the application requirements set forth in subsection 2, all applications for a taxicab service passenger certificate shall include the applicant’s interstate motor carrier number or intrastate motor carrier number. If the applicant has both an interstate and intrastate motor carrier number, only the interstate motor carrier number must be included. 4. The provisions of subsection 2, paragraph “f”, and subsection 5 shall not apply to the transportation of dairy products. 5. Motor carriers of bulk liquid commodities or passengers shall complete a motor carrier safety education seminar provided by or approved by the department. This seminar must be completed within six months of the permit or certificate issuance. 6. A motor carrier shall keep a permit or certificate issued to the motor carrier under this section, or a copy of such permit or certificate, in the vehicle being operated by the motor carrier and shall show the permit or certificate, or copy thereof, to any peace officer upon request. 7. The department may deny issuance of a permit or certificate if the department determines that evidence exists showing that the motor carrier cannot comply with the requirements of this chapter or the rules adopted pursuant to this chapter, including safety regulations and financial fitness and insurance requirements. 97 Acts, ch 104, §34, 61; 2000 Acts, ch 1016, §27, 31, 32; 2001 Acts, ch 132, §20, 21; 2018 Acts, ch 1070, §3 Referred to in §805.8A(13)(d), 805.8A(13)(e) For applicable scheduled fines, see §805.8A, subsection 13, paragraph d

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 325A - MOTOR CARRIER AUTHORITY Section 325A.3A - Hearings.

325A.3A Hearings. A person whose application for a permit or certificate under this chapter has been denied, or whose permit or certificate has been suspended, may contest the decision under chapter 17A and in accordance with rules adopted by the department. The request for a hearing shall be submitted in writing to the department’s office of vehicle and motor carrier services. 97 Acts, ch 104, §47, 61 CS97, §325A.16 2000 Acts, ch 1016, §36; 2000 Acts, ch 1232, §93 C2001, §325A.3A 2018 Acts, ch 1070, §4; 2019 Acts, ch 24, §46

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 325A - MOTOR CARRIER AUTHORITY Section 325A.4 - Fees.

325A.4 Fees. 1. The department shall charge the following fees: a. One hundred fifty dollars for a new application. b. One hundred fifty dollars for a reinstatement. c. Twenty-five dollars to change an address or name. d. Ten dollars for tariff updates. e. Twenty-five dollars for a duplicate permit or certificate. 2. Changes in ownership of motor carrier permits require a new application and the new application fee of one hundred fifty dollars shall be assessed. 3. The department shall collect a fee of two hundred dollars to cover the cost of the motor carrier safety education seminar. 97 Acts, ch 104, §35, 61; 2011 Acts, ch 38, §24

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 325A - MOTOR CARRIER AUTHORITY Section 325A.5 - Fees — credited to road use tax fund — seminar receipts.

325A.5 Fees — credited to road use tax fund — seminar receipts. All fees received for applications and permits or certificates under this chapter shall be remitted to the treasurer of state and credited to the road use tax fund. All fees collected for the motor carrier safety education seminar shall be considered a repayment receipt as defined in section 8.2, and shall be remitted to the department to be used to pay for the seminars. 97 Acts, ch 104, §36, 61

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 325A - MOTOR CARRIER AUTHORITY Section 325A.6 - Insurance.

325A.6 Insurance. 1. Except as provided in subsection 2, all motor carriers subject to this chapter shall have minimum insurance coverage which meets the limits established in the federal motor carrier safety regulations in 49 C.F.R. pt. 387 . 2. All motor

vehicles providing taxicab services, having a seating capacity of less than seven passengers, and not operating on a regular route or between specified points shall maintain primary automobile insurance in the amount of at least one million dollars because of bodily injury to or death of one or more persons and injury to or destruction of property of others in any one accident. A political subdivision of the state shall not enact an ordinance requiring insurance coverage for such vehicles in an amount different than the amount required by this subsection. 97 Acts, ch 104, §37, 61; 2014 Acts, ch 1092, §178; 2016 Acts, ch 1101, §19, 24 Referred to in §321.20B, 321.236, 321A.33, 322.7B, 325A.2, 325A.3

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 325A - MOTOR CARRIER AUTHORITY Section 325A.7 - Charges.

325A.7 Charges. All charges filed under the tariff by any motor carrier of household goods for any service shall be just, reasonable, and nondiscriminating and every unjust, unreasonable, or discriminating charge for such service or any part thereof is prohibited and declared unlawful. 97 Acts, ch 104, §38, 61 Referred to in §325A.7B

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 325A - MOTOR CARRIER AUTHORITY Section 325A.7A - Tariffs — approval by department.

325A.7A Tariffs — approval by department. 1. Transportation prohibited. A motor carrier of household goods shall not undertake to perform any service for, engage in, or participate in the transportation of personal effects or property between points within this state until the motor carrier's tariff has been filed, posted, and approved by the department. 2. Change in tariff. Unless the department orders otherwise, a motor carrier of household goods shall give thirty days' notice to the department and to the public, as provided by rules adopted by the department, prior to making a change in a tariff. 3. Changes without notice. The department, for good cause shown, may allow changes in a tariff without the thirty days' notice required in subsection 2 by issuing an order specifying the changes to be made and the time they shall take effect. 4. Power to revise tariff. Any time a tariff is filed with the department, the department may hold a hearing for the purpose of determining that the tariff is just, reasonable, and nondiscriminating. The hearing shall be conducted by the director or the director's designee. 5. Suspension of tariff. Pending the hearing and the decision of the department, the tariff shall not be put into effect; however, this period of suspension of the tariff shall not exceed one hundred twenty days beyond the time the tariff would otherwise have been effective after filing and thirty days' notice. 6. Decision. Following the hearing, the department shall establish the tariff changes proposed by the motor carrier in whole or in part, or establish other changes the department determines to be just, reasonable, and nondiscriminating. 2003 Acts, ch 8, §24, 29

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 325A - MOTOR CARRIER AUTHORITY Section 325A.7B - Agency tariffs.

325A.7B Agency tariffs. 1. Authorization. Sections 325A.2 and 325A.7 shall not be construed to prohibit the making of rates by two or more motor carriers of household goods. 2. Agency tariffs. The names of the several motor carriers that are parties to an agency tariff shall be specified in the tariff. Unless otherwise required by the department, the agency tariff may be filed by only one of the parties to the agency tariff, or by a tariff filing agent, under a power of attorney granted by each of the parties to the agency tariff not doing the filing and filed with the department on forms prescribed by the department. 2003 Acts, ch 8, §25, 29

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 325A - MOTOR CARRIER AUTHORITY Section 325A.8 - Required marking.

325A.8 Required marking. 1. The motor carrier shall attach distinctive markings or tags to each motor vehicle. If a motor vehicle has both an interstate and intrastate motor carrier number, only the interstate motor carrier number must be displayed. 2. If a motor carrier is renting a vehicle on a daily basis, a copy of the lease must be carried in the vehicle. Violation of this section is a scheduled violation subject to the fine provided in section 805.8A, subsection 13, paragraph "d". 97 Acts, ch 104, §39, 61; 2001 Acts, ch 137, §5 Referred to in §805.8A(13)(d), 805.8A(13)(e)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 325A - MOTOR CARRIER AUTHORITY Section 325A.9 - Advertising.

325A.9 Advertising. An advertisement to the general public concerning for-hire transportation must include the permit or motor carrier certificate number issued under this chapter. 97 Acts, ch 104, §40, 61

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 325B - MOTOR CARRIER TRANSPORTATION CONTRACTS Section 325B.1 - Contents of motor carrier transportation contracts — certain provisions void.

325B.1 Contents of motor carrier transportation contracts — certain provisions void. 1. As used in this section: a. "Motor carrier" means the same as defined in section 325A.1. b. "Motor carrier transportation contract" means a contract, agreement, or understanding related to any of the following: (1) The transportation for hire of property by a motor carrier. (2) The entrance upon property by a motor carrier for the purpose of loading, unloading, or transporting property for transportation for hire. (3) A service incidental to the activities described in subparagraph (1) or (2), including but not limited to the storage of property. c. "Transportation for hire" means the same as defined in section 325A.1. 2. Notwithstanding any provision of law to the contrary, a

motor carrier transportation contract, whether express or implied, shall not contain a provision, clause, covenant, or agreement that purports to indemnify, defend, or hold harmless, or has the effect of indemnifying, defending, or holding harmless, a promisee from or against any liability for injury, death, loss, or damage resulting from the negligence or intentional acts or omissions of that promisee, or any agents, employees, servants, or independent contractors who are directly responsible to that promisee. This prohibition applies to any provisions or agreements collateral to or affecting a motor carrier transportation contract. Any such provisions, clauses, covenants, or agreements are void and unenforceable. If any provision, clause, covenant, or agreement is deemed void and unenforceable under this section, the remaining provisions of the motor carrier transportation contract are severable and shall be enforceable unless otherwise prohibited by law. 3. This section does not apply to the uniform intermodal interchange and facilities access agreement administered by the intermodal association of north America, as amended, or other contracts or agreements providing for the interchange, use, or possession of intermodal chassis or other intermodal equipment. 4. This section applies to motor carrier transportation contracts entered into, extended, or renewed on or after July 1, 2010. 2010 Acts, ch 1155, §1

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 326 - REGISTRATION RECIPROCITY Section 326.1 - Policy.

326.1 Policy. It is the policy of this state to promote and encourage the fullest possible use of the state's highway system by authorizing the negotiation and execution of motor vehicle reciprocity agreements. Apportioned registration shall be conducted in accordance with the international registration plan with respect to vehicles registered in this and other jurisdictions, thus contributing to the economic and social development and growth of this state. [C71, 73, 75, 77, 79, 81, §326.1] 2012 Acts, ch 1093, §16

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 326 - REGISTRATION RECIPROCITY Section 326.10A - Payment.

326.10A Payment. The department shall accept payment of fees under this chapter by personal or corporate check, cash, wire transfer, or other means allowed by the department. A fee shall be deemed to have been paid upon receipt of the payment in full. If the payment is not honored, all fees and penalties shall accumulate as if the fee were not paid. After appropriate warning from the department, the registration account shall be suspended, collection pursued, and the delinquent registration fees shall become a debt due the state of Iowa. After a dishonored payment has been received from an applicant, payments submitted by the applicant during the following year must be made with guaranteed funds. However, the department may instead accept payment in the form of a corporate check made on behalf of the applicant from an approved company with a satisfactory payment history. 85 Acts, ch 61, §1; 2002 Acts, ch 1063, §40; 2007 Acts, ch 143, §24; 2012 Acts, ch 1093, §20

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 326 - REGISTRATION RECIPROCITY Section 326.11 - Subsequently acquired vehicles.

326.11 Subsequently acquired vehicles. Vehicles acquired by a registrant after the commencement of the registration year and subsequently added to the fleet shall be apportioned pursuant to the provisions of chapter 321 and the international registration plan. [C71, 73, 75, 77, 79, 81, §326.11; 81 Acts, ch 115, §1] 89 Acts, ch 317, §38; 2002 Acts, ch 1063, §41; 2005 Acts, ch 8, §41; 2012 Acts, ch 1093, §21

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 326 - REGISTRATION RECIPROCITY Section 326.12 - Vehicles deleted — registration transferred.

326.12 Vehicles deleted — registration transferred. Registrants who delete commercial vehicles displaying Iowa base plates from the fleet after the commencement of the registration year shall be allowed to transfer registration credit to a replacement vehicle in accordance with this section. Iowa shall allow credit for non-Iowa based deleted vehicles only if the jurisdiction designated by the registrant as the base jurisdiction of the deleted vehicle permits transfer of registration credit to the replacement vehicle. Allowance of credit for deleted vehicles shall be subject to the following conditions: 1. The fee for issuance of registration credentials for a replacement vehicle shall be seven dollars. 2. If a leased vehicle is to be deleted from the fleet and unexpired registration fees applied to the replacement vehicle, the lessee shall refund any unexpired registration fees paid by the lessor to the lessee on the transferred vehicle. 3. Credit shall be given for unexpired months. 4. The registration of the vehicle being added to the fleet is not delinquent under chapter 321. [C71, 73, 75, 77, 79, 81, §326.12] 2002 Acts, ch 1063, §42; 2012 Acts, ch 1093, §22

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 326 - REGISTRATION RECIPROCITY Section 326.13 - Information under oath.

326.13 Information under oath. The department shall require registrants to submit under oath any information deemed necessary by the department to carry out the provisions of this chapter. [S13, §1517-m16; C24, 27, 31, 35, §4866; C39, §5003.04; C46, 50, 54, 58, §321.56; C62, 66, §326.3; C71, 73, 75, 77, 79, 81, §326.13] 2012 Acts, ch 1093, §23

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 326 - REGISTRATION RECIPROCITY Section 326.14 - Credentials — registration year and renewal — penalty.

326.14 Credentials — registration year and renewal — penalty. 1. The department shall issue a single registration plate and

registration receipt for each vehicle pursuant to apportionment agreements or provisions authorized under this chapter. 2. a. Each registration year for a vehicle registered pursuant to this chapter is a twelve-month period commencing on the first day of a calendar month and ending on the last day of the twelfth month in that twelve-month period. Vehicles subject to registration shall be registered for a registration year as determined by the department. The department may adjust the renewal or expiration date of a vehicle's registration when deemed necessary to equalize the number of vehicles registered in each twelve-month period or for the administrative efficiency of the department. b. The department may establish a procedure for the implementation of a staggered registration system for vehicles registered pursuant to the international registration plan. Procedures established under this section may provide for a one-time collection of fewer than twelve or up to eighteen months of registration fees. 3. An application for renewal of registration shall be postmarked or received in the office of motor carrier services of the department no later than the last day of the registration expiration month. A late filing penalty equal to five percent of the fees due to the state of Iowa shall be assessed to an application for renewal postmarked or received on or after the first day following the last day of the registration expiration month, with an additional five percent penalty assessed the first of each month thereafter until the application is filed. The enforcement deadline for failure to display a registration plate and registration is 12:01 a.m. of the first day following the last day of the registration expiration month. [C71, 73, 75, 77, 79, 81, §326.14] 2002 Acts, ch 1063, §43; 2012 Acts, ch 1093, §24; 2015 Acts, ch 123, §40, 42 Referred to in §321.1

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 326 - REGISTRATION RECIPROCITY Section 326.15 - Refunds of registration fees.

326.15 Refunds of registration fees. 1. Refunds of registration fees paid for motor vehicles under this chapter shall be in accordance with section 321.126. In addition, if a motor vehicle is removed from an apportioned fleet, the registrant shall return the registration plate to the department and make a claim for refund. A refund shall not be allowed without documentation of the subsequent registration of the motor vehicle. 2. A qualified registrant may certify to the department that the registration plate has been destroyed in lieu of surrendering the plate. The department shall adopt rules to define a qualified registrant. [C71, 73, 75, 77, 79, 81, §326.15] 83 Acts, ch 161, §1; 2002 Acts, ch 1063, §44 – 47; 2004 Acts, ch 1013, §32, 35; 2012 Acts, ch 1093, §25

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 326 - REGISTRATION RECIPROCITY Section 326.16 - Delinquent fees.

326.16 Delinquent fees. 1. If the fees for apportioned registration are not paid to each member jurisdiction entitled thereto on the basis of the apportioned registration application and supporting documents filed with the department by the registrant within a reasonable amount of time as determined by the department, the department shall calculate late payment penalties. The registrant shall be notified by regular mail that fees and penalties are due and must be paid within thirty days of the invoice date. If fees and penalties are not received, the registrant shall be notified by regular mail that the registration has been suspended. 2. A late payment penalty equal to five percent of the fees due to the state of Iowa shall be assessed if an invoice is not paid within thirty days of the invoice date, with an additional five percent penalty assessed the first of each month thereafter until all fees and penalties are paid. In addition, the fees due for registration in this state shall be a debt due to the state of Iowa. 3. Failure to receive a renewal notice or an invoice by mail, facsimile transmission, or any other means of delivery does not relieve the registrant of the financial responsibility for the renewal fees, invoiced amount, or accrued penalties. Late penalties calculated by the department in accordance with this chapter shall remain due to the state of Iowa until the fees and penalties are received. [S13, §1571-m16; C24, 27, 31, 35, §4866; C39, §5003.04; C46, 50, 54, 58, §321.56; C62, 66, §326.3; C71, 73, 75, 77, 79, 81, §326.16] 2002 Acts, ch 1063, §48; 2007 Acts, ch 143, §25; 2012 Acts, ch 1093, §26; 2015 Acts, ch 123, §41, 42

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 326 - REGISTRATION RECIPROCITY Section 326.19A - Failure to maintain operational records — penalty.

326.19A Failure to maintain operational records — penalty. 1. The department may assess a penalty in an amount equal to twenty percent of the apportioned fees if an audit conducted pursuant to the international registration plan confirms that the registrant has failed to maintain operational records on all of the following: a. Verification of distance for the preceding year. b. Reciprocity agreements to which the department may be a party. 2. The department shall adopt rules specifying the records and other information required for an audit under the international registration plan. 92 Acts, ch 1100, §7; 2010 Acts, ch 1061, §180; 2012 Acts, ch 1093, §27

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 326 - REGISTRATION RECIPROCITY Section 326.2 - Definitions.

326.2 Definitions. As used in this chapter, unless the context otherwise requires: 1. "Commercial vehicle" means any vehicle which is operated in interstate commerce or combined intrastate and interstate commerce and used for the transportation of persons for hire, compensation or profit, or designed or used primarily for the transportation of property. 2. "Department" means the department of transportation. 3. "Director" means the director of transportation or the director's designee. 4. "International registration plan" or "plan" means the registration reciprocity agreement among states of the United States, the District of Columbia, and provinces of Canada providing for payment of apportionable fees on the basis of total distance operated in all jurisdictions, in effect on January 1,

2011, or as later amended, published by international registration plan, inc., and available on the plan's internet site. 5. "Registration fee" means the annual motor vehicle registration fee imposed pursuant to section 321.105, unless otherwise specified. 6. "Trip" for purposes of section 326.23 means: a. A one-way movement from one point originating outside this state and destined for another point outside this state. b. A round-trip movement between two points within this state. c. A round-trip movement originating in this state or destined for a point within this state. 7. The terms "combination" or "combination of vehicles", "gross weight", "highway", "motor vehicle", "nonresident", "owner", "person", "semitrailer", "trailer", "truck tractor", and "vehicle" mean as defined in section 321.1. [C71, 73, 75, 77, 79, 81, §326.2] 2006 Acts, ch 1068, §40; 2008 Acts, ch 1113, §109; 2012 Acts, ch 1093, §17; 2013 Acts, ch 30, §71

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 326 - REGISTRATION RECIPROCITY Section 326.21 - Laws of other jurisdictions — Iowa interests.

326.21 Laws of other jurisdictions — Iowa interests. In the absence of an agreement with another jurisdiction, the department may examine the laws and requirements of such jurisdiction and declare the extent and nature of exemptions, benefits, and privileges to be extended to vehicles or owners of vehicles properly registered or licensed in such other jurisdiction. The department shall consider the interests of the state of Iowa and its citizens, the interests of the other jurisdictions and their citizens, and the benefits which will accrue to the economy of the state of Iowa from the uninterrupted flow of commerce in declarations made pursuant to this section. Each declaration shall specify that the extent of exemptions, benefits, and privileges is subject to revision without notice upon adoption by the general assembly of legislation in conflict with the terms of any such declaration. [C71, 73, 75, 77, 79, 81, §326.21] 2012 Acts, ch 1093, §28

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 326 - REGISTRATION RECIPROCITY Section 326.22 - Operational laws of Iowa applicable.

326.22 Operational laws of Iowa applicable. A nonresident registered vehicle is subject to all laws and rules governing the operation of such vehicle on the highways of this state. The registration credentials assigned and furnished to any vehicle for the current registration year by the jurisdiction in which the vehicle is registered shall be displayed on the vehicle substantially as provided in chapter 321 for vehicles registered pursuant to the provisions of this chapter. In addition, a fee set by the department to cover actual cost shall be charged for each plate, sticker, or other identification furnished for each vehicle registered in accordance with the provisions of this section or extended reciprocity in accordance with the provisions of this section. A charge shall not be made for the initial credentials issued for each vehicle registered pursuant to an apportioned registration agreement. A fee set by the department to cover actual costs shall be charged for issuance of duplicate plates, stickers, other required identification, or other credentials. [S13, §1517-m16; C24, 27, 31, 35, §4866; C39, §5003.04; C46, 50, 54, 58, §321.56; C62, 66, §326.5; C71, 73, 75, 77, 79, 81, §326.22] 2002 Acts, ch 1063, §50; 2012 Acts, ch 1093, §29 Referred to in §805.8A(13)(a) For applicable scheduled fines, see §805.8A, subsection 13, paragraph a

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 326 - REGISTRATION RECIPROCITY Section 326.23 - Trip permits.

326.23 Trip permits. 1. The owner of a commercial vehicle which is properly registered and licensed in some other jurisdiction and is to be operated occasionally on highways in this state may, in lieu of payment of the annual registration fee for such vehicle, obtain a trip permit authorizing operation of the vehicle on the highways of this state for a period of not to exceed seventy-two hours. The fee for the trip permit shall be ten dollars. 2. The department may enter into agreements with owners and operators of truck stops to permit the owners and operators of truck stops to issue trip permits subject to any conditions imposed by the department. In addition to the trip permit fee, the owner or operator of a truck stop may charge an issuance fee which shall be disclosed to the purchaser. For the purposes of this section, "truck stop" means any place of business which sells fuel normally used by trucks and which is open twenty-four hours per day. [C66, §326.7; C71, 73, 75, §326.23, 326.24; C77, 79, 81, §326.23] 2002 Acts, ch 1063, §51; 2005 Acts, ch 8, §42 Referred to in §321E.12, 326.2, 805.8A(13)(a) For applicable scheduled fines, see §805.8A, subsection 13, paragraph a

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 326 - REGISTRATION RECIPROCITY Section 326.24 - Registration denied or suspended.

326.24 Registration denied or suspended. If the international fuel tax agreement license issued to an applicant or registrant under chapter 452A is suspended or revoked or if the director refuses to issue an international fuel tax agreement license because of unpaid debt, the director may deny or suspend the applicant's or registrant's registration under this chapter. 2007 Acts, ch 143, §26

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 326 - REGISTRATION RECIPROCITY Section 326.25 - Applications — investigations.

326.25 Applications — investigations. 1. The department shall examine and determine the genuineness, regularity, and legality of every application lawfully made pursuant to this chapter, and may in all cases make investigations as may be deemed necessary or require additional information. The department shall reject any such application if not satisfied of the genuineness, regularity, or legality of the application or the truth of any statement contained in the application, or for any other reason, when authorized by law.

The department is authorized to take possession of any indicia of apportioned registration or reciprocity upon expiration, revocation, cancellation, or suspension of the registration, or which is fictitious, or which has been unlawfully or erroneously issued. 2. The department may suspend or revoke the registration indicia of a vehicle registered on an apportioned basis in any one of the following events: a. When the department is satisfied that such registration indicia was issued upon fraudulent application. Bona fide errors shall be corrected within fifteen days after notification by the department. b. When the department determines that the required fee has not been paid and the fee is not paid upon reasonable notice and demand. c. When the registration indicia is knowingly displayed on a vehicle which is not in the apportioned fleet of the registrant. d. Upon a determination that the motor vehicle does not have financial liability coverage as required under section 321.20B. [C71, 73, 75, 77, 79, 81, §326.25] 97 Acts, ch 139, §14, 17, 18; 98 Acts, ch 1121, §8; 2010 Acts, ch 1061, §180; 2012 Acts, ch 1093, §30

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 326 - REGISTRATION RECIPROCITY Section 326.26 - Forms.

326.26 Forms. The department shall prescribe and provide suitable forms of application, credentials, and all other forms requisite or deemed necessary to carry out the provisions of this chapter. [C71, 73, 75, 77, 79, 81, §326.26] 2012 Acts, ch 1093, §31

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 326 - REGISTRATION RECIPROCITY Section 326.27 - Violations to negate agreements.

326.27 Violations to negate agreements. Operation of a commercial vehicle or vehicles in violation of the requirements of this chapter, the motor vehicle registration laws of this state, or the terms of any agreement negotiated by the department pursuant to this chapter may, after due notice and hearing, be grounds for denial of reciprocal or apportioned registration privileges for the vehicle or vehicles of an owner so operated. An owner denied such reciprocal or apportioned registration privileges shall be subject to payment of full annual Iowa registration fees for any such vehicle operated on Iowa highways. In addition to denial of reciprocal or apportioned registration privileges, it shall be a simple misdemeanor, unless such act is declared under Iowa law to be a felony, for any person to operate under reciprocity or apportioned registration in violation of any requirements of this chapter. [C66, §326.7; C71, 73, 75, 77, 79, 81, §326.27] 2012 Acts, ch 1093, §32

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 326 - REGISTRATION RECIPROCITY Section 326.28 - Copies of records — fee.

326.28 Copies of records — fee. A fee shall be charged for copies of records provided by the department or the director. [C71, 73, 75, 77, 79, 81, §326.28] 2012 Acts, ch 1093, §33

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 326 - REGISTRATION RECIPROCITY Section 326.29 - Fees to road use tax fund.

326.29 Fees to road use tax fund. Fees collected by the department pursuant to this chapter shall be remitted to the treasurer of state for deposit in the road use tax fund except that fees collected for other jurisdictions shall be placed in a special fund known as the “reciprocity fund”. The department, at least monthly, shall order the disbursement of such fees collected to the appropriate jurisdictions. Interest earned on the reciprocity fund shall be retained by the state and shall be credited to the road use tax fund. [C71, 73, 75, 77, 79, 81, §326.29] 2012 Acts, ch 1093, §34

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 326 - REGISTRATION RECIPROCITY Section 326.3 - Additional definitions.

326.3 Additional definitions. As used in this chapter, unless the context otherwise requires, the following terms have the following meaning, as provided in the international registration plan, or the meaning ascribed in the international registration plan as it may exist at the time of its applicability to the provisions of this chapter: 1. “Applicant” means a person in whose name an application is filed for registration under the plan. 2. “Apportionable fee” means any periodic recurring fee or tax required for registering vehicles, such as registration, license, or weight fees. 3. a. “Apportionable vehicle” means any power unit that is used or intended for use in two or more member jurisdictions and that is used for the transportation of persons for hire or designed, used, or maintained primarily for the transportation of property if one of the following applies: (1) The power unit has two axles and a gross vehicle weight or registered gross vehicle weight in excess of twenty-six thousand pounds. (2) The power unit has three or more axles, regardless of weight. (3) The power unit is used in combination, when the gross vehicle weight of such combination exceeds twenty-six thousand pounds. b. A recreational vehicle, a vehicle displaying restricted plates, a bus used in the transportation of chartered parties, or a government-owned vehicle is not an apportionable vehicle; except that a truck or truck tractor, or the power unit in a combination of vehicles having a gross vehicle weight of twenty-six thousand pounds or less, or a bus used in the transportation of chartered parties may be registered under the plan at the option of the registrant. 4. “Apportioned vehicle” means an apportionable vehicle that has been registered under the plan. 5. “Audit” means the physical examination of a registrant’s operational records, including source documents, to verify the distances reported in the registrant’s application for apportioned registration and the accuracy of the registrant’s record-keeping system for its fleet. Such an examination may be of multiple fleets for multiple years. 6. “Audit procedures manual” or “APM” means the audit procedures manual required to be maintained in the plan. 7. “Auxiliary axle” means an auxiliary undercarriage assembly with a fifth wheel and tow bar used to convert a semitrailer to a

trailer. 8. “Axle” means an assembly of a vehicle consisting of two or more wheels whose centers are in one horizontal plane, by means of which a portion of the weight of a vehicle and its load, if any, is continually transmitted to the roadway. For purposes of registration under the plan, an “axle” is any such assembly whether or not it is load-bearing only part of the time. 9. “Base jurisdiction” means the member jurisdiction, selected in accordance with the plan, to which an applicant applies for apportioned registration under the plan or the member jurisdiction that issues apportioned registration to a registrant under the plan. 10. “Cab card” means an evidence of registration, other than a plate, issued for an apportioned vehicle registered under the plan by the base jurisdiction and carried in or on the identified vehicle. 11. “Chartered party” means a group of persons who, pursuant to a common purpose and under a single contract, have acquired the exclusive use of a passenger-carrying motor vehicle to travel together as a group to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the group after leaving the place of origin. “Chartered party” includes services rendered to a number of passengers that a passenger carrier or its agent has assembled into a travel group through sales of a ticket to each individual passenger covering a round trip from one or more points of origin to a single advertised destination. 12. “Credentials” means the cab card and plate issued in accordance with the plan. 13. “Fleet” means one or more apportionable vehicles designated by a registrant for distance reporting under the plan. 14. “Jurisdiction” means a country or a state, province, territory, possession, or federal district of a country. 15. “Lease” means a transaction evidenced by a written document in which a lessor vests exclusive possession, control, and responsibility for the operation of a vehicle in a lessee for a specific term. A long-term lease is for a period of thirty calendar days or more. A short-term lease is for a period of less than thirty calendar days. 16. “Lessee” means a person that is authorized to have exclusive possession and control of a vehicle owned by another person under terms of a lease agreement. 17. “Lessor” means a person that, under the terms of a lease agreement, authorizes another person to have exclusive possession of, control of, and responsibility for the operation of a vehicle. 18. “Member jurisdiction” means a jurisdiction that has applied and has been approved for membership in the plan in accordance with the plan. 19. “Operational records” means source documents that evidence distance traveled by a fleet in each member jurisdiction, such as fuel reports, trip sheets, and driver logs, including those which may be generated through on-board devices and maintained electronically, as required by the audit procedures manual. 20. “Plate” means the license plate, including renewal decals, if any, issued for a vehicle registered under the plan by the base jurisdiction. 21. “Power unit” means a motor vehicle as distinguished from a trailer, semitrailer, or auxiliary axle, but not including an automobile or a motorcycle. 22. “Properly registered vehicle” means a vehicle which has been registered in full compliance with the laws of all jurisdictions in which it is intended to operate. 23. “Reciprocity” means the reciprocal grant by one jurisdiction of operating rights or privileges in properly registered vehicles registered by another jurisdiction, especially but not exclusively including privileges generally conferred by vehicle registration. 24. “Reciprocity agreement” means an agreement, arrangement, or understanding between two or more jurisdictions under which each of the participating jurisdictions grants reciprocal rights or privileges to properly registered vehicles that are registered under the laws of other participating jurisdictions. 25. “Recreational vehicle” means a vehicle used for personal pleasure or personal travel and not in connection with any commercial endeavor. 26. “Registrant” means a person in whose name a properly registered vehicle is registered. 27. “Registration year” means the twelve-month period during which, under the laws of the base jurisdiction, the registration issued to a registrant by the base jurisdiction is valid. 28. “Reporting period” means the period of twelve consecutive months immediately prior to July 1 of the calendar year immediately preceding the beginning of the registration year for which apportioned registration is sought. However, if the registration year begins on any date in July, August, or September, the reporting period shall be the previous such twelve-month period. 29. “Restricted plate” means a plate that has a time, geographic area, distance, or commodity restriction or a mass transit or other special plate issued for a bus leased or owned by a municipal government, a state or provincial transportation authority, or a private party, and operated as part of an urban mass transit system, as defined by the jurisdiction that issues the plate. 30. “Total distance” means all distance, including that accrued on trip permits, operated by a fleet of apportioned vehicles in all member jurisdictions during the reporting period. 31. “Trip permit” means a permit issued by a member jurisdiction in lieu of apportioned or full registration. 32. “Truck” means a power unit designed, used, or maintained primarily for the transportation of property. 2012 Acts, ch 1093, §18; 2012 Acts, ch 1138, §67

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 326 - REGISTRATION RECIPROCITY Section 326.30 - Motor vehicle law applicable.

326.30 Motor vehicle law applicable. All provisions of chapter 321, insofar as applicable, are extended to include owners who register and title vehicles in this state on an apportioned registration basis or who operate interstate on Iowa highways under reciprocity. [C71, 73, 75, 77, 79, 81, §326.30] 87 Acts, ch 108, §9; 2012 Acts, ch 1093, §35

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 326 - REGISTRATION RECIPROCITY Section 326.31 - Filing incorrect information — effect.

326.31 Filing incorrect information — effect. 1. If the director has reason to believe that a registrant has filed incorrect information with the department, for the purpose of reducing the registrant’s obligation for registration fees or fuel taxes, the director may revoke the apportioned registration privileges on all of the vehicles owned by the person. A person who has such privileges revoked shall be required to register all of the vehicles owned by the person with the appropriate county treasurer for a period of no less than one year and no more than five years thereafter. The department may use all reports pertaining to the registration fees and motor fuel taxes in ascertaining the accuracy of reports filed pertaining to registration fees and motor fuel taxes. 2. A person whose privileges are revoked may request an administrative hearing of the action in accordance with chapter 17A, and during the period pending the

hearing, the apportioned registration privileges shall be reinstated if the registrant posts security with the department in an amount sufficient to pay the full annual fees if an adverse decision is rendered at the hearing. At the hearing, the registrant shall have the burden of proof as to the accuracy of any report filed by the registrant with the department. Judicial review of any decision reached at the administrative hearing may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A. [C71, 73, 75, 77, 79, 81, §326.31] 2002 Acts, ch 1063, §52; 2003 Acts, ch 44, §114; 2012 Acts, ch 1093, §36

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 326 - REGISTRATION RECIPROCITY Section 326.32 - Additional fees or restrictions by other jurisdictions — effect.

326.32 Additional fees or restrictions by other jurisdictions — effect. If the laws of any other jurisdiction impose any taxes, fees, charges, penalties, obligations, prohibitions, or limitations of any kind upon the vehicles of residents of Iowa, in addition to those imposed upon the vehicles of residents of such other jurisdiction by the state of Iowa, the department may impose and collect fees and charges in the same amount and impose the same obligations, prohibitions, or limitations upon the owner or operator of a vehicle registered in such other jurisdiction. [C71, 73, 75, 77, 79, 81, §326.32] 2012 Acts, ch 1093, §37

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 326 - REGISTRATION RECIPROCITY Section 326.33 - Rules adopted.

326.33 Rules adopted. The department shall promulgate rules pursuant to chapter 17A as necessary to carry out the provisions of this chapter. [C71, 73, 75, 77, 79, 81, §326.33]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 326 - REGISTRATION RECIPROCITY Section 326.36

326.36 Reserved..

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 326 - REGISTRATION RECIPROCITY Section 326.46 - Temporary unladen weight registration.

326.46 Temporary unladen weight registration. The department may issue temporary registration for unregistered vehicles subject to registration under this chapter upon application by the owner and payment of a fee of ten dollars for each vehicle. The registration shall be valid for fifteen days and for one trip between specified points of origin and destination, with intermediate points authorized by the department. Property or passengers shall not be transported while the vehicle is subject to temporary registration. [C81, §326.46] 2012 Acts, ch 1093, §38

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 326 - REGISTRATION RECIPROCITY Section 326.5 - Reciprocity agreements.

326.5 Reciprocity agreements. The director may enter into reciprocity agreements with the authorized representatives of any jurisdiction, exempting nonresidents of this state using the highways of this state from the registration requirements of chapter 321 and payment of fees to this state, with conditions, restrictions, and privileges the director deems advisable. [S13, §1571-m16; C24, 27, 31, 35, §4866; C39, §5003.04; C46, 50, 54, 58, §321.56; C62, 66, §326.2; C71, 73, 75, 77, 79, 81, §326.5] 86 Acts, ch 1245, §1948

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 326 - REGISTRATION RECIPROCITY Section 326.6 - Apportionable registration fees.

326.6 Apportionable registration fees. The department may determine the sum total amount of registration fees necessary to register each and every vehicle in a fleet based on the annual registration fees prescribed in chapter 321. [C71, 73, 75, 77, 79, 81, §326.6] 90 Acts, ch 1230, §89; 2012 Acts, ch 1093, §19

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327B - REGISTRATION OF CARRIER AUTHORITY Section 327B.1 - Authority secured and registered.

327B.1 Authority secured and registered. 1. It is unlawful for a carrier to perform an interstate transportation service for compensation upon the highways of this state without first registering the authority obtained from the United States department of transportation or evidence that such authority is not required with the state department of transportation. 2. The department shall participate in the unified carrier registration plan and agreement for regulated motor carriers as provided in 49 U.S.C. §14504a and United States department of transportation regulations. 3. As provided in 49 U.S.C. §14504a, a foreign or domestic motor carrier, motor private carrier, leasing company, broker, or freight forwarder shall not operate any motor vehicle on the highways of this state without first registering the motor vehicle under the unified carrier registration agreement and paying all required fees. [C66, 71, 73, 75, 77, 79, 81, §327B.1] 93 Acts, ch 174, §2; 95 Acts, ch 118, §31; 2003 Acts, ch 108, §57; 2005 Acts, ch 20, §10; 2005 Acts, ch 179, §129; 2006 Acts, ch 1144, §5; 2007 Acts, ch 143, §27, 35; 2011 Acts, ch 38, §26 Referred to in §805.8A(13)(f) For applicable scheduled fines, see §805.8A, subsection 13, paragraph f

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327B - REGISTRATION OF CARRIER AUTHORITY Section

327B.3 - Fees — use.

327B.3 Fees — use. All fees paid under the provisions of this chapter shall be remitted to the treasurer of state and credited to the road use tax fund. [C66, 71, 73, 75, 77, 79, 81, §327B.3]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327B - REGISTRATION OF CARRIER AUTHORITY Section 327B.5 - Penalty.

327B.5 Penalty. Any person violating the provisions of this chapter shall, upon conviction, be subject to a scheduled fine as provided in section 805.8A, subsection 13, paragraph “f”. [C77, 79, 81, §327B.5] 2005 Acts, ch 20, §11; 2011 Acts, ch 131, §61, 158

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327C - SUPERVISION OF CARRIERS Section 327C.1 - Definition.

327C.1 Definition. As used in this chapter, unless the context otherwise requires, “department” means the department of transportation. [C75, §474.54; C77, 79, 81, §327C.1; 81 Acts, ch 22, §22] 86 Acts, ch 1245, §1958

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327C - SUPERVISION OF CARRIERS Section 327C.10 - Investigation and inquiry.

327C.10 Investigation and inquiry. The department may investigate and inquire into the management of all common carriers subject to its jurisdiction. The department may obtain from the carriers full and complete information necessary to enable the department to perform its duties including the administration of railroad assistance agreements. The department may require the attendance and testimony of witnesses, and the production of all books, papers, tariff schedules, contracts, agreements, and documents, relating to any matter under investigation, and may inspect them; and may examine under oath or otherwise any officer, director, agent, or employee of a common carrier; and may issue subpoenas and enforce obedience to them. [C97, §2115, 2133; C24, 27, 31, 35, 39, §7878; C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.18; C77, 79, 81, §327C.10; 81 Acts, ch 22, §22] 86 Acts, ch 1245, §1959

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327C - SUPERVISION OF CARRIERS Section 327C.12 - Aid from courts.

327C.12 Aid from courts. The department or the department of inspections, appeals, and licensing may invoke the aid of any court of record in the state in requiring the attendance and testimony of witnesses and the production of books, papers, tariff schedules, agreements, and other documents. If a person refuses to obey a subpoena or other process, a court having jurisdiction of the inquiry shall issue an order requiring any of the officers, agents, or employees of a carrier or other person to appear before either department and produce all books and papers required by the order and testify in relation to any matter under investigation. [C97, §2133; C24, 27, 31, 35, 39, §7879; C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.20; C77, 79, 81, §327C.12; 81 Acts, ch 22, §22] 89 Acts, ch 273, §20; 2023 Acts, ch 19, §1986 Contempts, chapter 665 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327C - SUPERVISION OF CARRIERS Section 327C.13 - Hindering or obstructing department.

327C.13 Hindering or obstructing department. Any person who shall willfully obstruct the department in the performance of their duties, or who shall refuse to give any information within that person’s possession that may be required by the department within the line of their duty, shall, upon conviction, be subject to a schedule “two” penalty. [C97, §2115; C24, 27, 31, 35, 39, §7880; C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.21; C77, 79, 81, §327C.13; 81 Acts, ch 22, §22] See §327C.5

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327C - SUPERVISION OF CARRIERS Section 327C.14 - Cumulative remedies.

327C.14 Cumulative remedies. Nothing in this chapter or chapter 327D shall be construed to estop or hinder any persons from bringing action against any railway corporation for any violation of the laws of the state. [C97, §2118; C24, 27, 31, 35, 39, §7882; C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.23; C77, 79, 81, §327C.14]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327C - SUPERVISION OF CARRIERS Section 327C.16 - Mandatory injunction — contempt.

327C.16 Mandatory injunction — contempt. It shall be the duty of the court in which any such cause shall be pending to require the issue to be made up within twenty days after commencement of the action and to give the same precedence over other civil business. If the court shall find that such rule, regulation, or order is reasonable and just, and that in refusing compliance therewith said railway company is neglecting and omitting the performance of any public duty or obligation, the court shall decree a mandatory and perpetual injunction, compelling obedience to and compliance with such rule, order, or regulation by said railroad company or person, its officers, agents, servants and employees, and may grant such other relief as may be deemed just and proper. All violations of such decree shall render the company, persons, officers, agents, servants and employees who are in any manner instrumental in such violation, guilty of contempt of court, and the court may punish such contempt by a fine not exceeding one

thousand dollars for each offense. Such decree shall continue and remain in effect and be enforced until the rule, order, or regulation shall be modified or vacated by the department. [C97, §2119; S13, §2119; C24, 27, 31, 35, 39, §7884; C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.25; C77, 79, 81, §327C.16] Referred to in §327C.21, 364.8

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327C - SUPERVISION OF CARRIERS Section 327C.17 - Penalty.

327C.17 Penalty. If a railroad fails or refuses to comply with a rule or order made by the state department of transportation or the department of inspections, appeals, and licensing within the time specified, the railroad is, for each day of such failure, subject to a schedule “two” penalty. [S13, §2119; C24, 27, 31, 35, 39, §7885; C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.26; C77, 79, 81, §327C.17; 81 Acts, ch 22, §22] 89 Acts, ch 273, §21; 2023 Acts, ch 19, §1987 Referred to in §327C.21 See §327C.5 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327C - SUPERVISION OF CARRIERS Section 327C.18 - Time may be extended to test legality.

327C.18 Time may be extended to test legality. The time for the taking effect of any rule, order, or regulation affecting public rights, made by the department, may, in its discretion, be extended; and said extension of time may be granted for the purpose of testing the legality thereof, upon application by any such aggrieved railroad, showing reasonable grounds therefor, and that said application is made in good faith and not for the purpose of delay. [S13, §2119; C24, 27, 31, 35, 39, §7886; C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.27; C77, 79, 81, §327C.18] Referred to in §327C.21

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327C - SUPERVISION OF CARRIERS Section 327C.19 - Review.

327C.19 Review. 1. A decision of the department of inspections, appeals, and licensing is subject to review by the state department of transportation. 2. Judicial review of the actions of the state department of transportation may be sought in accordance with chapter 17A. [S13, §2119; C24, 27, 31, 35, 39, §7887; C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.28; C77, 79, 81, §327C.19] 89 Acts, ch 273, §22; 2021 Acts, ch 76, §150; 2023 Acts, ch 19, §1988 Referred to in §327C.21 Subsection 1 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327C - SUPERVISION OF CARRIERS Section 327C.2 - General jurisdiction of department.

327C.2 General jurisdiction of department. The department has general supervision of all railroads in the state, express companies, car companies, freight and freight-line companies, motor carriers, and any common carrier engaged in the transportation of passengers or freight. However, the provisions of this chapter regarding the supervision of carriers do not apply to regular route motor carriers of passengers or charter carriers, as defined under section 325A.12. [C97, §2112; S13, §2120-n; C24, 27, 31, 35, 39, §7874; C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.10; C77, 79, 81, §327C.2] 86 Acts, ch 1161, §16; 98 Acts, ch 1100, §51 Referred to in §6A.21, 6B.42 Section not amended; headnote revised

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327C - SUPERVISION OF CARRIERS Section 327C.20 - Remitting penalty.

327C.20 Remitting penalty. If a common carrier fails in a judicial review proceeding to secure a vacation of the order objected to, it may apply to the court in which the review proceeding is finally adjudicated for an order remitting the penalty which has accrued during the review proceeding. Upon a satisfactory showing that the petition for judicial review was filed in good faith and not for the purpose of delay, and that there were reasonable grounds to believe that the order was unreasonable or unjust or that the power of the department of transportation or the department of inspections, appeals, and licensing to make the order was doubtful, the court may remit the penalty that has accrued during the review proceeding. [S13, §2119; C24, 27, 31, 35, 39, §7888; C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.29; C77, 79, 81, §327C.20; 81 Acts, ch 22, §22] 89 Acts, ch 273, §23; 2023 Acts, ch 19, §1989 Referred to in §327C.21 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327C - SUPERVISION OF CARRIERS Section 327C.21 - Costs — attorney fees.

327C.21 Costs — attorney fees. When a decree is entered against a railroad corporation or person under sections 327C.16 through 327C.20, the court shall render judgment for costs, and attorney fees for counsel representing the state. [C97, §2120; C24, 27, 31, 35, 39, §7889; C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.30; C77, 79, 81, §327C.21] 2021 Acts, ch 80, §188

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327C - SUPERVISION OF CARRIERS Section 327C.22 - Interstate freight rates.

327C.22 Interstate freight rates. The department shall exercise constant diligence to ascertain the rates, charges, rules, and practices of common carriers operating in this state, in relation to the transportation of freight in interstate business. When it shall ascertain from any source or have reasonable grounds to believe that the rates charged on such interstate business or the rules or practices in relation thereto discriminate unjustly against any of the citizens, industries, interests, or localities of the state, or place any of them at an unreasonable disadvantage as compared with those of other states, or are in violation of the laws of the United States regulating

commerce, or in conflict with the rulings, orders, or regulations of the surface transportation board, the department shall take the necessary steps to prevent the continuance of such rates, rules, or practices. [S13, §2120-a; C24, 27, 31, 35, 39, §7890; C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.31; C77, 79, 81, §327C.22] 2003 Acts, ch 108, §59

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327C - SUPERVISION OF CARRIERS Section 327C.23 - Application to surface transportation board.

327C.23 Application to surface transportation board. When any common carrier has put in force any rates, rules, or practices in relation to interstate freight business, in violation of the laws of the United States regulating commerce, or of the orders, rules, or regulations of the surface transportation board, or shall unjustly discriminate against any of the citizens, industries, interests, or localities of the state, the department shall present the material facts involved in such violations or discrimination to the surface transportation board and seek relief therefrom, and, if deemed necessary or expedient, the department shall prosecute any charge growing out of such violation or discrimination, at the expense of the state, before the surface transportation board. [S13, §2120-b; C24, 27, 31, 35, 39, §7891; C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.32; C77, 79, 81, §327C.23] 2003 Acts, ch 108, §60

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327C - SUPERVISION OF CARRIERS Section 327C.24 - Choice of remedies.

327C.24 Choice of remedies. Any person claiming damages from a common carrier on account of any violation of the provisions of chapter 327D may either make complaint to the department, or may bring action on the person's behalf for the recovery of such damages; but the person shall not have the right to pursue both of said remedies at the same time. [C97, §2131; C24, 27, 31, 35, 39, §7892; C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.33; C77, 79, 81, §327C.24]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327C - SUPERVISION OF CARRIERS Section 327C.25 - Complaints.

327C.25 Complaints. A person may file with the department a petition setting forth any particular in which a common carrier has violated the law to which it is subject and the amount of damages sustained by reason of the violation. The department shall furnish a copy of the complaint to the carrier against which a complaint is filed. The department shall request the department of inspections, appeals, and licensing to schedule a hearing in which the carrier shall answer the petition or satisfy the demands of the complaint. If the carrier fails to satisfy the complaint within the time fixed or there appears to be reasonable grounds for investigating the matters set forth in the petition, the department of inspections, appeals, and licensing shall hear and determine the questions involved and make orders it finds proper. If the department of transportation has reason to believe that a carrier is violating any of the laws to which it is subject, the department may institute an investigation and request the department of inspections, appeals, and licensing to conduct a hearing in relation to the matters as if a petition had been filed. [C97, §2134; C24, 27, 31, 35, 39, §7893; C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.34; C77, 79, 81, §327C.25; 81 Acts, ch 22, §22] 89 Acts, ch 273, §24; 2023 Acts, ch 19, §1990 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327C - SUPERVISION OF CARRIERS Section 327C.26 - Reports.

327C.26 Reports. When a hearing has been held before the department of inspections, appeals, and licensing after notice, it shall make a report in writing setting forth the findings of fact and its conclusions together with its recommendations as to what reparation, if any, the offending carrier shall make to a party who has suffered damage. The findings of fact are prima facie evidence in all further legal proceedings of every fact found. All reports of hearings and investigations made by the department of inspections, appeals, and licensing shall be entered of record and a copy furnished to the carrier against which the complaint was filed, to the party complaining, and to any other person having a direct interest in the matter. A reasonable fee not to exceed the actual duplication costs may be charged for the copies. [C97, §2135; C24, 27, 31, 35, 39, §7894; C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.35; C77, 79, 81, §327C.26; 81 Acts, ch 22, §22] 89 Acts, ch 273, §25; 2023 Acts, ch 19, §1991 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327C - SUPERVISION OF CARRIERS Section 327C.27 - Orders — compliance.

327C.27 Orders — compliance. When the department finds as the result of any investigation or hearing that a common carrier has violated or is violating any of the provisions of law to which it is subject, or that any complainant or other person has sustained damages by reason of such violation, the department shall order such carrier to cease such violation at once and shall fix a time within which it shall pay the amount of damage which has been found due to any person as a result of such violation. [C97, §2136; C24, 27, 31, 35, 39, §7895; C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.36; C77, 79, 81, §327C.27; 81 Acts, ch 22, §22]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327C - SUPERVISION OF CARRIERS Section 327C.28 - Violation of order — petition — notice.

327C.28 Violation of order — petition — notice. If a person violates or fails to obey a lawful order or requirement of the department of transportation or the department of inspections, appeals, and licensing, the department of transportation or the department of

inspections, appeals, and licensing shall apply by petition in the name of the state against the person, to the district court, alleging the violation or failure to obey. The court shall hear and determine the matter set forth in the petition on reasonable notice to the person, to be fixed by the court and to be served in the same manner as an original notice for the commencement of action. [C97, §2137; C24, 27, 31, 35, 39, §7896; C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.37; C77, 79, 81, §327C.28; 81 Acts, ch 22, §22] 89 Acts, ch 273, §26; 2023 Acts, ch 19, §1992 Referred to in §327C.29, 327C.30 Manner of service, R.C.P. 1.302 – 1.315 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327C - SUPERVISION OF CARRIERS Section 327C.29 - Interested party may begin proceedings.

327C.29 Interested party may begin proceedings. A person interested in enforcing an order or requirement of the department of transportation or the department of inspections, appeals, and licensing, may file a petition against the violator, alleging the failure to comply with the order or requirement and asking for summary relief to the same extent and in the same manner as the department of transportation or the department of inspections, appeals, and licensing may under section 327C.28, and the proceedings after the filing of the petition shall be the same as in section 327C.28. [C97, §2137; C24, 27, 31, 35, 39, §7897; C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.38; C77, 79, 81, §327C.29; 81 Acts, ch 22, §22] 89 Acts, ch 273, §27; 2023 Acts, ch 19, §1993 Referred to in §327C.30 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327C - SUPERVISION OF CARRIERS Section 327C.3 - Removal of interfering lights.

327C.3 Removal of interfering lights. The department is hereby vested with authority to order the removal or alteration of any lights erected for illuminating purposes, whether on public or private property, when such lights interfere with the easy observation of railroad signals by those engaged in the operation of railroad trains or equipment. [C39, §7874.1; C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.11; C77, 79, 81, §327C.3]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327C - SUPERVISION OF CARRIERS Section 327C.30 - Duty of department, attorney general, and county attorney.

327C.30 Duty of department, attorney general, and county attorney. When any proceeding has been instituted under sections 327C.28 and 327C.29, the attorney general shall prosecute the same, and the county attorney of the county in which such proceeding is pending shall render such assistance as the attorney general may require. [C97, §2137; C24, 27, 31, 35, 39, §7898; C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.39; C77, 79, 81, §327C.30; 81 Acts, ch 22, §22] 2023 Acts, ch 19, §2066, 2073 Referred to in §331.756(49) Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327C - SUPERVISION OF CARRIERS Section 327C.31 - Hearing in equity — injunction.

327C.31 Hearing in equity — injunction. All such causes shall be in equity, and the order or report of the department in question shall be considered prima facie evidence. If the court shall find that the order or requirement in question is lawful and has been violated, it shall issue an injunction or other proper process. [C97, §2137; C24, 27, 31, 35, 39, §7899; C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.40; C77, 79, 81, §327C.31; 81 Acts, ch 22, §22]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327C - SUPERVISION OF CARRIERS Section 327C.33 - Appeal — effect.

327C.33 Appeal — effect. An appeal to the supreme court shall not stay or supersede the order of the court or the execution of any writ or process thereon. When appeal is taken by the department, it shall not be required to give an appeal bond or security for costs. [C97, §2137; C24, 27, 31, 35, 39, §7901; C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.42; C77, 79, 81, §327C.33; 81 Acts, ch 22, §22]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327C - SUPERVISION OF CARRIERS Section 327C.34 - Suits by the department.

327C.34 Suits by the department. When the department has reason to believe that any person has been guilty of unjust discrimination, the department shall cause action to be commenced against such person. Such action may be brought in the district court of any county through which the railway owned or operated by such person may extend. [C97, §2149, 2150; C24, 27, 31, 35, 39, §7902; C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.43; C77, 79, 81, §327C.34; 81 Acts, ch 22, §22]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327C - SUPERVISION OF CARRIERS Section 327C.36 - Rights and remedies not exclusive.

327C.36 Rights and remedies not exclusive. Nothing in this chapter shall abridge any rights or remedies existing at common law or by statute, but shall be in addition to such remedies. [C24, 27, 31, 35, 39, §7904; C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.45; C77, 79, 81, §327C.36]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327C - SUPERVISION OF CARRIERS Section 327C.37 - Accidents — investigations of — report.

327C.37 Accidents — investigations of — report. Upon the occurrence of any serious accident upon any railroad within this state, which shall result in personal injury, or loss of life, the corporation operating the road upon which the accident occurred shall give immediate notice thereof to the department whose duty it shall be, if they deem it necessary, to investigate the same, and promptly report to the governor the extent of the personal injuries, or loss of life, and whether the same was the result of mismanagement or neglect of the corporation on whose line the injury or loss of life occurred; but such report shall not be evidence or referred to in any case in any court. [S13, §2120-k; C24, 27, 31, 35, 39, §7905; C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.46; C77, 79, 81, §327C.37]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327C - SUPERVISION OF CARRIERS Section 327C.38 - Annual reports from companies.

327C.38 Annual reports from companies. The department shall require annual reports from all common carriers subject to the provisions of chapter 327D and prescribe the manner in which specific answers to all questions upon which it may need information shall be made. [C73, §1280; C97, §2143; C24, 27, 31, 35, 39, §7906; C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.47; C77, 79, 81, §327C.38]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327C - SUPERVISION OF CARRIERS Section 327C.4 - Inspection — notice to repair.

327C.4 Inspection — notice to repair. The department shall inspect the condition of each railroad's rail track, and may inspect the condition of each railroad's rail facilities, equipment, rolling stock, operations and pertinent records at reasonable times and in a reasonable manner to insure proper operations. Employees of the department shall have proper identification which shall be displayed upon request. If found unsafe, the department shall immediately notify the railroad corporation whose duty it is to put the same in repair, which shall be done by it within such time as the department shall fix. If any corporation fails to perform this duty the department may forbid and prevent it from running trains over the defective portion while unsafe or may regulate the speed and operation of trains moving over the defective portion of the railroad. If the railroad corporation violates any requirement provided by the department, the railroad corporation shall be subject to a schedule "two" penalty for each day the repairs have not been made from the date the department set for repairs to be completed. The court may consider the willingness and ability of the railroad corporation to cooperate in removing the safety hazard. Notwithstanding the provisions of chapter 669, the state shall not be held liable for damages for any act or failure to act under the provisions of this section. [C97, §2113; S13, §2113; C24, 27, 31, 35, 39, §7875; C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.12; C77, 79, 81, §327C.4] 93 Acts, ch 87, §9 Referred to in §327C.6

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327C - SUPERVISION OF CARRIERS Section 327C.41 - Additional reports.

327C.41 Additional reports. The department may also require of any and all common carriers subject to the provisions of chapter 327D such other reports, and fix the time for filing the same, as in its judgment shall be necessary and reasonable, which reports shall be in such form, and concerning such subjects, and be from such sources as it shall direct, except as otherwise provided herein. [C97, §2143; C24, 27, 31, 35, 39, §7909; C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.50; C77, 79, 81, §327C.41]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327C - SUPERVISION OF CARRIERS Section 327C.42 - Uniform accounts.

327C.42 Uniform accounts. The department may prescribe uniformity and methods of keeping accounts, as near as may be, and fix a time when such regulations shall take effect. [C97, §2143; C24, 27, 31, 35, 39, §7910; C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.51; C77, 79, 81, §327C.42]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327C - SUPERVISION OF CARRIERS Section 327C.43 - Violations.

327C.43 Violations. Any corporation, company, or individual owning or operating a railway within the state, neglecting or refusing to make the required reports by the date fixed by rule of the department, shall, upon conviction, be subject to a schedule "one" penalty for each and every day of delay in making the same after the date thus fixed. [C73, §1281, 1282; C97, §2143; C24, 27, 31, 35, 39, §7911; C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.52; C77, 79, 81, §327C.43] See §327C.5

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327C - SUPERVISION OF CARRIERS Section 327C.5 - Schedule violations — penalties.

327C.5 Schedule violations — penalties. Violations of the provisions of this chapter and chapters 327D through 327G shall be punished as a schedule "one" penalty unless otherwise indicated. Violations of a continuing nature shall constitute a separate offense for each violation unless otherwise provided. The schedule of violations shall be: 1. "Schedule one" means a penalty of one hundred dollars per violation. 2. "Schedule two" means a penalty of not less than one hundred dollars nor more than five hundred dollars per violation. 3. "Schedule three" means a penalty of not less than five hundred dollars nor more than one thousand dollars per violation.

4. “Schedule four” means a penalty of not less than five hundred dollars nor more than five thousand dollars per violation. 5. “Schedule five” means a penalty of not less than five hundred dollars nor more than five thousand dollars for the first violation and not less than five thousand dollars nor more than ten thousand dollars for each subsequent violation. [C79, 81, §327C.5] 2006 Acts, ch 1010, §92; 2007 Acts, ch 22, §70 Referred to in §327F.13, 327F.39, 327G.32

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327C - SUPERVISION OF CARRIERS Section 327C.6 - Changes in operation and improvements.

327C.6 Changes in operation and improvements. When, in the judgment of the department, any railroad corporation fails in any respect to comply with the laws of the state; or if any railroad corporation fails to operate its railroad and business in a reasonable and expedient manner which is safe and convenient to the public, the department may order such changes as it finds to be proper and shall serve an order upon such corporation. Nothing in this section or section 327C.4 shall be construed as to nullify responsibility or liability for damage to person or property by any railroad corporation. [C97, §2113; S13, §2113; C24, 27, 31, 35, 39, §7877; C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.14; C77, 79, 81, §327C.6]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327C - SUPERVISION OF CARRIERS Section 327C.7 - Withdrawal of service.

327C.7 Withdrawal of service. It shall be unlawful for any railroad corporation owning or operating any railroad in this state, to withdraw agency service, unless it shall first have filed notice of its intention with the department and otherwise complied with the provisions of this section and sections 327C.8 and 327C.9. Upon the receipt of such notice the department shall specify a notice be published and the railroad corporation shall, at its own expense, cause such notice to be published at least fifteen days in advance of the action to discontinue such agency and shall file proof of publication with the department. The notice shall be in such form as prescribed by the department and shall be published in a newspaper published in the county in which the station is located. An alternative notice procedure giving comparable public notice by registered mail to affected shippers may be prescribed by the department according to rules promulgated under chapter 17A. [C39, §7877.1; C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.15; C77, 79, 81, §327C.7] Referred to in §327C.8

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327C - SUPERVISION OF CARRIERS Section 327C.8 - Objections — hearing.

327C.8 Objections — hearing. A person directly affected by the proposed discontinuance of an agency may file written objections with the department stating the grounds for the objections, within fifteen days from the time of the publication of the notice as provided in section 327C.7. Upon the filing of objections the department shall request the department of inspections, appeals, and licensing to hold a hearing, which shall be held within sixty days from the filing of the objections. Written notice of the time and place of the hearing shall be mailed by the department of inspections, appeals, and licensing to the railroad corporation and the person filing objections at least ten days prior to the date fixed for the hearing. [C39, §7877.2; C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.16; C77, 79, 81, §327C.8; 81 Acts, ch 22, §22] 89 Acts, ch 273, §19; 2023 Acts, ch 19, §1985 Referred to in §327C.7 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327C - SUPERVISION OF CARRIERS Section 327C.9 - Order of department.

327C.9 Order of department. Upon said hearing the department may prohibit the discontinuance of such agency or may make such other order as is warranted by the evidence produced at such hearing. But if no objections are filed the department may make an order permitting the railroad corporation to proceed with such discontinuance. [C39, §7877.3; C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.17; C77, 79, 81, §327C.9; 81 Acts, ch 22, §22] Referred to in §327C.7

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.1 - Applicability of chapter.

327D.1 Applicability of chapter. This chapter applies to intrastate transportation by for-hire common carriers of persons and property. However, this chapter does not apply to regular route motor carriers of passengers or charter carriers, as defined under section 325A.12, or a transportation network company or a transportation network company driver, as defined in section 321N.1. [C97, §2122; C24, 27, 31, 35, 39, §8036; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.1; C77, 79, 81, §327D.1] 83 Acts, ch 121, §3; 86 Acts, ch 1161, §17; 98 Acts, ch 1100, §52; 2016 Acts, ch 1101, §22, 24 Referred to in §327D.40

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.10 - Unjust discrimination — exceptions.

327D.10 Unjust discrimination — exceptions. If any common carrier subject to the provisions of this chapter shall directly or indirectly, by any special rate, rebate, drawback, or other device, charge, demand, collect, or receive from any person or persons a greater or less compensation for any service rendered, or to be rendered, in the transportation of passengers or property subject to the provisions of this chapter, than it charges, demands, collects, or receives from any other person or persons for doing a like and

contemporaneous service in the transportation of a like kind of traffic, such common carrier shall be guilty of unjust discrimination, which is hereby prohibited and declared to be unlawful; but this section shall not be construed as prohibiting a less rate per one hundred pounds in a carload lot than is charged, collected, or received for the same kind of freight in less than a carload lot. [C97, §2124; C24, 27, 31, 35, 39, §8046; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.11; C77, 79, 81, §327D.10] Referred to in §327D.40

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.102 - Movement of livestock — burden of proof.

327D.102 Movement of livestock — burden of proof. It is hereby made the duty of all common carriers of freight within this state to move cars of livestock at the highest practicable speed consistent with reasonable safety and the reasonable movement of its general traffic. The burden of proof that cars of livestock are so moved shall be upon the carrier, and proof that such cars were moved according to schedule or timetable shall not be prima facie evidence that they were moved at the highest practicable speed consistent with reasonable safety. [S13, §2157-s; C24, 27, 31, 35, 39, §8114; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.80; C77, 79, 81, §327D.102]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.11 - Reconsignment without charge.

327D.11 Reconsignment without charge. Upon request of the consignee it shall be the duty of any common carrier of freight to reconsign, rebill, and reship from any place of destination within the state to any other place within the state any property in carload lots brought to said place of destination over its own or other line and treat the same in all respects as an original shipment between such places, provided the charges to first place of destination are paid or secured to the satisfaction of such corporation. [S13, §2157-r; C24, 27, 31, 35, 39, §8047; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.12; C77, 79, 81, §327D.11] Referred to in §327D.40

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.113 - Names of free pass beneficiaries reported.

327D.113 Names of free pass beneficiaries reported. Every common carrier of passengers within the provisions of this chapter shall, whenever so requested by the department, file with the department a sworn statement showing the names of all persons within this state holding, or to whom during the preceding year such carrier issued, furnished, or gave a free ticket, free pass, free transportation, or a discriminating reduced rate, except wage earners of common carriers in their ordinary employment and families of such wage earners, and disclosing such further information as will enable the department to determine whether the person to whom it was issued was within the exception of said provisions. [S13, §2157-j; C24, 27, 31, 35, 39, §8132; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.98; C77, 79, 81, §327D.113]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.114 - Passenger tickets — redemption.

327D.114 Passenger tickets — redemption. Every railroad corporation shall redeem in whole or in part any unused passenger ticket at a rate equal to the transportation value of the unused portion. Any redemption shall be made not more than forty-five days from the date of the refund request. [S13, §2128-a; C24, 27, 31, 35, 39, §8133; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.99; C77, 79, 81, §327D.114] Referred to in §327D.116

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.116 - Violations.

327D.116 Violations. Any railroad company, corporation, person, or persons, who as common carriers shall sell or issue tickets as set forth in section 327D.114, and shall refuse or neglect to redeem the same, as by said section provided, within ten days of date of demand, shall forfeit and pay to the owner of such ticket the purchase price of said ticket, and the further sum of one hundred dollars. [S13, §2128-c; C24, 27, 31, 35, 39, §8135; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.101; C77, 79, 81, §327D.116]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.12 - Charges to be reasonable.

327D.12 Charges to be reasonable. All rates and charges made for any service rendered or to be rendered in the transportation of passengers or property in this state, or for the receiving, delivering, storage, or handling of such property, shall be reasonable and just. [C97, §2123; C24, 27, 31, 35, 39, §8048; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.13; C77, 79, 81, §327D.12] Referred to in §327D.40

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.127 - Railroad track scales — weighing — fee.

327D.127 Railroad track scales — weighing — fee. Every railroad corporation operating within the state and having track scales shall maintain the scales in good order and of sufficient capacity to weigh carloads of bulk commodities transported over the railroad. The railroad shall weigh car lots of bulk commodities at the request of any owner, consignor, or consignee of such

commodities, and furnish written certificates of the weights to the owner, consignor, or consignee. A reasonable charge may be made for such requested weighing. [S13, §2157-l; C24, 27, 31, 35, 39, §8137; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.103; C77, 79, 81, §327D.127] Referred to in §215.25, 327D.131, 327D.132

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.128 - Weighing — disagreement.

327D.128 Weighing — disagreement. If a railroad corporation and the owner, consignor, or consignee of car lots of bulk commodities cannot reach agreement relative to the weighing of the commodities, appeal may be made to the state department of transportation. The state department of transportation, after a hearing by the department of inspections, appeals, and licensing, shall issue an order equitable to all parties including but not limited to allocation of costs and specification of the place and manner of weighing. [C77, 79, 81, §327D.128; 81 Acts, ch 22, §22] 89 Acts, ch 273, §33; 2023 Acts, ch 19, §2000 Referred to in §327D.131, 327D.132 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.129 - Weight at destination.

327D.129 Weight at destination. Bulk commodities shall be weighed at the destination upon request of the consignee when there are track scales at the destination. If the destination is not equipped with track scales, the weighing shall be done at the nearest practicable point agreed to by both parties. [S13, §2157-n; C24, 27, 31, 35, 39, §8139; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.105; C77, 79, 81, §327D.129] Referred to in §327D.131, 327D.132

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.13 - Rates.

327D.13 Rates. 1. a. A common carrier subject to this chapter shall not charge more for the transportation of persons or property than a fair and just rate or charge. b. A common carrier shall not: (1) Charge more for the transportation of persons or property for a shorter distance than for a longer distance in the same direction on the same route. (2) Charge more for a through rate than the aggregate of the intermediate rates. 2. However, upon application by a common carrier, the department may in special cases and after investigation prescribe the extent to which the carrier is relieved from compliance with this section. [C97, §2126; C24, 27, 31, 35, 39, §8049; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.14; C77, 79, 81, §327D.13; 81 Acts, ch 22, §22] 86 Acts, ch 1245, §1961; 2010 Acts, ch 1061, §180 Referred to in §327D.40

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.130 - Weighing commodities.

327D.130 Weighing commodities. A scale ticket printed or stamped by automatic recorders pursuant to section 215.19, shall be furnished to the consignee. Settlement of freight charges shall be based upon those weights, but weight shall not be warranted for any other commercial purpose unless so stated upon the face of the scale ticket. [S13, §2157-o; C24, 27, 31, 35, 39, §8140; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.106; C77, 79, 81, §327D.130] Referred to in §327D.131, 327D.132

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.131 - Prima facie evidence.

327D.131 Prima facie evidence. Certificates mentioned in sections 327D.127 through 327D.130, this section, and section 327D.132 shall be prima facie evidence of the facts recited in the certificates in any action arising between consignors and consignees and common carriers. [S13, §2157-p; C24, 27, 31, 35, 39, §8141; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.107; C77, 79, 81, §327D.131] 2021 Acts, ch 80, §190 Referred to in §327D.132

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.132 - Violation — penalty.

327D.132 Violation — penalty. Any common carrier operating in this state violating any of the provisions of sections 327D.127 through 327D.131 by neglecting or refusing to weigh cars or to furnish certificates of weights as provided in those sections shall, upon conviction, be subject to a schedule “one” penalty. [S13, §2157-q; C24, 27, 31, 35, 39, §8142; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.108; C77, 79, 81, §327D.132] 2021 Acts, ch 80, §191 Referred to in §327D.131 See §327C.5

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.14 - Pooling contracts.

327D.14 Pooling contracts. It shall be unlawful for any common carrier subject to the provisions of this chapter to enter into any contract, agreement, or combination with any other common carrier for the pooling of freight of different and competing railroads, or divide between them the aggregate or net proceeds of the earnings of such railroads, or any portion thereof without the approval of the department when determined to be in the public interest by the department; and in case of an agreement for the pooling of freights without such approval, each day of its continuance shall be a separate offense. [C73, §1297 – 1299; C97, §2127; C24, 27, 31, 35, 39, §8050; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.15; C77, 79, 81, §327D.14; 81 Acts, ch 22, §22] Referred to in

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.15 - Continuous shipments.

327D.15 Continuous shipments. It shall be unlawful for any common carrier subject to the provisions of this chapter to enter into any combination, contract or agreement, expressed or implied, to prevent, by change of time schedules, carriage in different cars, or, by other means or device, the carriage of freights from being continuous from place of shipment to the place of destination in the state; and no break of bulk, stoppage, or interruption made by such common carrier shall prevent the carriage of freights from being treated as one continuous carriage from the place of shipment to the place of destination, unless such break, stoppage, or interruption was made in good faith for some necessary purpose, and without any intent to avoid or unnecessarily interrupt such continuous carriage, or to evade any of the provisions of this chapter. [C97, §2129; C24, 27, 31, 35, 39, §8051; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.16; C77, 79, 81, §327D.15] Referred to in §327D.40

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.16 - Violations — treble damages.

327D.16 Violations — treble damages. In case any common carrier subject to the provisions of this chapter shall do, cause, or permit to be done anything herein prohibited or declared to be unlawful, or shall willfully fail to do anything in this chapter required to be done, it shall be liable to the person injured thereby for three times the amount of damages sustained in consequence, together with costs of suit, and a reasonable attorney fee to be fixed by the court, on appeal or otherwise, which shall be taxed and collected as part of the costs in the case; but in all cases demand in writing shall be made of the carrier for the money damages sustained before action is brought for a recovery under this section, and no action shall be brought until the expiration of fifteen days after such demand. [C97, §2130; C24, 27, 31, 35, 39, §8052; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.17; C77, 79, 81, §327D.16] Referred to in §327D.40

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.160 - Rules.

327D.160 Rules. The department shall prescribe, pursuant to chapter 17A, rules reasonably necessary for the orderly disposition of claims arising from loss or damage to property tendered for transportation. [S13, §2074-c; C24, 27, 31, 35, 39, §8150; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.116; C77, 79, 81, §327D.160; 81 Acts, ch 22, §18]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.17 - Criminal liability.

327D.17 Criminal liability. Except as otherwise specially provided for in this chapter, and unless relieved from the consequences of a violation of the law as provided herein, any common carrier subject to the provisions hereof, or, when such common carrier is a corporation, any director or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by such corporation, who, alone or with any other corporation, company, person, or party shall willfully do or cause to be done, or shall willfully suffer or permit to be done any act, matter, or thing in this chapter prohibited or declared to be unlawful, or who shall aid or abet therein, or shall willfully omit or fail to do any act, matter, or thing in this chapter required to be done, or shall cause or willingly suffer or permit any act, matter, or thing, so directed or required by the provisions of this chapter to be done, not to be so done; or shall aid or abet any such omission or failure, or shall be guilty of any infraction of the provisions of this chapter, or shall aid or abet therein, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be subject to a schedule “four” penalty. [C97, §2132; C24, 27, 31, 35, 39, §8053; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.18; C77, 79, 81, §327D.17] Referred to in §327D.40 See §327C.5

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.173 - Notice of arrival of shipment.

327D.173 Notice of arrival of shipment. All companies, corporations, or individuals that now, or hereafter, may own or operate any railroads, in whole or in part, in the state, and all persons, firms, or companies, and all associations of persons, whether incorporated or not, that shall do business as a common carrier upon any of the lines of railway in this state, shall be and remain liable as a common carrier upon all less than carload shipments until the consignee shall be notified of the arrival of the shipment and has reasonable time and opportunity to receive same. [SS15, §2074-f; C24, 27, 31, 35, 39, §8153; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.119; C77, 79, 81, §327D.173] Referred to in §327D.174

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.174 - Notice prescribed.

327D.174 Notice prescribed. A deposit in the United States post office or public mailing box of a written notice addressed to the consignee at the address given upon the bill of lading will constitute service of the notice required by section 327D.173, and forty-eight hours from the date of the mailing of such notice shall be a reasonable time in which to receive said shipment. [SS15, §2074-f; C24, 27, 31, 35, 39, §8154; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.120; C77, 79, 81, §327D.174]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.186 - Liability for negligence of employees.

327D.186 Liability for negligence of employees. Every corporation operating a railway shall be liable for all damages sustained by any person, including employees of such corporation, in consequence of the neglect of the agents, or by any mismanagement of the engineers, or other employees thereof, and in consequence of the willful wrongs, whether of commission or omission, of such agents, engineers, or other employees, when such wrongs are in any manner connected with the use and operation of any railway on or about which they shall be employed, and no contract which restricts such liability shall be legal or binding. [C73, §1307; C97, §2071; S13, §2071; C24, 27, 31, 35, 39, §8156; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.122; C77, 79, 81, §327D.186] Referred to in §327D.187, 327D.188

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.187 - Relief or indemnity contract.

327D.187 Relief or indemnity contract. No contract of insurance, relief, benefit, or indemnity in case of injury or death, entered into prior to the injury, between the person so injured and such corporation, or any other person or association acting for such corporation, and no acceptance of any such insurance, relief, benefit, or indemnity by the person injured, the person's surviving spouse, heirs, or legal representatives after the injury, from such corporation, person, or association, shall constitute any bar or defense to any cause of action brought under the provisions of section 327D.186; but nothing contained in this section shall be construed to prevent or invalidate any settlement for damages between the parties subsequent to injuries received. [S13, §2071; C24, 27, 31, 35, 39, §8157; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.123; C77, 79, 81, §327D.187] 2023 Acts, ch 66, §78 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.188 - Contributory and comparative negligence.

327D.188 Contributory and comparative negligence. In all actions brought against any railway corporation to recover damages for the personal injury or death of any employee under or by virtue of any of the provisions of section 327D.186, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery; but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee. [S13, §2071; C24, 27, 31, 35, 39, §8158; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.124; C77, 79, 81, §327D.188]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.189 - Unallowable pleas.

327D.189 Unallowable pleas. No such employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such common carrier or corporation of any statute enacted for the safety of employees contributed to the injury or death of such employee; nor shall it be any defense to such action that the employee who was injured or killed assumed the risks of the person's employment. [S13, §2071; C24, 27, 31, 35, 39, §8159; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.125; C77, 79, 81, §327D.189]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.19 - Discrimination — prima facie evidence.

327D.19 Discrimination — prima facie evidence. The provisions of the following subsections shall constitute prima facie evidence of undue and unjust discriminating rates, charges, accommodations, collections or receipts. 1. Charge, collect, or receive for the transportation of any passenger or freight of any description upon its railroad, for any distance within the state, a greater amount of toll or compensation than is at the same time charged, collected or received for the transportation in the same direction of any passenger or like quantity of freight of the same class, over a greater distance of the same railway; or 2. Charge, collect, or receive at any point upon its road a higher rate of toll or compensation for receiving, handling, or delivering freight of the same class and quantity than it shall at the same time charge, collect, or receive at any other point upon the same railway; or 3. Charge, collect, or receive for the transportation of any passenger or freight of any description over its railway a greater amount as toll or compensation than shall at the same time be charged, collected, or received by it for the transportation of any passenger or like quantity of freight of the same class being transported in the same direction over any portion of the same railway of equal distance; or 4. Charge, collect, or receive from any person a higher or greater amount of toll or compensation than it shall at the same time charge, collect, or receive from any other person for receiving, handling, or delivering freight of the same class and like quantity at the same point upon its railway; or 5. Charge, collect, or receive from any person for the transportation of any freight upon its railway a higher or greater rate of toll or compensation than it shall at the same time charge, collect, or receive from any other person or persons for the transportation of the like quantity of freight of the same class being transported from the same point in the same direction over equal distances of the same railway; or 6. Charge, collect, or receive from any person for the use and transportation of any railway car or cars upon its railroad for any distance, a greater amount of toll or compensation than is at the same time charged, collected, or received from any other person for the use and transportation of any railway car of the same class or number, for a like purpose, being transported in the same direction over a greater distance of the same railway; or 7. Charge, collect, or receive from any person

for the use and transportation of any railway car upon its railway a higher or greater compensation in the aggregate than it shall, at the same time, charge, collect, or receive from any other person for the use and transportation of any railway car of the same class for a like purpose, being transported from the same original point in the same direction, over an equal distance of the same railway; or 8. Charge any undue or unjust discriminatory rates, charges, accommodations, collections or receipts whether made directly or indirectly by means of a rebate or other method. [C97, §2145; S13, §2145; C24, 27, 31, 35, 39, §8055; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.20; C77, 79, 81, §327D.19] Referred to in §327D.40

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.190 - Damages by fire.

327D.190 Damages by fire. Any corporation operating a railway shall be liable for all damages sustained by any person on account of loss of or injury to the person's property occasioned by fire set out or caused by the operation of such railway. Such damages may be recovered by the party injured in the manner set out in sections 327G.6 through 327G.8 and to the same extent, save as to double damages. [C73, §1289; C97, §2056; C24, 27, 31, 35, 39, §8160; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.126; C77, 79, 81, §327D.190] 2021 Acts, ch 80, §192

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.192 - Spot checks for hazardous cargo.

327D.192 Spot checks for hazardous cargo. An employee under the supervision of the department's administrator for rail and water designated by the director of the department may conduct spot inspections of vehicles subject to registration which are owned or operated by a railroad corporation to determine whether a vehicle is used to transport products or property which may be a safety hazard for the operator of the vehicle subject to registration or any other employee of the railroad corporation who is transported in the vehicle. [C77, 79, 81, §327D.192] 88 Acts, ch 1134, §71

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.2 - Definitions.

327D.2 Definitions. As used in this chapter unless the context otherwise requires: 1. "Department" means the state department of transportation. 2. "Joint tariffs" embraces joint rates, tolls, contracts, classifications and charges. 3. "Railroad" means the terminal facilities necessary in the transportation of persons and property and includes bridges, railroad right-of-way, trackage, switches and other appurtenances necessary for the operation of a railroad, whether owned, leased or operated under some other contractual agreement. 4. "Railroad corporation" means a railway corporation as defined in subsection 6. 5. "Railway" means a railroad as defined in subsection 3. 6. "Railway corporation" means all corporations, companies, or persons owning or operating any railroad or carrier in whole or in part within the state. 7. "Rates" means fares, tariffs, tolls, charges, and all classifications, contracts, practices and rules of common carriers relating to such rates. 8. "Switching service" means the shifting of a car between two points, both of which are within the industrial vicinity of an industry, a group of industries, a station, or a city, as such industrial vicinity may be defined by the department. 9. "Transportation" means all instrumentalities of shipment or carriage as well as services in connection with the actual transport. [C97, §2122; SS15, §2125; C24, 27, 31, 35, 39, §8037, 8082; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.2, 479.48; C77, 79, 81, §327D.2; 81 Acts, ch 22, §22] 86 Acts, ch 1245, §1960 Referred to in §307.26, 327D.40

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.200 - Inconsistency with federal law — railroads.

327D.200 Inconsistency with federal law — railroads. If any provision of this chapter is inconsistent or conflicts with federal laws, rules, or regulations applicable to railway corporations subject to the jurisdiction of the surface transportation board, the department shall suspend the provision, but only to the extent necessary to eliminate the inconsistency or conflict. 83 Acts, ch 121, §4; 2003 Acts, ch 108, §63

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.201 - Railroad intrastate rates — rules.

327D.201 Railroad intrastate rates — rules. The department may issue rules relating to the regulation of railroad intrastate rates, classifications, rules, and practices in accordance with the standards and procedures of the surface transportation board applicable to rail carriers. 83 Acts, ch 121, §4; 2003 Acts, ch 108, §64

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.27 - Penalty for discrimination.

327D.27 Penalty for discrimination. Any corporation making any unjust discrimination as to freight rates, or the rates for the use and transportation of railway cars, or in receiving, handling, or delivering freight, shall, upon conviction, be subject to a schedule "four" penalty; or shall be subject to the liability prescribed in section 327D.28, to be recovered as therein provided. [C97, §2147; C24, 27, 31, 35, 39, §8064; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.29; C77, 79, 81, §327D.27] Referred to in §327D.40 See §327C.5

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.28 - Penalty.

327D.28 Penalty. Any railway corporation making any unjust discrimination as to passenger or freight rates, or the rates for the use and transportation of railway cars, or in receiving, handling, or delivering freight, shall, upon conviction, forfeit and pay to the state an amount within the limits of a schedule “five” penalty. Money collected shall be deposited in the general fund of the state. [C97, §2148; C24, 27, 31, 35, 39, §8065; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.30; C77, 79, 81, §327D.28] Referred to in §327D.27, 327D.40 See §327C.5

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.29 - Free or reduced freight rates permitted.

327D.29 Free or reduced freight rates permitted. Nothing in this chapter shall apply to free or reduced rates for the transportation, storage or handling of: 1. Property for the United States, this state, or political subdivisions of this state. 2. Materials to be used by public authorities in constructing or maintaining public facilities. 3. Property for charitable purposes. 4. Property for exhibition at fairs or expositions. 5. Private property or goods for the family use of such employees as are entitled to free passenger transportation. 6. Private property in less than carload lots. 7. Coal. 8. Products transported to be recycled. [C97, §2150; C24, 27, 31, 35, 39, §8066; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.31; C77, 79, 81, §327D.29] Referred to in §327D.40

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.3 - Duty to furnish cars and transport freight.

327D.3 Duty to furnish cars and transport freight. Every railway corporation shall upon reasonable notice, and within a reasonable time, furnish suitable cars to any and all persons who may apply therefor, for the transportation of any and all kinds of freight, and receive and transport such freight with all reasonable dispatch, and provide and keep suitable facilities for the receiving and handling thereof at any depot on the line of its road. [C97, §2116; S13, §2116; C24, 27, 31, 35, 39, §8038; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.3; C77, 79, 81, §327D.3] Referred to in §327D.5, 327D.40

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.4 - Connections.

327D.4 Connections. If a railroad corporation in this state refuses to connect by proper switches or tracks with the tracks of another railroad corporation or refuses to receive, transport, load, discharge, reload, or return cars furnished by another connecting railroad corporation, a petition requesting resolution of the dispute may be filed with the department. The department shall notify the department of inspections, appeals, and licensing which shall hold a hearing on the dispute. Upon conclusion of the hearing, the department of inspections, appeals, and licensing shall issue an order to resolve the dispute. The order may include the allocation of costs between the parties. The order is subject to review by the department which review shall be the final agency action. [C97, §2113, 2116; S13, §2113, 2116; C24, 27, 31, 35, 39, §7876, 8039; C46, 50, 54, 58, 62, 66, 71, 73, 75, §474.13, 479.4; C77, 79, 81, §327D.4; 81 Acts, ch 22, §22] 91 Acts, ch 27, §4; 2023 Acts, ch 19, §1994 Referred to in §327D.5, 327D.40 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.40 - Authorization.

327D.40 Authorization. Sections 327D.1 through 327D.29 shall not be construed to prohibit the making of rates by two or more railway companies for the transportation of property over two or more of their respective lines within the state; and a lower charge by each of said companies for its portion of such joint shipment than it charges for a shipment for the same distance wholly over its own line within the state shall not be considered a violation of this chapter, and shall not render such company subject to any of the penalties of this chapter. [C97, §2152; C24, 27, 31, 35, 39, §8067; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.32; C77, 79, 81, §327D.40] 2021 Acts, ch 80, §189

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.42 - Connecting lines.

327D.42 Connecting lines. Every owner or consignor of freight to be transported by railway from any point within this state to any other point within this state shall have the right to require that the same shall be transported over two or more connecting lines of railway, to be transferred at the connecting point or points without change of car or cars if in carload lots, and with or without change of car or cars if in less than carload lots, whenever the distance from the place of shipment to destination, both being within this state, is less over two or more connecting lines of railway than it is over a single line of railway, or where the initial line does not reach the place of destination; and it shall be the duty, upon the request of any such owner or consignor of freight, made to the initial company, of such railway companies whose lines so connect, to transport the freight without change of car or cars if the shipment be in a carload lot or lots, and with change of car or cars if it be in less than carload lots, from the place of shipment to destination, whenever the distance from the place of shipment to destination, both being within this state, is less than the distance over a single line, or when the initial line does not reach the point of destination, for a reasonable joint through rate. [C97, §2153; S13, §2153; C24, 27, 31, 35, 39, §8069; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.34; C77, 79, 81, §327D.42]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.43 - Routing intrastate shipments.

327D.43 Routing intrastate shipments. It shall be the duty of every common carrier subject to the provisions of this chapter, when shipments are tendered for transportation between points in this state, to route such shipments from shipping point to point of destination over the cheapest available route between such points except in cases where the shipper, in shipping orders or bills of lading, specifically designates a particular route over which it is desired such shipments shall be moved. [C31, 35, §8069-d1; C39, §8069.1; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.35; C77, 79, 81, §327D.43]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.45 - Schedules of joint rates.

327D.45 Schedules of joint rates. The department may order a schedule of joint through railway rates for such traffic and on such routes as in its judgment the fair and reasonable conduct of business requires. [C97, §2155; S13, §2155; C24, 27, 31, 35, 39, §8071; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.37; C77, 79, 81, §327D.45; 81 Acts, ch 22, §22]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.5 - Burden of proof.

327D.5 Burden of proof. In any action in court, or before the department, brought against a railroad corporation for the purpose of enforcing rights arising under the provisions of this section and sections 327D.3 and 327D.4, the burden of proving that the provisions thereof have been complied with by such railroad corporation, shall be upon such railroad corporation. [S13, §2116; C24, 27, 31, 35, 39, §8041; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.6; C77, 79, 81, §327D.5] 2023 Acts, ch 64, §52 Referred to in §327D.40 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.53 - Division of joint rates.

327D.53 Division of joint rates. Before the adoption of the rates, the department shall notify the railroad corporations interested in the schedule of joint rates fixed, and give them a reasonable time to agree upon a division of the charges provided. If the corporations fail to agree upon a division, and to notify the department of their agreement, the department shall, after a hearing conducted by the department of inspections, appeals, and licensing, decide the rates, taking into consideration the value of terminal facilities and all the circumstances of the haul, and the division so determined by it is, in all controversies or actions between the railroad corporations interested, prima facie evidence of a just and reasonable division. [C97, §2156; C24, 27, 31, 35, 39, §8080; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.46; C77, 79, 81, §327D.53; 81 Acts, ch 22, §22] 89 Acts, ch 273, §28; 2023 Acts, ch 19, §1995 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.66 - Rate schedules — filing and public access.

327D.66 Rate schedules — filing and public access. 1. Every common carrier, except railway corporations, subject to the provisions of this chapter shall file with the department and shall print schedules showing the rates for the transportation within this state of persons and property from each point upon its route to all other points on the route and from all points upon its route to all points upon every other route leased, operated, or controlled by it; and from each point on its route or upon any route leased, operated, or controlled by it to all points upon the route of any other common carrier, whenever a through route and a joint rate have been established or ordered between any two points. If no joint rate over a through route has been established, the schedules of the several carriers in the through route shall show the separately established rates, applicable to the through transportation. 2. The schedules shall be plainly printed and a copy of often used schedules shall be kept by every carrier readily accessible to and for inspection by the public in every station and office of the carrier where passengers or property are received for transportation when the station or office is in the charge of an agent. A notice printed in bold type and stating that the often used schedules are on file with the agent and open to public inspection, and that the agent will assist any person to determine from the schedule any rate shall be posted by the carrier in public and conspicuous places in each station or office. The department shall, by rule, provide that adequate public access to schedules not often used be provided in a different manner. 3. Railway corporations shall maintain a copy of schedules and rates on file in the office of the carrier readily accessible to and for inspection by the public. [C73, §1304; C97, §2128; C24, 27, 31, 35, 39, §8083, 8085, 8087; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.49, 479.51, 479.53; C77, 79, 81, §327D.66; 81 Acts, ch 22, §16] 89 Acts, ch 57, §1, 2; 2017 Acts, ch 54, §76 Referred to in §327D.69

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.67 - Detailed requirements.

327D.67 Detailed requirements. 1. The schedules shall plainly state the places between which such property and persons will be carried, and, separately, all terminal charges, storage charges, refrigeration charges, and all other charges which the department may require to be stated, all privileges or facilities granted or allowed, and all rules which may in any way change, affect, or determine any part or the aggregate of such rates, or the value of the various services rendered to the passenger, shipper, or consignee. 2. The

form of every schedule shall be prescribed by the department and shall conform, in the case of common carriers, as nearly as may be to the form prescribed by the United States department of transportation. [C73, §1304; C97, §2128; C24, 27, 31, 35, 39, §8084, 8088; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.50, 479.54; C77, 79, 81, §327D.67; 81 Acts, ch 22, §22] 2003 Acts, ch 108, §61; 2018 Acts, ch 1041, §127 Referred to in §327D.69

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.69 - Right to inspect.

327D.69 Right to inspect. Any or all of such schedules kept as provided in sections 327D.66 and 327D.67 shall be immediately produced by such carrier for inspection upon the demand of any person. [C24, 27, 31, 35, 39, §8086; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.52; C77, 79, 81, §327D.69] 2023 Acts, ch 66, §77 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.7 - Transporting persons or property for hire — limitation on liability.

327D.7 Transporting persons or property for hire — limitation on liability. A contract, receipt or rule shall not exempt any person engaged in transporting for hire from the liability of a common carrier, or carrier of passengers, which would exist had no contract, receipt or rule been made except as may be provided for liability for property loss by order of the department. [C73, §2184; C97, §3136; C24, 27, 31, 35, 39, §8043; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.8; C77, 79, 81, §327D.7; 81 Acts, ch 22, §22] Referred to in §327D.40

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.72 - Interstate commerce schedules.

327D.72 Interstate commerce schedules. When schedules and classifications required by the United States department of transportation contain in whole or in part the information required by the provisions of this chapter, the posting and filing of a copy of such schedules and classifications with the United States department of transportation shall be deemed a compliance with the filing requirements of this chapter insofar as such schedules and classifications contain the information required by this chapter, and any additional or different information may be posted and filed in a supplementary schedule. [C24, 27, 31, 35, 39, §8089; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.55; C77, 79, 81, §327D.72; 81 Acts, ch 22, §22] 89 Acts, ch 57, §3; 2003 Acts, ch 108, §62

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.73 - Partial schedules.

327D.73 Partial schedules. In lieu of filing its often used schedule in each station or office, any common carrier may file with the department and keep posted at the stations or offices, schedules of the rates applicable at, to, and from the places where the stations or offices are located. [C97, §2128; C24, 27, 31, 35, 39, §8090; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.56; C77, 79, 81, §327D.73; 81 Acts, ch 22, §17]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.74 - Changes in schedules.

327D.74 Changes in schedules. The department shall have power from time to time, in its discretion, to determine and prescribe by order such changes in the form of the schedules referred to in this chapter as it may find expedient, and to modify the requirements of any of its orders or rules in respect thereto. [C97, §2128; C24, 27, 31, 35, 39, §8091; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.57; C77, 79, 81, §327D.74; 81 Acts, ch 22, §22]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.75 - Joint tariff schedules.

327D.75 Joint tariff schedules. The names of the several common carriers which are parties to any joint tariff shall be specified in the schedule showing the same. Unless otherwise ordered by the department, a schedule showing such joint tariff need be filed with the department by only one of the parties if there is also filed with the department, in such form as the department may require, a concurrence in such joint tariff by each of the other parties thereto. [C97, §2128; C24, 27, 31, 35, 39, §8092; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.58; C77, 79, 81, §327D.75; 81 Acts, ch 22, §22]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.77 - Transportation prohibited.

327D.77 Transportation prohibited. A common carrier shall not undertake to perform any service nor engage or participate in the transportation of persons or property between points within this state, until the carrier's schedule of rates has been filed and posted as provided in this chapter. [C24, 27, 31, 35, 39, §8094; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.60; C77, 79, 81, §327D.77] 2022 Acts, ch 1021, §80

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.78 - Change

in rate.

327D.78 Change in rate. Unless the department otherwise orders, no change shall be made by any common carrier in any rate, except after thirty days' notice to the department and to the public as provided in this chapter. The department shall adopt rules to ensure public notice is provided in any action instituted under this section. [C97, §2128; C24, 27, 31, 35, 39, §8095; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.61; C77, 79, 81, §327D.78; 81 Acts, ch 22, §22] 2022 Acts, ch 1021, §81

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.79 - Notice of change.

327D.79 Notice of change. Such notice shall be given by filing with the department new schedules or supplements stating plainly the change to be made in the schedule then in effect, and the time when the change will go into effect. [C97, §2128; C24, 27, 31, 35, 39, §8096; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.62; C77, 79, 81, §327D.79; 81 Acts, ch 22, §22]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.8 - Preference prohibited — exception.

327D.8 Preference prohibited — exception. It shall be unlawful for any common carrier to give any preference or advantage to, or entail any prejudice or disadvantage upon any particular person, company, firm, corporation, locality, or any class of business or traffic, by any rate, rule, regulation, or practice whatsoever. This provision shall not prevent any common carrier from giving preference as to time of shipping livestock, live poultry, uncured meats, fruits, vegetables, or other perishable property. [C97, §2125; SS15, §2125; C24, 27, 31, 35, 39, §8044; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.9; C77, 79, 81, §327D.8] Referred to in §327D.40

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.80 - Changes without notice.

327D.80 Changes without notice. The department, for good cause shown, may allow changes without requiring thirty days' notice by an order specifying the changes so to be made and the time when they shall take effect, and the manner in which they shall be filed and published. [C97, §2128; C24, 27, 31, 35, 39, §8097; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.63; C77, 79, 81, §327D.80; 81 Acts, ch 22, §22]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.81 - Indicating change.

327D.81 Indicating change. When any change is proposed in any rate, such proposed change shall be plainly indicated on the new schedule filed with the department, by some typographic character immediately preceding or following the item. [C97, §2128; C24, 27, 31, 35, 39, §8098; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.64; C77, 79, 81, §327D.81; 81 Acts, ch 22, §22]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.82 - Schedule charge mandatory — refunds and discrimination.

327D.82 Schedule charge mandatory — refunds and discrimination. No common carrier, except as otherwise provided, shall charge, demand, collect, or receive a greater or less or different compensation for the transportation of persons or property or for any service in connection therewith than the rates, fares, and charges applicable to such transportation as specified in its schedules filed and in effect at the time; nor shall any such carrier refund or remit in any manner or by any device any portion of the rates, fares, or charges so specified except upon order of the courts or of the department as may be now or hereafter by law provided, nor extend to any shipper or person any privilege or facility in the transportation of passengers or property except such as are specified in such schedules. [C97, §2128; C24, 27, 31, 35, 39, §8099; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.65; C77, 79, 81, §327D.82; 81 Acts, ch 22, §22]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.83 - Rate hearing.

327D.83 Rate hearing. If a schedule is filed with the department stating a rate, the department may, either upon complaint or upon its own motion, request the department of inspections, appeals, and licensing to conduct a hearing concerning the propriety of the rate. [C24, 27, 31, 35, 39, §8100; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.66; C77, 79, 81, §327D.83; 81 Acts, ch 22, §22] 89 Acts, ch 273, §29; 2023 Acts, ch 19, §1996 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.84 - Suspension of rates.

327D.84 Suspension of rates. Pending the hearing and the decision thereon, such rate shall not go into effect; but the period of suspension of such rate shall not extend more than one hundred twenty days beyond the time when such rate would otherwise go into effect. [C24, 27, 31, 35, 39, §8101; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.67; C77, 79, 81, §327D.84]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.85 - Rate proposal — review.

327D.85 Rate proposal — review. At the hearing the department of inspections, appeals, and licensing shall propose the rates on the schedule, in whole or in part, or others in lieu thereof, which the department of inspections, appeals, and licensing finds are just and reasonable rates. The action of the department of inspections, appeals, and licensing is subject to review by the state department of transportation. The decision of the state department of transportation is the final agency action. [C24, 27, 31, 35, 39, §8102; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.68; C77, 79, 81, §327D.85; 81 Acts, ch 22, §22] 89 Acts, ch 273, §30; 2023 Acts, ch 19, §1997 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.86 - When rates effective.

327D.86 When rates effective. All such rates not so suspended shall, on the expiration of thirty days from the time of filing the same with the department or of such less time as the said department may grant, go into effect and be the established and effective rates, subject to the power of the department after a hearing had upon its own motion or upon complaint, as herein provided, to alter or modify the same. [C24, 27, 31, 35, 39, §8103; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.69; C77, 79, 81, §327D.86; 81 Acts, ch 22, §22]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.87 - Posting and filing of revised schedules.

327D.87 Posting and filing of revised schedules. After such changes have been authorized by the department, copies of the new or revised schedules shall be posted or filed as provided in this chapter within such reasonable time as may be fixed by the department. [C24, 27, 31, 35, 39, §8104; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.70; C77, 79, 81, §327D.87; 81 Acts, ch 22, §22]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.89 - Complaint of violation.

327D.89 Complaint of violation. When a person complains to the department that the rate charged or published by a railway corporation, or the maximum rate fixed by law, is unreasonably high or discriminating, the department may investigate the matter, and request the department of inspections, appeals, and licensing to conduct a hearing. The department of inspections, appeals, and licensing shall give the parties notice of the time and place of the hearing. [C97, §2139; C24, 27, 31, 35, 39, §8106; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.72; C77, 79, 81, §327D.89; 81 Acts, ch 22, §22] 89 Acts, ch 273, §31; 2023 Acts, ch 19, §1998 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.9 - Interchange of traffic — switching and forwarding.

327D.9 Interchange of traffic — switching and forwarding. Common carriers shall, according to their respective powers, afford all reasonable, proper, and equal facilities for the interchange of traffic between their respective lines, and for the receiving, forwarding, and switching of cars and property to and from their several lines, and to and from other lines and places connected therewith; and shall not discriminate in their accommodations, rates, and charges between such connecting lines. Any common carrier may be required to switch and transfer cars for another, for the purpose of being loaded or unloaded, upon such terms and conditions as may be ordered by the department. [C97, §2125; SS15, §2125; C24, 27, 31, 35, 39, §8045; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.10; C77, 79, 81, §327D.9; 81 Acts, ch 22, §22] Referred to in §327D.40

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327D - REGULATION OF CARRIERS Section 327D.90 - Hearing — evidence.

327D.90 Hearing — evidence. At the time of the hearing the department of inspections, appeals, and licensing shall receive any evidence and listen to any arguments presented by either party relevant to the matter under investigation, and the burden of proof is not upon the person making the complaint. The complainant shall add to the showing made at the hearing whatever information the complainant then has, or can obtain from any source. The department of inspections, appeals, and licensing shall propose just and reasonable rates, which may be adopted in whole or in part or modified as the state department of transportation determines. [C97, §2140; C24, 27, 31, 35, 39, §8107; C46, 50, 54, 58, 62, 66, 71, 73, 75, §479.73; C77, 79, 81, §327D.90; 81 Acts, ch 22, §22] 89 Acts, ch 273, §32; 2023 Acts, ch 19, §1999 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327E - RAILWAY CORPORATIONS — POWERS Section 327E.1 - Foreign railway corporations.

327E.1 Foreign railway corporations. 1. Any railway corporation organized or created by or under the laws of any other state, owning and operating a line or lines of railroad in such state, may build its road or branches into this state, and shall possess all the powers and privileges, and be subject to the same liabilities, as like corporations organized and incorporated under the laws of this state, if the railway corporation files with the secretary of state a copy of its articles of incorporation, if incorporated under a general

law of such state, or a certified copy of the statute incorporating it if the charter was granted by statute. 2. Any such railway corporation may take and hold voluntary grants of real estate and other property as are made to it to aid in the construction, maintenance, and continued operation of its railway. However, all real estate so received shall be held only as long as the real estate is used for the construction, maintenance, and continued operation of a railway. [C97, §2048; C24, 27, 31, 35, 39, §7941; C46, 50, 54, 58, 62, 66, 71, 73, 75, §476.22; C77, 79, 81, §327E.1; 82 Acts, ch 1207, §1] 2021 Acts, ch 76, §60

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327E - RAILWAY CORPORATIONS — POWERS Section 327E.2 - Sale or lease of railroad property.

327E.2 Sale or lease of railroad property. Any railway corporation may sell or lease its property and franchises to, or make joint running arrangements not in conflict with law with, any corporation owning or operating any connecting railway, and any corporation operating the railway of another shall be liable in the same manner and extent as though such railway belonged to it. [C73, §1300; C97, §2066; C24, 27, 31, 35, 39, §7942; C46, 50, 54, 58, 62, 66, 71, 73, 75, §476.23; C77, 79, 81, §327E.2] Referred to in §617.4

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327E - RAILWAY CORPORATIONS — POWERS Section 327E.3 - Motorbuses.

327E.3 Motorbuses. Any person operating a railroad in this state may own and operate any other common carrier subject to applicable state laws. Any such person may purchase and own capital stock and securities of a corporation organized for or engaged in the business of a common carrier. [C31, 35, §7945-c1; C39, §7945.1; C46, 50, 54, 58, 62, 66, 71, 73, 75, §476.27; C77, 79, 81, §327E.3]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327F - CONSTRUCTION AND OPERATION OF RAILWAYS Section 327F.1 - Crossing railway, canal or watercourse.

327F.1 Crossing railway, canal or watercourse. Any railroad company may build its railway across, over, or under any other railway, canal or watercourse, when necessary, but shall not thereby unnecessarily impede travel, transportation or navigation. It shall be liable for all damages caused by such crossing. [R60, §1325; C73, §1265; C97, §2020; C24, 27, 31, 35, 39, §7946; C46, 50, 54, 58, 62, 66, 71, 73, 75, §477.1; C77, 79, 81, §327F.1]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327F - CONSTRUCTION AND OPERATION OF RAILWAYS Section 327F.13 - Close-clearance warning devices.

327F.13 Close-clearance warning devices. 1. The owner of a railroad track shall place a warning device at a location where the close clearance between the track and a building, machinery, trees, brush, or other object is such that the building, machinery, trees, brush, or other object physically impedes a person who is lawfully riding the side of a train in the course of the person's duties in service to a railroad company from clearing the building, machinery, trees, brush, or other object. 2. The warning device shall be placed in a location which provides adequate notice to a person riding the side of a train so that the person may prepare for the close clearance. Any signs posted shall not be a danger to other persons working on the property. 3. Placement of a warning device pursuant to this section does not relieve the owner of a railroad track from any duties required under chapter 317 or section 327F.27. 4. A violation of this section is punishable as a schedule "one" penalty under section 327C.5. 5. This section does not apply to a railroad that operates locomotives powered by overhead or suspended electric power lines. 6. The department of transportation shall adopt rules to implement this section. Notwithstanding any other provision, the department of transportation shall be allowed to enter any property on which railroad track is located for the purpose of administering and enforcing this section. Entry upon any private property shall be with knowledge and notice to the property owner. 7. This section only applies to a location where a close-clearance warning device is required to be placed pursuant to rules of the department when funds are available from the department to reimburse the owner of the railroad track for the cost of the close-clearance warning device, including cost of installation. 2007 Acts, ch 164, §1

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327F - CONSTRUCTION AND OPERATION OF RAILWAYS Section 327F.2 - Maintenance of bridges — damages.

327F.2 Maintenance of bridges — damages. Every railroad company shall build, maintain, and keep in good repair all bridges, abutments, or other construction necessary to enable it to cross over or under any canal, watercourse, other railway, public highway, or other way, except as otherwise provided by law, and shall be liable for all damages sustained by any person by reason of any neglect or violation of the provisions of this section. [R60, §1326, 1327; C73, §1266, 1267; C97, §2021; C24, 27, 31, 35, 39, §7947; C46, 50, 54, 58, 62, 66, 71, 73, 75, §477.2; C77, 79, 81, §327F.2]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327F - CONSTRUCTION AND OPERATION OF RAILWAYS Section 327F.27 - Vegetation on right-of-way.

327F.27 Vegetation on right-of-way. 1. Every railroad corporation shall ensure that vegetation on railroad property which is on or immediately adjacent to the roadbed be controlled so that it does not: a. Become a fire hazard to track-carrying structures. b.

Obstruct visibility of railroad signs and signals. c. Interfere with railroad employees performing normal trackside duties. d. Prevent proper functioning of signal and communication lines. e. Prevent railroad employees from visually inspecting moving equipment from their normal duty stations. 2. Nothing in this section shall be construed to exempt a railroad corporation from carrying out noxious weed control programs as provided in chapter 317. [S13, §2110-i; C24, 27, 31, 35, 39, §7992; C46, 50, 54, 58, 62, 66, 71, 73, 75, §477.53; C77, 79, 81, §327F.27] 2010 Acts, ch 1061, §180; 2020 Acts, ch 1063, §172 Referred to in §327F.13, 327F.28, 327F.29

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327F - CONSTRUCTION AND OPERATION OF RAILWAYS Section 327F.28 - Violations.

327F.28 Violations. Any failure to comply with the provisions of section 327F.27 shall, upon conviction, be subject to a schedule “one” penalty. [S13, §2110-j; C24, 27, 31, 35, 39, §7993; C46, 50, 54, 58, 62, 66, 71, 73, 75, §477.54; C77, 79, 81, §327F.28] Referred to in §327F.29 See §327C.5

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327F - CONSTRUCTION AND OPERATION OF RAILWAYS Section 327F.29 - Enforcement.

327F.29 Enforcement. It shall be the duty of the county attorneys in the respective counties to enforce the provisions of sections 327F.27 and 327F.28. [S13, §2110-k; C24, 27, 31, 35, 39, §7994; C46, 50, 54, 58, 62, 66, 71, 73, 75, §477.55; C77, 79, 81, §327F.29] Referred to in §331.756(50)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327F - CONSTRUCTION AND OPERATION OF RAILWAYS Section 327F.3 - Catwalks and handrails.

327F.3 Catwalks and handrails. Any person operating a railroad in this state shall construct and maintain in good repair a catwalk and handrail on at least one side of every railway bridge and trestle which shall be constructed, or the structure of which is renovated in any manner, after January 1, 1976. The catwalk and handrail shall extend the length of the bridge or trestle. [C77, 79, 81, §327F.3]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327F - CONSTRUCTION AND OPERATION OF RAILWAYS Section 327F.30 - Power to eject passenger.

327F.30 Power to eject passenger. Any conductor of a railway train carrying passengers shall have the right to refuse to permit any person, not in the custody of an officer, to enter any passenger car on the train in the conductor’s charge, who shall be in a state of intoxication; and shall have the further right to eject from the train at any station, or at any regular stop, any person found in a state of intoxication or disturbing the peace and for that purpose may call to the conductor’s aid any employee of the railway. [S13, §2461-g; C24, 27, 31, 35, 39, §7996; C46, 50, 54, 58, 62, 66, 71, 73, 75, §477.57; C77, 79, 81, §327F.30]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327F - CONSTRUCTION AND OPERATION OF RAILWAYS Section 327F.31 - Political subdivision ordinances.

327F.31 Political subdivision ordinances. An ordinance or resolution adopted by a political subdivision of this state which relates to the speed of a train in an area within the jurisdiction of the political subdivision is subject to approval by the state department of transportation. Any speed ordinance or resolution adopted by a political subdivision of the state prior to July 1, 1988, which has not been approved by the department shall be referred to the department by the political subdivision and shall be in full force and effect upon approval of the ordinance or resolution by the department. This section does not abrogate, modify, or alter any historical or contractual agreement between a political subdivision of the state and a railroad corporation in existence on July 1, 1975. 88 Acts, ch 1079, §1; 2019 Acts, ch 59, §101

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327F - CONSTRUCTION AND OPERATION OF RAILWAYS Section 327F.32 - Railroad employee credentials.

327F.32 Railroad employee credentials. An engineer, conductor, brake operator, or any other member of the crew of a locomotive or railroad train operated upon a railroad track, including a railroad track intersecting with a street or highway at a railroad grade crossing, is not required to provide a driver’s license to a law enforcement officer in connection with the operation of the locomotive or railroad train. 2014 Acts, ch 1030, §1

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327F - CONSTRUCTION AND OPERATION OF RAILWAYS Section 327F.36 - Screen exhaust fire controls.

327F.36 Screen exhaust fire controls. 1. No locomotive or other rolling stock shall be operated unless it is equipped with proper deflector and screen exhaust fire controls and uses adequate devices to prevent the escape of blowing or burning materials or substances and is maintained in good working order to protect against the start and spread of fires along the right-of-way. 2. A violation of this section is a public offense. The railroad corporation, and any officer, agent, lessee, or independent contractor found guilty of a violation of this section, upon conviction, shall be subject to a schedule “one” penalty. 3. In the event a right-of-way fire

can be attributed to faulty screen exhaust fire control equipment, a local fire department may collect reasonable hourly charges, not to exceed a total of two hundred fifty dollars for each call from the railroad corporation. [C71, 73, 75, §477.63; C77, 79, 81, §327F.36] 2010 Acts, ch 1069, §112 See §327C.5

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327F - CONSTRUCTION AND OPERATION OF RAILWAYS Section 327F.38 - First aid and medical treatment for employees.

327F.38 First aid and medical treatment for employees. The department shall adopt rules requiring railroad corporations within the state to provide reasonable and adequate access to first aid and medical treatment for employees injured in the course of employment. A railroad corporation found guilty of a rule adopted pursuant to this section shall, upon conviction, be subject to a schedule “one” penalty. 2004 Acts, ch 1175, §334 See §327C.5

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327F - CONSTRUCTION AND OPERATION OF RAILWAYS Section 327F.39 - Transportation of railroad employees and equipment.

327F.39 Transportation of railroad employees and equipment. 1. Definitions. As used in this section, unless the context otherwise requires: a. “Administrator” means the department’s administrator for rail and water, or the administrator’s designee. b. “Department” means the state department of transportation. c. “Director” means the director of transportation. d. “Driver” means a person who operates a motor vehicle for the transportation of railroad workers in the motor vehicle on behalf of a railroad worker transportation company, whether the person is employed by the company for wages or drives for the company as an independent contractor. e. “Motor vehicle” means a vehicle which is self-propelled and designed primarily for highway use, and which may or may not be equipped with retractably flanged wheels for operation on railroad tracks. f. “Owner” means a person having the lawful use or control of a motor vehicle as holder of the legal title of the motor vehicle or under contract or lease or otherwise. g. “Place of employment” means that location where one or more workers are actually performing the labor incident to their employment. h. “Railroad worker transportation company” means a person, other than a railroad corporation, organized for the purpose of or engaged in the business of transporting, for hire, railroad workers to or from their places of employment or in the course of their employment in motor vehicles designed to carry seven or more persons but fewer than sixteen persons including the driver. i. “Worker” means an individual employed for any period in work for which the individual is compensated, whether full-time or part-time. 2. Compliance with regulations. Motor vehicles, as defined in section 321.1, which are subject to registration and which are provided by a railroad company and used to transport railroad workers to and from their places of employment or during the course of their employment shall: a. Meet all state and federal regulations pertaining to safe construction and maintenance of motor vehicles, including their coupling devices, lighting devices and reflectors, motor exhaust systems, rear-vision mirrors, service and parking brakes, steering mechanisms, tires, warning and signaling devices, and windshield wipers. b. Meet all state and federal requirements for safety devices, first-aid kits, and sidewalls, canopies, tailgates, or other means of retaining freight safely. c. Be operated in compliance with all state and federal regulations pertaining to driving, loading, carrying freight and employees, road warning devices, and the transportation of flammable material. 3. Motor vehicle maintained in safe manner. A motor vehicle provided by a railroad company and used to transport one or more workers to and from their places of employment or during the course of their employment shall be maintained in a safe manner at all times, whether or not used upon a public highway. 4. Heating system. The director shall adopt rules requiring a motor vehicle, as defined in section 321.1, which is subject to registration and which is provided by a railroad company and used to transport railroad workers to and from their places of employment or during the course of their employment to be provided with a safe heating system to maintain a reasonable comfort level in those spaces of the vehicle where the workers are required to ride. 5. Rest periods for drivers. a. A railroad worker transportation company shall not require a driver to operate a motor vehicle in violation of section 321.449A. A railroad worker transportation company may require a period of uninterrupted rest for a driver at any time. The period of uninterrupted rest shall not be less than eight hours. A railroad worker transportation company shall clearly communicate to a driver when a period of uninterrupted rest is to begin. b. A railroad company shall not require a driver to operate a motor vehicle in violation of section 321.449A or this subsection. c. For purposes of this subsection, “uninterrupted rest” and “on duty” mean the same as defined in section 321.449A. 6. Rule violations. When the administrator finds that a motor vehicle used to transport workers to and from their places of employment or during the course of their employment violates a rule adopted under this section, the administrator shall make, enter, and serve upon the owner of the motor vehicle an order as necessary to protect the safety of workers transported in the motor vehicle. The administrator may direct in the order, as a condition to the continued use of the motor vehicle for transporting workers to and from their places of employment or during the course of their employment, that additions, repairs, improvements, or changes be made and that safety devices and safeguards be furnished and used as required to satisfy the rules in the manner and within the time specified in the order. The order may also require that any driver of the motor vehicle satisfy the minimum standards for a driver under the rules. 7. Penalty. a. Violation by the owner of a motor vehicle of this section, a rule adopted under this section, or an order issued under subsection 6, or willful failure to comply with such an order is, upon conviction, subject to a schedule “one” penalty as provided under section 327C.5. b. A violation of subsection 5 or rules adopted pursuant to subsection 5 by a railroad worker transportation company or a railroad company is punishable as a schedule “one” penalty under section 327C.5. 88 Acts, ch 1079, §2; 92 Acts, ch 1163, §80; 2013 Acts, ch 30, §261; 2013 Acts, ch 47, §2 – 4; 2013 Acts, ch 140, §64 Referred to in §321.449A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327F - CONSTRUCTION AND OPERATION OF

RAILWAYS**Section 327F.4 - Rights of riparian owners.**

327F.4 Rights of riparian owners. All owners or lessees of lands or lots situated upon the Iowa banks of the Mississippi or Missouri rivers upon which any business is carried on which is in any way connected with the navigation of either of said rivers, or to which such navigation is a proper or convenient adjunct, are authorized to construct and maintain in front of their property, piers, cribs, booms, and other proper and convenient erections and devices for the use of their respective pursuits, and the protection and harbor of rafts, logs, floats, and watercraft, in such manner as to create no material or unreasonable obstruction to the navigation of the stream, or to a similar use of adjoining property. [C97, §2032; C24, 27, 31, 35, 39, §7948; C46, 50, 54, 58, 62, 66, 71, 73, 75, §477.3; C77, 79, 81, §327F.4] Referred to in §327F.5, 420.165

2024 Iowa Code**Title VIII - TRANSPORTATION****Chapter 327F - CONSTRUCTION AND OPERATION OF****RAILWAYS****Section 327F.5 - Railroad on riparian land or lots.**

327F.5 Railroad on riparian land or lots. No person or corporation shall construct or operate any railroad or other obstruction between the lots or lands referred to in section 327F.4 and either of said rivers, or upon the shore or margin thereof, unless the injury and damage to owners or lessees occasioned thereby shall be first ascertained and paid in the manner provided for taking private property for works of internal improvement. [C97, §2033; C24, 27, 31, 35, 39, §7949; C46, 50, 54, 58, 62, 66, 71, 73, 75, §477.4; C77, 79, 81, §327F.5] Referred to in §420.165 Condemnation procedure, chapter 6B

2024 Iowa Code**Title VIII - TRANSPORTATION****Chapter 327G - RAILROAD RIGHTS-OF-WAY, CROSSINGS, TRACKS, AND FENCING****Section 327G.1 - Definition.**

327G.1 Definition. As used in this subchapter, unless the context otherwise requires, “department” means the state department of transportation. [C75, §478.37; C77, 79, 81, §327G.1; 81 Acts, ch 22, §22] 86 Acts, ch 1245, §1962; 2017 Acts, ch 54, §76

2024 Iowa Code**Title VIII - TRANSPORTATION****Chapter 327G - RAILROAD RIGHTS-OF-WAY, CROSSINGS, TRACKS, AND FENCING****Section 327G.10 - Killing of stock — interpretative clause.**

327G.10 Killing of stock — interpretative clause. Nothing herein contained shall be construed to relieve the corporation from liability arising from the killing or maiming of livestock on said track or right-of-way by its negligence or that of its employees, nor shall anything in this chapter interfere with the right of open or private crossings, or with the right of persons to such crossings, nor in any way limit or qualify the liability of any corporation or person owning or operating a railway that fails to fence the same against livestock running at large for any stock injured or killed by reason of the want of such fence. [C97, §2058; C24, 27, 31, 35, 39, §8010; C46, 50, 54, 58, 62, 66, 71, 73, 75, §478.11; C77, 79, 81, §327G.10]

2024 Iowa Code**Title VIII - TRANSPORTATION****Chapter 327G - RAILROAD RIGHTS-OF-WAY, CROSSINGS, TRACKS, AND FENCING****Section 327G.11 - Private farm crossings.**

327G.11 Private farm crossings. When a person owns farmland on both sides of a railway, or when a railway runs parallel with a public highway thereby separating a farm from such highway, the corporation owning or operating the railway, on request of the owner of the farmland, shall construct and maintain a safe and adequate farm crossing or roadway across the railway and right-of-way at such reasonable place as the owner of the farmland may designate. A private farm crossing established or installed pursuant to this section shall be used solely for farming or agricultural purposes. [R60, §1329; C73, §1268; C97, §2022; S13, §2022; C24, 27, 31, 35, 39, §8011; C46, 50, 54, 58, 62, 66, 71, 73, 75, §478.12; C77, 79, 81, §327G.11] 90 Acts, ch 1184, §1 Referred to in §327G.81

2024 Iowa Code**Title VIII - TRANSPORTATION****Chapter 327G - RAILROAD RIGHTS-OF-WAY, CROSSINGS, TRACKS, AND FENCING****Section 327G.12 - Overhead, underground, or more than one crossing.**

327G.12 Overhead, underground, or more than one crossing. The owner of land may serve upon the railroad corporation a request in writing for more than one private crossing, or for an overhead or underground crossing, accompanied by a plat of the owner’s land designating the location and character of crossing desired. If the railroad corporation refuses or neglects to comply within thirty days of a written request, the owner of the land may make written application to the department to determine the owner’s rights. The department of inspections, appeals, and licensing, after notice to the railroad corporation, shall hear the application and all objections to the application, and make an order which is reasonable and just, and if it requires the railroad company to construct any crossing or roadway, fix the time for compliance with the order and apportion the costs as appropriate. The order of the department of inspections, appeals, and licensing is subject to review by the state department of transportation. The decision of the state department of transportation is the final agency action. [S13, §2022; C24, 27, 31, 35, 39, §8012; C46, 50, 54, 58, 62, 66, 71, 73, 75, §478.13; C77, 79, 81, §327G.12; 81 Acts, ch 22, §22] 89 Acts, ch 273, §34; 2023 Acts, ch 19, §2001 Referred to in §327G.81 Section amended

2024 Iowa Code**Title VIII - TRANSPORTATION****Chapter 327G - RAILROAD RIGHTS-OF-WAY, CROSSINGS, TRACKS, AND FENCING****Section 327G.15 - Railway and highway crossing at grade.**

327G.15 Railway and highway crossing at grade. 1. Wherever a railway track crosses or shall hereafter cross a highway, street or

alley, the railway corporation owning such track and the department, in the case of primary highways, the board of supervisors of the county in which such crossing is located, in the case of secondary roads, or the council of the city, in the case of streets and alleys located within a city, may agree upon the location, manner, vacation, physical structure, characteristics and maintenance of the crossing and flasher lights or gate arm signals at the crossing and allocation of costs thereof. The department shall become a party to the agreement if grade crossing safety funds are to be used. Up to seventy-five percent of the maintenance cost of flasher lights or gate arm signals at the crossing and an unlimited portion of the cost of installing flasher lights or gate arm signals at the crossing may be paid from the grade crossing safety fund. 2. Notwithstanding other provisions of this section, maintenance of flasher lights or gate signals installed or ordered to be installed before July 1, 1973, shall be assumed wholly by the railroad corporation. 3. a. Payments from the grade crossing safety fund shall be made by the treasurer of state upon certification by the department that the terms of the agreement have been followed. b. The department shall promulgate rules according to chapter 17A for processing claims to the grade crossing safety funds. 4. The provisions of this section shall not apply to the repair of the grade crossing surface. [R60, §1321, 1322 ; C73, §1262, 1263 ; C97, §2017, 2018 ; §SS15, §2017 ; C24, 27, 31, 35, 39, §8020, 8024, 8025; C46, §478.21, 478.25, 478.26 ; C50, 54, 58, 62, 66, 71, 73, 75, §478.21 ; C77, 79, 81, §327G.15] 2010 Acts, ch 1061, §180 Referred to in §327G.16, 331.362

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327G - RAILROAD RIGHTS-OF-WAY, CROSSINGS, TRACKS, AND FENCING Section 327G.16 - Disagreement — application — notice.

327G.16 Disagreement — application — notice. If the persons specified in section 327G.15 cannot reach an agreement, either party may make written application to the department requesting resolution of the disagreement. The department shall request the department of inspections, appeals, and licensing to set a date for hearing. The department of inspections, appeals, and licensing shall give ten days' written notice of the hearing date. [SS15, §2017; C24, 27, 31, 35, 39, §8021; C46, 50, 54, 58, 62, 66, 71, 73, 75, §478.22; C77, 79, 81, §327G.16; 81 Acts, ch 22, §19] 89 Acts, ch 273, §35; 2023 Acts, ch 19, §2002 Referred to in §327G.31 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327G - RAILROAD RIGHTS-OF-WAY, CROSSINGS, TRACKS, AND FENCING Section 327G.17 - Hearing — order.

327G.17 Hearing — order. 1. The department of inspections, appeals, and licensing shall hear the evidence of each party to the controversy and shall make an order, which may include, pursuant to chapters 6A and 6B, authority to condemn, resolving the controversy. The order shall include the portion of the expense to be paid by each party to the controversy. In determining what portion of the expense shall be paid by each party, the department of inspections, appeals, and licensing may consider the ratio of the benefits accruing to the railroad or the governmental unit or both, to the general public use and benefit. 2. The order of the department of inspections, appeals, and licensing is subject to review by the state department of transportation. The decision of the state department of transportation is the final agency action. [SS15, §2017; C24, 27, 31, 35, 39, §8022; C46, 50, 54, 58, 62, 66, 71, 73, 75, §478.23; C77, 79, 81, §327G.17; 81 Acts, ch 22, §22] 89 Acts, ch 273, §36; 2018 Acts, ch 1041, §127; 2023 Acts, ch 19, §2003 Referred to in §327G.31 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327G - RAILROAD RIGHTS-OF-WAY, CROSSINGS, TRACKS, AND FENCING Section 327G.18 - Railroad corporation to hold in trust.

327G.18 Railroad corporation to hold in trust. Any portion of the expense of making such crossing changes and alterations borne by any municipal corporation or township, the state or any person, shall forever be held in trust by such railroad corporation or its successors, and no part of such funds shall constitute any part of the value of its property on which it is entitled to receive a return. [SS15, §2017; C24, 27, 31, 35, 39, §8023; C46, 50, 54, 58, 62, 66, 71, 73, 75, §478.24; C77, 79, 81, §327G.18] Section not amended; headnote revised

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327G - RAILROAD RIGHTS-OF-WAY, CROSSINGS, TRACKS, AND FENCING Section 327G.19 - Grade crossing fund.

327G.19 Grade crossing fund. There is hereby created a fund which shall be known as the highway grade crossing safety fund and shall be made up of the amount allocated by the state treasurer from the road use tax fund. [C62, 66, 71, 73, 75, §478.25; C77, 79, 81, §327G.19]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327G - RAILROAD RIGHTS-OF-WAY, CROSSINGS, TRACKS, AND FENCING Section 327G.2 - Crossings — signs.

327G.2 Crossings — signs. Every corporation constructing or operating a railway shall make and construct at all points where such railway crosses any public road good, sufficient, and safe crossings and erect at such points, at a sufficient elevation from such road as to admit a free passage of vehicles of every kind, a sign with large and distinct letters placed thereon, to give notice of the proximity of the railway, and warn persons of the necessity of looking out for trains. Any railway company neglecting or refusing to comply with the provisions of this section shall be liable for all damages sustained by reason of such refusal or neglect, and it shall only be necessary, in order to recover, for the injured party to prove such neglect or refusal. [R60, §1331; C73, §1288; C97, §2054;

C24, 27, 31, 35, 39, §8000; C46, 50, 54, 58, 62, 66, 71, 73, 75, §478.1; C77, 79, 81, §327G.2] Referred to in §307.26

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327G - RAILROAD RIGHTS-OF-WAY, CROSSINGS, TRACKS, AND FENCING Section 327G.21 - Condition after change — temporary ways.

327G.21 Condition after change — temporary ways. When a railroad company changes, alters, or repairs a highway crossing, it shall upon completion of the work leave it free from obstructions to travel and in good condition. If travel will be obstructed while any alterations or repairs are being made, the railroad company shall provide safe and convenient temporary ways for the public to avoid or pass such obstructions. [R60, §1321, 1324; C73, §1262, 1264; C97, §2017, 2019; SS15, §2017; C24, 27, 31, 35, 39, §8026; C46, 50, 54, 58, 62, 66, 71, 73, 75, §478.27; C77, 79, 81, §327G.21]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327G - RAILROAD RIGHTS-OF-WAY, CROSSINGS, TRACKS, AND FENCING Section 327G.24 - Removal of tracks from crossings.

327G.24 Removal of tracks from crossings. Upon consummation of an abandonment of a railway line authorized under 49 U.S.C. §10903 adopted as of a specific date by rule by the department, or upon interim use of railroad rights-of-way to establish appropriate trails pursuant to 16 U.S.C. §1247(d) adopted as of a specific date by rule by the department, if the railway tracks adjacent to a crossing have been removed, but the railway tracks in the crossing have not been removed, the city, county, or other jurisdiction having authority over the highway, street, or alley containing the crossing may remove the tracks from the crossing. However, this section shall not be construed as reducing the obligation or liability of a railway corporation to remove the railway tracks from the crossing. 90 Acts, ch 1132, §1

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327G - RAILROAD RIGHTS-OF-WAY, CROSSINGS, TRACKS, AND FENCING Section 327G.25 - Closing of crossing for repair or upgrade.

327G.25 Closing of crossing for repair or upgrade. A railway corporation shall not close a railway crossing to the traveling public for more than thirty days for the purpose of repairing or upgrading the crossing. A railway corporation violating this section shall, upon conviction, be subject to a schedule “one” penalty. 2000 Acts, ch 1134, §5

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327G - RAILROAD RIGHTS-OF-WAY, CROSSINGS, TRACKS, AND FENCING Section 327G.29 - Grade crossing surface repair fund.

327G.29 Grade crossing surface repair fund. 1. There is established a highway railroad grade crossing surface repair fund in the office of the treasurer of state. The department may credit to this fund: a. Moneys appropriated to the department from the general fund of the state. b. Moneys appropriated to the department from the road use tax fund or the primary road fund. c. Available federal funds. d. Moneys acquired by the department from any gift, grant, or contributions from any source. 2. Notwithstanding the provisions of section 8.33, unencumbered funds remaining in the highway railroad grade crossing surface repair fund at the close of each fiscal year ending on June 30 shall revert to the road use tax fund. [C77, 79, 81, §327G.29] 2010 Acts, ch 1061, §180

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327G - RAILROAD RIGHTS-OF-WAY, CROSSINGS, TRACKS, AND FENCING Section 327G.3 - Railway fences required.

327G.3 Railway fences required. All railway corporations owning or operating a line of railway within the state shall construct, maintain, and keep in repair a fence on each side of the right-of-way, to prevent livestock getting upon the tracks. [C97, §2057; S13, §2057; C24, 27, 31, 35, 39, §8001; C46, 50, 54, 58, 62, 66, 71, 73, 75, §478.2; C77, 79, 81, §327G.3]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327G - RAILROAD RIGHTS-OF-WAY, CROSSINGS, TRACKS, AND FENCING Section 327G.30 - Adjustment of expense.

327G.30 Adjustment of expense. 1. If a grade crossing surface of a railroad track and a highway, street, or alley shall require repairs or maintenance, the costs for the maintenance may be paid as provided in section 312.2, subsection 2. 2. If the railroad corporation and the jurisdiction having authority agree on the method of crossing maintenance and establish an agreement to each contribute costs as provided in section 312.2, subsection 2, a copy of the agreement shall be filed with the department which shall allocate an amount of the cost for the work if funds are available in the highway railroad grade crossing surface repair fund. The department shall make appropriate notification if the fund is exhausted in which case agreements shall not be made under this section until additional funds are available. The fund shall be administered by the department. 3. Upon completion of the agreed repair work, a statement of costs shall be filed with the department by the railroad corporation in a form and manner prescribed by the department. The department, upon approval of the statement, shall pay to the railroad corporation an amount of the cost of the work from the highway railroad grade crossing surface repair fund as provided in section 312.2, subsection 2. The owner of the track and the jurisdiction entering into the agreement shall each pay the cost as provided in section 312.2, subsection 2. [C77, 79, 81, §327G.30] 83 Acts, ch 198, §22; 2009 Acts, ch 133, §240

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327G - RAILROAD RIGHTS-OF-WAY, CROSSINGS, TRACKS, AND FENCING Section 327G.31 - Disagreement resolved.

327G.31 Disagreement resolved. If a railroad corporation and the jurisdiction having authority cannot reach agreement on grade crossing surface repair and maintenance, either party may appeal to the department of inspections, appeals, and licensing if prior to disagreement both parties have filed a statement with the state department of transportation to the effect that they have entered into negotiations on grade crossing surface repair and maintenance of a particular crossing. The department of inspections, appeals, and licensing shall resolve the dispute in the manner provided in sections 327G.16 and 327G.17, except for the allocation of costs. [C77, 79, 81, §327G.31; 81 Acts, ch 22, §22] 2023 Acts, ch 19, §2004 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327G - RAILROAD RIGHTS-OF-WAY, CROSSINGS, TRACKS, AND FENCING Section 327G.32 - Blocking highway crossing.

327G.32 Blocking highway crossing. 1. A railroad corporation or its employees shall not operate a train in such a manner as to prevent vehicular use of a highway, street, or alley for a period of time in excess of ten minutes except in any of the following circumstances: a. When necessary to comply with signals affecting the safety of the movement of trains. b. When necessary to avoid striking an object or person on the track. c. When the train is disabled. d. When necessary to comply with governmental safety regulations including but not limited to speed ordinances and speed regulations. 2. a. An officer or employee of a railroad corporation violating a provision of this section is, upon conviction, subject to a schedule "two" penalty under section 327C.5. b. An employee is not guilty of a violation if the employee's action was necessary to comply with the direct order or instructions of a railroad corporation or its supervisors. Guilt is then with the railroad corporation. 3. Other portions of this section notwithstanding, a political subdivision may pass an ordinance regulating the length of time a specific crossing may be blocked if the political subdivision demonstrates that an ordinance is necessary for public safety or convenience. If an ordinance is passed, the political subdivision shall, within thirty days of the effective date of the ordinance, notify the department and the railroad corporation using the crossing affected by the ordinance. The ordinance does not become effective unless the department and the railroad corporation are notified within thirty days. The ordinance becomes effective thirty days after notification unless a person files an objection to the ordinance with the department. If an objection is filed, the department shall notify the department of inspections, appeals, and licensing which shall hold a hearing. After a hearing by the department of inspections, appeals, and licensing, the state department of transportation may disapprove the ordinance if public safety or convenience does not require the ordinance. The decision of the state department of transportation is final agency action. The ordinance approved by the political subdivision is prima facie evidence that the ordinance is adopted to preserve public safety or convenience. 4. The department of inspections, appeals, and licensing when considering rebuttal evidence shall weigh the benefits accruing to the political subdivision as they affect the general public use compared to the burden placed on the railroad operation. Public safety or convenience may include, but is not limited to, high traffic density at a specific crossing of a main artery or interference with the flow of authorized emergency vehicles. 5. A resolution regulating the length of time a specific crossing may be blocked, which was adopted before July 1, 1989, is an ordinance for the purposes of this section. [C77, 79, 81, §327G.32; 81 Acts, ch 22, §20, 22] 85 Acts, ch 195, §39; 89 Acts, ch 39, §4, 5; 89 Acts, ch 273, §37; 2010 Acts, ch 1061, §180; 2016 Acts, ch 1073, §111; 2023 Acts, ch 19, §2005 Subsections 3 and 4 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327G - RAILROAD RIGHTS-OF-WAY, CROSSINGS, TRACKS, AND FENCING Section 327G.4 - Specifications.

327G.4 Specifications. 1. All fences shall be not less than fifty-four inches high and may be of any of the following types: a. Not less than five barbed wires, properly spaced. b. Not less than three barbed wires above and not less than twenty-four inches of woven wire below. c. Entirely of woven wire. d. Five boards properly spaced. e. Any other type which the fence viewers of any township through which it passes may determine as efficient as any of the above types. 2. Each of the above types shall be securely nailed to posts firmly set, not more than twenty feet apart for the first three types, nor more than eight feet apart for the fourth. [C97, §2057; S13, §2057; C24, 27, 31, 35, 39, §8003; C46, 50, 54, 58, 62, 66, 71, 73, 75, §478.4; C77, 79, 81, §327G.4] 2010 Acts, ch 1061, §180

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327G - RAILROAD RIGHTS-OF-WAY, CROSSINGS, TRACKS, AND FENCING Section 327G.5 - Hog-tight fences.

327G.5 Hog-tight fences. When any person owning land abutting on the right-of-way is maintaining a hog-tight fence on all sides thereof or any division of such land except along such right-of-way, the railway company owning such right-of-way shall, on written request of the landowner, make such right-of-way fence along such enclosed land hog-tight by the addition of barbed or woven wire or other equally efficient means. [S13, §2057; C24, 27, 31, 35, 39, §8004; C46, 50, 54, 58, 62, 66, 71, 73, 75, §478.5; C77, 79, 81, §327G.5]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327G - RAILROAD RIGHTS-OF-WAY, CROSSINGS, TRACKS, AND FENCING Section 327G.6 - Failure to fence.

327G.6 Failure to fence. Any corporation operating a railway and failing to fence its right-of-way shall be liable to the owner of any stock killed or injured by reason of the want of such fence for the full amount of the damages sustained by the owner, unless it was occasioned by the willful act of such owner or the owner's agent; and to recover the same it shall only be necessary for the owner to prove the loss of or injury to the owner's property. [C73, §1289; C97, §2055; C24, 27, 31, 35, 39, §8005; C46, 50, 54, 58, 62, 66,

71, 73, 75, §478.6; C77, 79, 81, §327G.6] Referred to in §327D.190

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327G - RAILROAD RIGHTS-OF-WAY, CROSSINGS, TRACKS, AND FENCING Section 327G.61 - Definitions.

327G.61 Definitions. As used in this subchapter: 1. “Department” means the state department of transportation. 2. “Spur track” means a railroad track located wholly within the state connected to a main or branch line of a railroad and used to originate or terminate traffic at one or more industries or a railroad track not subject to the jurisdiction of the surface transportation board. A spur track shall not include a railroad line used to provide line-haul or intercity transportation. [C75, §481.9; C77, 79, 81, §327G.61; 81 Acts, ch 22, §22] 86 Acts, ch 1245, §1963; 2003 Acts, ch 108, §65; 2017 Acts, ch 54, §76

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327G - RAILROAD RIGHTS-OF-WAY, CROSSINGS, TRACKS, AND FENCING Section 327G.62 - Controversies — hearing — order — review.

327G.62 Controversies — hearing — order — review. When a disagreement arises between a railroad corporation, its grantee, or its successor in interest, and the owner, lessee, or licensee of a building or other improvement, including trackage, used for receiving, storing, transporting, or manufacturing an article of commerce transported or to be transported, situated on a present or former railroad right-of-way or on land owned or controlled by the railroad corporation, its grantee, or its successor in interest, as to the terms and conditions on which the article is to be continued or removed, the railway corporation, its grantee, or its successor in interest, or the owner, lessee, or licensee may make written application to the department. The department shall notify the department of inspections, appeals, and licensing which shall hear and determine the controversy and make an order which is just and equitable between the parties. That order is subject to review by the state department of transportation. The decision of the state department of transportation is final agency action. [S13, §2110-l; C24, 27, 31, 35, 39, §8169; C46, 50, 54, 58, 62, 66, 71, 73, 75, §481.1; C77, 79, 81, §327G.62; 81 Acts, ch 22, §22; 82 Acts, ch 1207, §2] 86 Acts, ch 1245, §1964; 89 Acts, ch 273, §38; 2023 Acts, ch 19, §2006 Referred to in §327G.63 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327G - RAILROAD RIGHTS-OF-WAY, CROSSINGS, TRACKS, AND FENCING Section 327G.63 - Destruction of buildings.

327G.63 Destruction of buildings. In the event that any building referred to in section 327G.62, situated on the right-of-way or other land of a railroad company used for railway purposes, shall be injured or destroyed by the negligence of the railroad company, or the servants or agents thereof in the conduct of the business of such company, the railroad company causing such injury or destruction shall be liable therefor to the same extent as if such building used for said purposes was not situated on the right-of-way or other land of such railroad company used for railway purposes, any provision in any lease or contract to the contrary notwithstanding. [S13, §2110-m; C24, 27, 31, 35, 39, §8170; C46, 50, 54, 58, 62, 66, 71, 73, 75, §481.2; C77, 79, 81, §327G.63]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327G - RAILROAD RIGHTS-OF-WAY, CROSSINGS, TRACKS, AND FENCING Section 327G.64 - Spur tracks.

327G.64 Spur tracks. 1. Every railroad corporation may acquire, by condemnation or purchase, the necessary rights-of-way and may construct, connect, operate and maintain a reasonably adequate and suitable spur track if the construction and operation is not unsafe and is in the public interest. 2. Any party may make application to the department to require a railroad corporation to construct a spur track. The department shall consider the location, necessity and expense of such a track and other equitable considerations. 3. A railroad corporation or any other party may make application to the department for permission to discontinue service on or remove a spur track. The department shall consider the location, necessity and expense of maintaining such track and other equitable considerations. The department may order the railroad company to discontinue service or remove the spur track, and may allocate the cost of removal between the parties in an equitable manner. 4. Any action commenced under the provisions of subsection 2 or 3 shall be completed within one year from the effective date of the department order. The department shall make a final determination of any action commenced under subsection 2 or 3 within one year from the date of the application. [C24, 27, 31, 35, 39, §8171; C46, 50, 54, 58, 62, 66, 71, 73, 75, §481.3; C77, 79, 81, §327G.64; 81 Acts, ch 22, §22]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327G - RAILROAD RIGHTS-OF-WAY, CROSSINGS, TRACKS, AND FENCING Section 327G.65 - Cost of construction.

327G.65 Cost of construction. The railroad corporation may require the person primarily to be served to pay the legitimate cost and expense of acquiring, by condemnation or purchase, the necessary right-of-way for the spur track and of constructing it, as determined in separate items by the department. Except as provided in section 327G.66, the total cost as ascertained by the department shall be deposited with the railroad corporation before it is required to incur expense. If an agreement cannot be reached, the question shall be referred to the department which may, after a hearing conducted by the department of inspections, appeals, and licensing, issue an order. [C24, 27, 31, 35, 39, §8172; C46, 50, 54, 58, 62, 66, 71, 73, 75, §481.4; C77, 79, 81, §327G.65; 81 Acts, ch 22, §22] 89 Acts, ch 273, §39; 2023 Acts, ch 19, §2007 Referred to in §327G.68 Section amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327G - RAILROAD RIGHTS-OF-WAY, CROSSINGS, TRACKS, AND FENCING Section 327G.66 - Bond for construction.

327G.66 Bond for construction. When the total estimated cost has been ascertained by the department such person, firm, corporation, or association shall have the option to either deposit said amount with the railroad company or to file with such company its written election to build and construct such spur track accompanied by a good and sufficient surety company bond running to such railroad company and conditioned upon the construction of such spur track in a good and skillful manner according to plans and specifications furnished by such railroad company and approved by the department. If such person, firm, corporation, or association so elects to build such spur track it shall only be required to deposit with such railroad company the estimated cost of the necessary right-of-way for such spur track as ascertained by the department, and the total amount stated in such written election. [C24, 27, 31, 35, 39, §8173; C46, 50, 54, 58, 62, 66, 71, 73, 75, §481.5; C77, 79, 81, §327G.66] Referred to in §327G.65, 327G.68

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327G - RAILROAD RIGHTS-OF-WAY, CROSSINGS, TRACKS, AND FENCING Section 327G.67 - Costs in excess of deposit.

327G.67 Costs in excess of deposit. In any event before the railroad company shall be required to incur any expense whatever in the construction of such spur track the person, firm, corporation, or association primarily to be served thereby shall give the railroad company a bond to be approved by the department as to form, amount, and surety, securing the railroad company against loss on account of any expense incurred beyond the amount so deposited with the railroad company. [C24, 27, 31, 35, 39, §8174; C46, 50, 54, 58, 62, 66, 71, 73, 75, §481.6; C77, 79, 81, §327G.67] Referred to in §327G.68

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327G - RAILROAD RIGHTS-OF-WAY, CROSSINGS, TRACKS, AND FENCING Section 327G.68 - Failure of company to act.

327G.68 Failure of company to act. In case of failure, neglect, or refusal of any railroad company to comply with any of the provisions of sections 327G.65 through 327G.67, the person, firm, corporation, or association primarily to be served thereby may file a complaint with the department setting forth the facts upon which such grievance is based. The department after reasonable notice to the railroad company shall investigate and determine all matters in controversy and make such order as the facts in relation thereto will warrant. Any such order shall have the same force and effect as other orders made by the department in other proceedings within its jurisdiction and shall be enforced in the same manner. [C24, 27, 31, 35, 39, §8175; C46, 50, 54, 58, 62, 66, 71, 73, 75, §481.7; C77, 79, 81, §327G.68] 2021 Acts, ch 80, §193

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327G - RAILROAD RIGHTS-OF-WAY, CROSSINGS, TRACKS, AND FENCING Section 327G.69 - Connections with original spurs.

327G.69 Connections with original spurs. Whenever such spur track is so connected with the main line, as provided in this chapter, at the expense of the owner of such proposed or existing mill, elevator, storehouse, dock, wharf, pier, manufacturing establishment, and any person, firm, corporation, or association shall desire a connection with such spur track, application therefor shall be made to the department, and such person, firm, corporation, or association shall be required to pay to the person, firm, corporation, or association that shall have paid or contributed to the primary cost and expense of acquiring the right-of-way for such original spur track, and of constructing the same, an equitable proportion thereof, to be determined by the department, upon such application and notice, to the persons, firms, corporations, or associations that have paid or contributed toward the original cost and expense of acquiring the right-of-way and constructing the same. [C24, 27, 31, 35, 39, §8176; C46, 50, 54, 58, 62, 66, 71, 73, 75, §481.8; C77, 79, 81, §327G.69]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327G - RAILROAD RIGHTS-OF-WAY, CROSSINGS, TRACKS, AND FENCING Section 327G.7 - Double damages.

327G.7 Double damages. If such corporation fails or neglects to pay such damages within ninety days after notice in writing that a loss or injury has occurred, accompanied by an affidavit thereof, served upon any officer or station or ticket agent employed by said corporation in the county where such loss or injury occurred, such owner shall be entitled to recover from the corporation double the amount of damages actually sustained by the owner. [C73, §1289; C97, §2055; C24, 27, 31, 35, 39, §8006; C46, 50, 54, 58, 62, 66, 71, 73, 75, §478.7; C77, 79, 81, §327G.7] Referred to in §327D.190

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327G - RAILROAD RIGHTS-OF-WAY, CROSSINGS, TRACKS, AND FENCING Section 327G.76 - Time of reversion.

327G.76 Time of reversion. Railroad property rights which are extinguished upon cessation of service by the railroad divest when the department of transportation or the railroad, having obtained authority to abandon the rail line, removes the track materials to the right-of-way. If the department of transportation does not acquire the line and the railway company does not remove the track materials, the property rights which are extinguished upon cessation of service by the railroad divest one year after the railway obtains the final authorization necessary from the proper authority to remove the track materials. [C24, 27, 31, 35, 39, §7861; C46, 50, 54, 58, 62, 66, 71, 73, 75, §473.1; C77, 79, 81, §327G.76] 83 Acts, ch 121, §5; 2009 Acts, ch 97, §10 Referred to in §327G.77

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327G - RAILROAD RIGHTS-OF-WAY, CROSSINGS, TRACKS, AND FENCING Section 327G.77 - Reversion of railroad right-of-way.

327G.77 Reversion of railroad right-of-way. 1. If a railroad easement is extinguished under section 327G.76, the property shall pass to the owners of the adjacent property at the time of abandonment. If there are different owners on either side, each owner will take to the center of the right-of-way. Section 614.24 which requires the filing of a verified claim does not apply to rights granted under this subsection. 2. An adjoining property owner may perfect title under subsection 1 by filing an affidavit of ownership with the county recorder. The affidavit shall include the name of the adjoining property owner, a description of the property, the present name of the railroad, the jurisdiction, docket number, and date of order authorizing the railroad to terminate service, and the approximate date the track materials on the right-of-way were removed. A copy of the affidavit must be mailed by the landowner by certified mail to the railroad. The landowner shall pay taxes on the right-of-way from the date the affidavit is filed. 3. Utility facilities located on abandoned railroad right-of-way shall remain on the right-of-way subject to payment by the utility of the fair market value of an easement for the facilities. The utility shall, within sixty days from the time the property is transferred from the railroad, extend a written offer to the landowner to purchase the easement at fair market value. The landowner shall accept or reject the utility's offer within sixty days from the time of receipt. If a disagreement arises between the parties concerning the price or other terms of the transaction, either party may make written application to a compensation commission as established pursuant to chapter 6B to resolve the disagreement. This application shall be made within sixty days from the time the landowner's response is served upon the utility. The compensation commission shall hear the controversy and make a final determination of the fair market value of the easement and the other terms of the transaction which were in dispute within ninety days after the application is filed. All correspondence shall be by certified mail. [C73, §1260; C97, §2015; C24, 27, 31, 35, 39, §7862; C46, 50, 54, 58, 62, 66, 71, 73, 75, §473.2; C77, 79, 81, §327G.77; 81 Acts, ch 22, §22] 83 Acts, ch 121, §6 Referred to in §327G.78

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327G - RAILROAD RIGHTS-OF-WAY, CROSSINGS, TRACKS, AND FENCING Section 327G.78 - Sale of railroad property.

327G.78 Sale of railroad property. 1. Subject to section 6A.16 and 327G.77, when a railroad corporation, its trustee, or its successor in interest has interests in real property adjacent to a railroad right-of-way that are abandoned by order of the surface transportation board, reorganization court, bankruptcy court, or the department, or when a railroad corporation, its trustee, or its successor in interest seeks to sell its interests in that property under any other circumstance, the railroad corporation, its trustee, or its successor in interest shall extend a written offer to sell at a fair market value price to the persons holding leases, licenses, or permits upon those properties, allowing sixty days from the time of receipt for a written response. If a disagreement arises between the parties concerning the price or other terms of the sale transaction, either or both parties may make written application to the department to resolve the disagreement. The application shall be made within sixty days from the time an initial written response is served upon the railroad corporation, trustee, or successor in interest by the person wishing to purchase the property. The department shall notify the department of inspections, appeals, and licensing which shall hear the controversy and make a final determination of the fair market value of the property and the other terms of the transaction which were in dispute, within ninety days after the application is filed. The determination is subject to review by the department and the department's decision is the final agency action. All correspondence shall be by certified mail. 2. The decision of the department is binding on the parties, except that a person who seeks to purchase the real property may withdraw the offer to purchase within thirty days of the decision of the department. If a withdrawal is made, the railroad corporation, trustee, or successor in interest may sell or dispose of the real property without further order of the department. 3. This section does not apply when a rail line is being sold for continued railroad use. [82 Acts, ch 1207, §3] 83 Acts, ch 121, §7; 84 Acts, ch 1067, §34; 86 Acts, ch 1245, §1965; 93 Acts, ch 47, §16; 2003 Acts, ch 108, §66; 2017 Acts, ch 54, §76; 2023 Acts, ch 19, §2008 Subsection 1 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327G - RAILROAD RIGHTS-OF-WAY, CROSSINGS, TRACKS, AND FENCING Section 327G.79 - Valuing property in controversy.

327G.79 Valuing property in controversy. 1. The department of inspections, appeals, and licensing's determination and order shall be just and equitable and, in the case of the determination of the fair market value of the property, shall be based in part upon at least three independent appraisals prepared by certified appraisers. Each party shall select one appraiser and each appraisal shall be paid for by the party for whom the appraisal is prepared. The two appraisers shall select a third appraiser and the costs of this appraisal shall be divided equally between the parties. If the appraisers selected by the parties cannot agree on selection of a third appraiser, the state department of transportation shall appoint a third appraiser and the costs of this appraisal shall be divided equally between the parties. 2. The department of inspections, appeals, and licensing's determination and order is final for the purpose of administrative review to the district court as provided in chapter 17A. The district court's scope of review shall be confined to whether there is substantial evidence to support the department of inspections, appeals, and licensing's determination and order. 3. For purposes of this subchapter, unless the context otherwise requires, "department" means the state department of transportation. [82 Acts, ch 1207, §3] 86 Acts, ch 1245, §1966; 2017 Acts, ch 54, §47; 2018 Acts, ch 1026, §119; 2023 Acts, ch 19, §2009 Subsections 1 and 2 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327G - RAILROAD RIGHTS-OF-WAY, CROSSINGS, TRACKS, AND FENCING Section 327G.8 - Laws and local regulations not applicable.

327G.8 Laws and local regulations not applicable. No law of the state or any local or police regulations of any county, township or city, relating to the restraint of domestic animals, or in relation to the fences of farmers or landowners, shall be applicable to railway

rights-of-way, unless specifically so stated in such law and regulation. [C73, §1289; C97, §2055; C24, 27, 31, 35, 39, §8007; C46, 50, 54, 58, 62, 66, 71, 73, 75, §478.8; C77, 79, 81, §327G.8] Referred to in §327D.190

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327G - RAILROAD RIGHTS-OF-WAY, CROSSINGS, TRACKS, AND FENCING Section 327G.81 - Maintenance of improvements along rights-of-way.

327G.81 Maintenance of improvements along rights-of-way. 1. A person, including a state agency or political subdivision of the state, who acquires a railroad right-of-way after July 1, 1979, for a purpose other than farming has all of the following responsibilities concerning that right-of-way: a. Construction, maintenance, and repair of the fence on each side of the property, however, this requirement may be waived by a written agreement with the adjoining landowner. b. Private crossings as provided for in section 327G.11. c. Drainage as delineated in chapter 468, subchapter V. d. Overhead, underground, or multiple crossings in accord with section 327G.12. e. Weed control in accord with chapter 317. 2. This section does not absolve the property owners of other duties and responsibilities that they may be assigned as property owners by law. Subsection 1, paragraph “a”, does not apply to rights-of-way located on land within the corporate limits of a city except where the acquired right-of-way is contiguous to land assessed as agricultural land. [C81, §327G.81] 2010 Acts, ch 1061, §122

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327G - RAILROAD RIGHTS-OF-WAY, CROSSINGS, TRACKS, AND FENCING Section 327G.9 - Failure to fence — general penalty.

327G.9 Failure to fence — general penalty. If the railroad corporation refuses or neglects to comply with any provision of this chapter relating to the fencing of the tracks, such railroad corporation shall, upon conviction, be subject to a schedule “two” penalty and every thirty days’ continuance of such refusal or neglect shall constitute a separate and distinct offense. [C97, §2058; C24, 27, 31, 35, 39, §8009; C46, 50, 54, 58, 62, 66, 71, 73, 75, §478.10; C77, 79, 81, §327G.9] See §327C.5

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327H - RAILWAY ASSISTANCE Section 327H.20A - Railroad revolving loan and grant fund.

327H.20A Railroad revolving loan and grant fund. 1. A railroad revolving loan and grant fund is established in the office of the treasurer of state under the control of the department. Moneys in the fund shall be expended for the following purposes: a. Grants or loans to provide assistance for the restoration, conservation, improvement, and construction of railroad main lines, branch lines, switching yards, sidings, rail connections, intermodal yards, highway grade separations, and other railroad-related improvements. b. Grants or loans for rail economic development projects that improve rail facilities, including the construction of branch lines, sidings, rail connections, intermodal yards, and other rail-related improvements that spur economic development and job growth. 2. The department shall administer a program for the granting and administration of loans and grants under this section. The department may establish a limit on the amount that may be awarded as a grant for any given project in order to maximize the use of the moneys in the fund. The department may enter into agreements with railroad corporations, the United States government, cities, counties, and other persons for carrying out the purposes of this section. 3. Notwithstanding any other provision to the contrary, on or after July 1, 2006, moneys received as repayments for loans made pursuant to this chapter or chapter 327I, Code 2009, before, on, or after July 1, 2005, other than repayments of federal moneys subject to section 327H.21, shall be credited to the railroad revolving loan and grant fund. Notwithstanding section 8.33, moneys in the railroad revolving loan and grant fund shall not revert to the fund from which the moneys were appropriated but shall remain available indefinitely for expenditure under this section. 98 Acts, ch 1223, §39; 2005 Acts, ch 178, §31; 2009 Acts, ch 97, §11; 2010 Acts, ch 1184, §93; 2011 Acts, ch 34, §82 Continuation of assistance agreements entered into pursuant to this chapter or former chapter 327I prior to May 4, 2009; 2009 Acts, ch 97, §15

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327H - RAILWAY ASSISTANCE Section 327H.21 - Federal funds.

327H.21 Federal funds. The department may accept federal funds to carry out the purposes of this chapter. All federal funds received under this section and all interest and earnings on federal funds received under this section are appropriated for the purposes set forth in the federal grants. [C77, 79, 81, S81, §327H.21; 81 Acts, ch 116, §3] 94 Acts, ch 1107, §55 Referred to in §327H.20A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327H - RAILWAY ASSISTANCE Section 327H.26 - Definition.

327H.26 Definition. As used in this chapter, unless the context otherwise requires, “department” means the state department of transportation. [S81, §327H.26; 81 Acts, ch 116, §6] 2005 Acts, ch 178, §32; 2009 Acts, ch 97, §12

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327J - PASSENGER RAIL SERVICE Section 327J.1 - Definitions.

327J.1 Definitions. As used in this chapter, unless the context otherwise requires: 1. “AMTRAK” means the national railroad passenger corporation created under 45 U.S.C. §24101. 2. “Department” means the state department of transportation. 3. “Director” means the director of transportation. 4. “Fund” means the passenger rail service revolving fund created under section 327J.2. 5. “Midwest regional rail system” means the passenger rail system identified through a multistate planning effort in cooperation with AMTRAK. 6. “Passenger rail service” means long-distance, intercity, and commuter passenger transportation, including the

midwest regional rail system, which is provided on railroad tracks. 92 Acts, ch 1210, §2; 2000 Acts, ch 1168, §1; 2009 Acts, ch 97, §16; 2014 Acts, ch 1092, §179

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327J - PASSENGER RAIL SERVICE Section 327J.2 - Passenger rail service revolving fund.

327J.2 Passenger rail service revolving fund. 1. Fund created. The passenger rail service revolving fund is established as a separate fund in the state treasury under the control of the department. Moneys deposited in the fund shall be administered by the director and shall be used to pay the costs associated with the initiation, operation, and maintenance of passenger rail service. 2. Funding. To achieve the purposes of this chapter, moneys shall be credited to the passenger rail service revolving fund by the treasurer of state from the following sources: a. Appropriations made by the general assembly. b. Private grants and gifts intended for these purposes. c. Federal, state, and local grants and loans intended for these purposes. 3. No reversion. Notwithstanding section 8.33, any balance in the fund on June 30 of any fiscal year shall not revert to the fund from which it was appropriated. 92 Acts, ch 1210, §3; 2009 Acts, ch 97, §17; 2010 Acts, ch 1184, §94 Referred to in §327J.1 Legislative intent that moneys directed to be deposited in road use tax fund under §312.1 not be used for loans, grants, or other financial assistance for passenger rail service; 2000 Acts, ch 1168, §4

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 327J - PASSENGER RAIL SERVICE Section 327J.3 - Administration.

327J.3 Administration. 1. The director may expend moneys from the fund to pay the costs associated with the initiation, operation, and maintenance of passenger rail service. The director shall report by February 1 of each year to the legislative services agency concerning the status of the fund including anticipated expenditures for the following fiscal year. 2. The director may enter into agreements with AMTRAK, other rail operators, local jurisdictions, and other states for the purpose of developing passenger rail service serving Iowa. The agreements may include any of the following: a. Cost-sharing agreements associated with initiating service, capital costs, operating subsidies, and other costs necessary to develop and maintain service. b. Joint powers agreements and other institutional arrangements associated with the administration, management, and operation of passenger rail service. 3. The director shall enter into discussions with members of Iowa's congressional delegation to foster passenger rail service in this state and the midwest and to maximize the level of federal funding for the service. 4. The director may provide assistance and enter into agreements with local jurisdictions along the proposed route of the midwest regional rail system or other passenger rail service operations serving Iowa to ensure that rail stations and terminals are designed and developed in accordance with the following objectives: a. To meet safety and efficiency requirements outlined by AMTRAK and the federal railroad administration. b. To aid intermodal transportation. c. To encourage economic development. 5. The director shall report annually to the general assembly concerning the development and operation of the midwest regional rail system and the state's passenger rail service. 92 Acts, ch 1210, §4; 2000 Acts, ch 1168, §2; 2003 Acts, ch 35, §45, 49; 2009 Acts, ch 97, §18

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 328 - AERONAUTICS Section 328.1 - Definitions.

328.1 Definitions. 1. The following words, terms, and phrases when used in this chapter shall, for the purposes of this chapter, have the meanings given in this section, unless otherwise specifically defined, or unless another intention clearly appears, or the context otherwise requires: a. "Aeronautics" means transportation by aircraft, the operation, construction, repair, or maintenance of aircraft, aircraft power plants and accessories, including the repair, packing, and maintenance of parachutes, the design, establishment, construction, extension, operation, improvement, repair, or maintenance of landing areas, or other air navigation facilities, and air instruction. b. "Aeronautics instructor" means any individual giving or offering to give instruction, in aeronautics, either in flying or ground subjects, or both, for hire or reward. c. "Air carrier airport" means an existing public airport regularly served by an air carrier, other than a supplemental air carrier, certificated by the civil aviation board under section 401 of the federal Aviation Act of 1958. d. "Aircraft" means any contrivance now known, or hereafter invented, used or designed for navigation of or flight in the air, for the purpose of transporting persons or property, or both. e. "Air instruction" means the imparting of aeronautical information, by any aeronautics instructor, or in or by any air school or flying club. f. "Air navigation" means the operation or navigation of aircraft in the air space over this state, or upon any landing area within this state. g. "Air navigation facility" means any facility, other than one owned or controlled by the federal government, used, available for use, or designed for use, in aid of air navigation, including landing areas, and any structures, mechanisms, lights, beacons, markers, communicating systems, or other instrumentalities or devices having a similar purpose for guiding or controlling flight in the air or the landing and take-off of aircraft. h. "Airperson" means any individual who engages, as the person in command, or as pilot, mechanic, or member of the crew, in the navigation of aircraft while under way and any individual who is directly in charge of the inspection, maintenance, overhauling, or repair of aircraft, aircraft engines, propellers, aircraft appliances, or parachutes; and any individual who serves in the capacity of aircraft dispatcher or air-traffic control-tower operator. It shall not include individuals engaged in aeronautics as an employee of the United States or any state or foreign country and any individuals employed by a manufacturer of aircraft, aircraft engines, propellers, or appliances to perform duties as inspector or mechanic in connection therewith, and any individual performing inspection or mechanical duties in connection with aircraft owned or operated by the individual. i. "Airport" means any landing area used regularly by aircraft for receiving or discharging passengers or cargo, and all appurtenant areas used or suitable for airport buildings or other airport facilities, and all appurtenant rights-of-way, whether heretofore or hereafter established. "Airport" includes land within a city with a population greater than one hundred seventy-five thousand which is acquired to replace or mitigate land used in

an airport runway project at an existing airport when federal law, grant, or action requires such replacement or mitigation. j. “Air school” means any person engaged in giving, or offering to give, instruction, in aeronautics, either in flying or ground subjects, or both, for hire or reward, and who employs other persons for such purposes. It does not include any public school or university of this state, or any institution of higher learning duly accredited and approved for carrying on collegiate work. k. “Air taxi operator” means an operator who engages in the air transportation of passengers, property, and mail by aircraft on public demand for compensation and does not directly or indirectly utilize aircraft with a capacity of more than thirty passengers or seventy-five hundred pounds maximum payload, unless exempted by the aeronautics and public transit administrator of the department. l. “Civil aircraft” means any aircraft other than a public aircraft. m. “Commission” means the state transportation commission of the state department of transportation. n. “Commuter air carrier” means an air taxi operator which operates not less than five round trips per week between two or more points and publishes flight schedules which specify the times, days of the week, and places between which such flights are performed or transports mail pursuant to a current contract with the United States postal service. o. “Department” means the state department of transportation. p. “Director” means the director of transportation or the director’s designee. q. “General aviation airport” means any airport that is not an air carrier airport. r. “Governmental subdivision” means any county or city of this state, and any other political subdivision, public corporation, authority, or district in this state which is or may be authorized by law to acquire, establish, construct, maintain, improve, and operate landing areas and other air navigation facilities. s. “Landing area” means any locality, either of land or water, including intermediate landing fields, which is used or intended to be used, for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo; it does not include any intermediate landing field established or maintained by the federal government as a part of any civil airway. t. “Operation for hire” shall mean hire to the general public or members or classes thereof, and shall not include such operations as are incidental to the carrying on of the general business of an aircraft owner engaged in business other than aeronautics. u. “Operation of aircraft” or “operate aircraft” means the use of aircraft for the purpose of air navigation, and includes the navigation or piloting of aircraft and shall embrace any person who causes or authorizes the operation of aircraft, whether with or without the right of legal control, in the capacity of owner, lessee, or otherwise. v. “Owner” means a person owning or renting an aircraft, or having the exclusive use of an aircraft, for a period of more than thirty days. w. “Person” means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof. x. “Public aircraft” means an aircraft used exclusively in the service of any government or of any political subdivision thereof, including the government of any state, territory, or possession of the United States, or the District of Columbia, but not including any government-owned aircraft engaged in carrying persons or property for commercial purposes. 2. The singular shall include the plural, and the plural the singular. [C31, 35, §8338-c1; C39, §8338.14; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.1] 88 Acts, ch 1063, §1; 2005 Acts, ch 178, §11; 2010 Acts, ch 1069, §113; 2015 Acts, ch 29, §46; 2023 Acts, ch 66, §79 Referred to in §6A.21, 423.3 Subsection 1, unnumbered paragraph 1 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 328 - AERONAUTICS Section 328.12 - Duties and powers.

328.12 Duties and powers. The director in carrying out the director’s duties relating to aeronautics shall: 1. Promotion of aeronautics. Encourage, foster, and assist in the general development and promotion of aeronautics in this state, and make disbursements from moneys available for such purposes. 2. Rules. Make reasonable rules, consistent with this chapter, as deemed by the director to be necessary and expedient for the administration and enforcement of this chapter, and amend the rules at any time. 3. Filing of rules. Keep on file at the office of the director, for public inspection, a copy of all the department’s aeronautic rules with all amendments, and mail copies to all registered landing areas in this state. 4. Technical services available. So far as reasonably possible, make available the engineering, management consulting, and other technical services of the department, without charge, in connection with aeronautics. 5. Intervention. Participate, at the director’s discretion, as party plaintiff or defendant, or as intervenor, complainant, or movant, on behalf of the state or any governmental subdivision or citizen of the state, in any proceeding having to do with aeronautics. 6. Enforcement of aeronautics laws. Enforce and assist in the enforcement of this chapter and of all rules issued pursuant to this chapter, and of all other laws of this state relating to aeronautics; and, in the aid of enforcement and within the scope of the director’s duties, general powers of peace officers are conferred upon the director, and officers and employees of the department designated by the director to exercise such powers. The director, in the name of this state, may enforce this chapter and the rules issued pursuant to this chapter by injunction in the courts of this state. 7. Use of existing facilities. In the discharge of all functions prescribed by this chapter, to every feasible extent, use the facilities of other agencies of the state; and other state agencies are authorized and directed to make available to the director such facilities and services. 8. Investigations and inquiries. Hold investigations and inquiries. a. The director or the director’s designee when acting for and with the authority of the director, may hold investigations and inquiries concerning matters covered by this chapter and orders and rules of the department. In an investigation or inquiry, the person acting for the director may administer oaths and affirmations, certify to all official acts, issue subpoenas, and compel the attendance and testimony of witnesses, and the production of papers, books, and documents. b. The reports of investigations or inquiries, or any part of them, shall not be admitted in evidence or used for any purpose in a civil suit growing out of a matter referred to in an investigation, inquiry, or report, except in criminal or other proceedings instituted in behalf of the director or this state under this chapter and other laws of this state relating to aeronautics. 9. Authority to contract. Enter into contracts necessary to the execution of the powers granted the director by this chapter. 10. No exclusive rights granted. Grant no exclusive right for the use of an airway, airport, landing area, or other air navigation facility under the director’s jurisdiction. 11. Sufficiency reports. Issue sufficiency reports for all airports in the state, which are owned and operated by a governmental

subdivision, based on the functional classification of those airports as set out in the department's transportation plan. 12. Centralized purchasing agency. Encourage governmental subdivisions to utilize the department's services as a centralized purchasing agency for items, including but not limited to airport and aeronautics equipment. 13. Safety inspections. Enter into agreements, at the director's discretion, and otherwise cooperate with federal authorities in the safety inspection of registered landing areas, and adopt safety standards for airports. 14. Newsletter. Have authority to publish and distribute by subscription a state aeronautics newsletter or magazine. The department may charge a reasonable fee for subscriptions to the newsletter or magazine. 15. Commuter air carrier demonstration projects. The department may encourage the development of commuter air carrier service in the state by: a. Recommending routes between cities that may support such service. b. Making available funding for demonstration projects from any federal funds made available to the state or from any state funds appropriated for such purposes. c. Establishing specifications, operational requirements, terms and conditions under which demonstration projects will be participated in by the state. [C35, §8338-f5, -f6, -f8, -f9, -f10, -f13; C39, §8338.05, 8338.06, 8338.08, 8338.09, 8338.10, 8338.13; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.12] 86 Acts, ch 1245, §1967; 94 Acts, ch 1107, §65; 98 Acts, ch 1075, §30

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 328 - AERONAUTICS Section 328.13 - Commercial air service retention and expansion committee.

328.13 Commercial air service retention and expansion committee. A commercial air service retention and expansion committee is established within the aviation office of the department. The membership of the committee shall consist of the director or the director's designee; the managers of each airport in Iowa with commercial air service; two members of the senate, one appointed by the majority leader of the senate and one appointed by the minority leader of the senate; and two members of the house of representatives, one appointed by the speaker of the house and one appointed by the minority leader of the house. Legislative members are eligible for per diem and expenses as provided in section 2.10, for each day of service. The committee shall, on or before December 31, 2014, develop a plan for the retention and expansion of passenger air service in Iowa. The committee shall meet as the committee deems necessary to assess progress in implementing the plan and, if necessary, to update the plan. 2014 Acts, ch 1123, §19

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 328 - AERONAUTICS Section 328.14 - Authority to receive federal moneys for the state and governmental subdivisions.

328.14 Authority to receive federal moneys for the state and governmental subdivisions. 1. The department shall act as agent for the state and shall upon request act as agent for a governmental subdivision which owns a general aviation or air carrier airport in accepting, receiving and receipting for all federal moneys provided that the request is submitted to the department by March 1 of each year. The department when acting as agent shall contract for all airport projects in which planning, construction, acquisition or improvements include federal or state funds, and the political subdivision owning the airport shall select all consultants. The department shall not have jurisdiction over the operation or maintenance of the airport after completion of the project, except for those contractual stipulations agreed to by all parties prior to receipt of state funds. 2. The department shall include in the annual report made by the department to the governor a report of all federal moneys it accepts, receives and receipts for under the provisions of this section. 3. The department is the authorized agency of the state to receive and disburse federal funds for general aviation airports owned by political subdivisions of the state. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.14] Referred to in §328.16

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 328 - AERONAUTICS Section 328.15 - Contracts — law governing.

328.15 Contracts — law governing. All contracts for the planning, acquisition, construction, improvement, maintenance, and operation of airports, or other air navigation facilities made by the department, either as the agent of this state or of any governmental subdivision, shall be made pursuant to the laws of this state governing the making of like contracts; provided, however, that where such undertaking is financed wholly or partially with federal moneys, the department, as such agent, or the governmental subdivision acting for itself, may let contracts in the manner prescribed by the federal authorities, acting under the laws of the United States, and any rules or regulations made thereunder, notwithstanding any other state law to the contrary. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.15]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 328 - AERONAUTICS Section 328.16 - Disposition of federal funds.

328.16 Disposition of federal funds. All moneys accepted for disbursement by the department pursuant to section 328.14 shall be deposited in the state treasury, and, unless otherwise prescribed by the authority from which the money is received, kept in separate funds, designated according to the purposes for which the moneys were made available, and held by the state in trust for such purposes. All such moneys are hereby appropriated for the purposes for which the same were made available, to be expended in accordance with federal laws and regulations and with this chapter. The department is authorized, whether acting for this state or as the agent of any of its governmental subdivisions, or when requested by the United States government or any agency or department thereof, to disburse such moneys for the designated purposes, but this shall not preclude any other authorized method of

disbursement. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.16]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 328 - AERONAUTICS Section 328.19 - Registration of airports.

328.19 Registration of airports. The department shall promulgate rules pursuant to chapter 17A governing the issuance by the department of certificates of registration to all airports in this state which are open for use by the public and governing the annual renewal of those certificates. These rules shall require that an airport applying for a certificate of registration or for a renewal shall comply with minimum standards of safety as promulgated by the department before the certificate of registration or certificate of renewal may be issued. Certificates of registration or renewal may be issued subject to any conditions the department deems necessary to carry out the purposes of this section. The department may, after notice and opportunity for hearing as provided in chapter 17A, revoke any certificate of registration or renewal, or may refuse to issue a renewal, when the department determines that any of the following have occurred: 1. The airport has been abandoned. 2. The airport is no longer in compliance with the conditions of the registration or renewal. 3. A change in physical or legal conditions or circumstances has made the airport either unsafe or unusable for the aeronautical purposes for which the registration or renewal was issued. [C31, 35, §8338-c2; C39, §8338.15; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.19] 2022 Acts, ch 1025, §1, 2 Referred to in §328.26, 328.35

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 328 - AERONAUTICS Section 328.20 - Registration of aircraft.

328.20 Registration of aircraft. 1. A civil aircraft owned either wholly or in part by persons residing in this state, or operated, or otherwise controlled within the boundaries of the state for a period of more than thirty days, unless specifically excepted under this chapter, shall be registered annually with the department, by the owner thereof. 2. The registration year begins on the first day of the calendar month in which the civil aircraft is registered for the first time in the state and ends on the last day of the twelfth month of the registration year. 3. For aircraft registered in this state before July 1, 1988, the registration year begins on the first day of the calendar month assigned by the department and ends on the last day of the twelfth month of the registration year. [C31, 35, §8338-c2; C39, §8338.15; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.20] 88 Acts, ch 1063, §2; 2017 Acts, ch 54, §76 Referred to in §328.26, 328.35, 423.3, 423.5, 423.6 Implementation of staggered registration; §328.56A

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 328 - AERONAUTICS Section 328.21 - Aircraft registration fees.

328.21 Aircraft registration fees. An annual registration fee for each aircraft shall be paid to the department at the time of registration, to be computed as follows: 1. Unless otherwise provided in this section, for the first registration, a sum equal to one percent of the manufacturer's list price of the aircraft, not to exceed five thousand dollars. 2. The second year's registration fee is seventy-five hundredths of one percent of the manufacturer's list price of the aircraft; the third year's fee is fifty hundredths of one percent; and the fourth and subsequent year's fee is twenty-five hundredths of one percent. When an aircraft other than a new aircraft is registered in Iowa, the registration fee shall be based upon the number of years the aircraft was previously registered. However, an aircraft shall not be registered for a fee of less than thirty-five dollars or more than five thousand dollars. 3. The registration fee for an aircraft operated in scheduled interstate airline operation, owned by an Iowa person and operated part-time within this state shall be a fee of one hundred dollars. The application for registration shall be supported by such records as the department shall prescribe. 4. Should the department find and determine that no established manufacturer's list price exists for any such aircraft, the department is hereby authorized and empowered to determine and fix the fair value of such aircraft which fair value shall be used in lieu of a manufacturers' list price in computing the registration fee for each such aircraft as otherwise provided by this section. When the fee as so computed results in a fractional part of a dollar, it shall be computed to the nearest dollar. 5. An aircraft thirty years old or older, which is used exclusively for noncommercial purposes, shall be registered as an antique aircraft for a fee of thirty-five dollars. 6. An aircraft, unless exempt under section 328.35, which is not airworthy and is not in flying condition is not subject to registration fees if the owner of the aircraft submits information required by the department. Upon receipt of that information, the department shall issue a certificate that states that the registration fee has not been paid and that the aircraft shall not use the airports or the air space overlying the state until the fee has been paid. 7. The registration fee for a helicopter used exclusively as an air ambulance is one thousand dollars. 8. An aircraft owned and operated by an aviation business located at a publicly owned, public use airport and providing, under agreement with the governing body of the airport, a specified minimum level of aviation services to the general public, shall be registered for a fee of one hundred dollars. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.21] 88 Acts, ch 1063, §3 – 5; 90 Acts, ch 1063, §1 – 4; 98 Acts, ch 1182, §1 – 3; 2002 Acts, ch 1112, §6; 2010 Acts, ch 1069, §114 Referred to in §328.36

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 328 - AERONAUTICS Section 328.24 - Refunds of fees.

328.24 Refunds of fees. 1. If, during the year for which an aircraft, except aircraft used for the application of herbicides and pesticides, was registered and the required fee paid, the aircraft is destroyed by fire or accident or junked, and the aircraft's identity as an aircraft entirely eliminated, or the aircraft is removed and continuously used beyond the boundaries of the state, then the owner in whose name the aircraft was registered at the time of destruction, dismantling, or removal from the state shall provide notice to the department within thirty days and make affidavit of the destruction, dismantling, or removal and make claim for the refund. The refund shall be paid from the general fund of the state. 2. The registration fee for the unexpired portion of the year shall be refunded pro rata to the nearest full calendar month, except that a refund shall not be allowed if the unused portion of the fee is less than

thirty-five dollars per aircraft. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.24] 88 Acts, ch 1063, §6; 94 Acts, ch 1107, §66; 2014 Acts, ch 1123, §20; 2016 Acts, ch 1098, §36; 2019 Acts, ch 28, §1

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 328 - AERONAUTICS Section 328.25 - Fees in lieu of taxes.

328.25 Fees in lieu of taxes. The registration fees imposed by this chapter upon aircraft shall be in lieu of all taxes, general or local, except state sales or use tax, to which aircraft might otherwise be subject. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.25]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 328 - AERONAUTICS Section 328.26 - Application for registration.

328.26 Application for registration. 1. Every application for registration pursuant to sections 328.19 and 328.20 shall be made upon such forms, and shall contain such information, as the department may prescribe, and every application shall be accompanied by the full amount of the registration fee. 2. When an aircraft is registered to a person for the first time, the fee submitted to the department shall include the tax imposed by section 423.2 or 423.5 or evidence of the exemption of the aircraft from the tax imposed under section 423.2 or 423.5. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.26] 88 Acts, ch 1205, §18; 96 Acts, ch 1152, §23; 98 Acts, ch 1182, §4; 2003 Acts, 1st Ex, ch 2, §174, 205 ; 2023 Acts, ch 64, §53 Subsection 2 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 328 - AERONAUTICS Section 328.27 - Issuance of certificates.

328.27 Issuance of certificates. The department shall issue, upon receipt of proper application and fee for registration, a certificate of registration which shall be numbered and recorded by the department, shall state the name and address of the person to whom it is issued, shall be titled with the designation of the class of registrant covered, and shall contain other information as the department may prescribe including, in the case of aircraft, a description of the aircraft. A certificate of registration expires at midnight on the last day of the twelfth month of the registration year. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.27] 88 Acts, ch 1063, §7; 2002 Acts, ch 1112, §7

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 328 - AERONAUTICS Section 328.28 - Operation under special certificate.

328.28 Operation under special certificate. 1. A manufacturer or dealer owning an aircraft otherwise required to be registered under this chapter may operate the aircraft for up to three years for purposes of transporting, testing, demonstrating, or selling the aircraft without registering the aircraft, upon condition that a special certificate be obtained by the owner for each year the owner operates the aircraft as provided in this section and sections 328.29 through 328.33. 2. A transporter may operate an aircraft described in subsection 1 solely for the purpose of delivery upon obtaining a special certificate issued to the transporter as provided in this section and sections 328.29 through 328.33. 3. The provisions of this section and sections 328.29 through 328.33 shall not apply to aircraft owned by a manufacturer, transporter, or dealer which are used for hire or principally for transportation of persons and property, aside from the transporting of the aircraft itself, or testing or demonstrating thereof. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.28] 2002 Acts, ch 1112, §8; 2022 Acts, ch 1125, §1, 6, 7 Referred to in §328.34 2022 amendment to subsection 1 applies to special certificates issued by the department of transportation that are valid for a period beginning after midnight on June 30, 2022; 2022 Acts, ch 1125, §7

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 328 - AERONAUTICS Section 328.29 - Application for special certificate — fee.

328.29 Application for special certificate — fee. A manufacturer, transporter, or dealer may, upon payment of a four hundred dollar fee, make application to the department upon such forms as the department may prescribe for a special certificate. The applicant shall also submit such reasonable proof of the applicant's status as a bona fide manufacturer, transporter, or dealer as the department may require. Dealers in new aircraft shall furnish satisfactory evidence of a valid franchise with the manufacturer or distributor of such aircraft authorizing such dealership. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.29] 90 Acts, ch 1063, §5; 2002 Acts, ch 1112, §9; 2022 Acts, ch 1125, §2, 6, 7 Referred to in §328.28, 328.32, 328.36 2022 amendment applies to special certificates issued by the department of transportation that are valid for a period beginning after midnight on June 30, 2022; 2022 Acts, ch 1125, §7

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 328 - AERONAUTICS Section 328.30 - Issuance of special certificate.

328.30 Issuance of special certificate. The department upon granting an application shall issue to the applicant a special certificate containing the applicant's name, address, and other information as the department may prescribe. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.30] 90 Acts, ch 1063, §6; 2002 Acts, ch 1112, §10 Referred to in §328.28

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 328 - AERONAUTICS Section 328.32 - Expiration of special certificate.

328.32 Expiration of special certificate. A special certificate expires at midnight on October 31, and a new special certificate for the

ensuing year may be obtained by the person to whom the expired special certificate was issued, upon application to the department and payment of the fee provided in section 328.29. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.32] 88 Acts, ch 1063, §8; 2002 Acts, ch 1112, §11; 2022 Acts, ch 1125, §3, 6, 7 Referred to in §328.28 2022 amendment applies to special certificates issued by the department of transportation that are valid for a period beginning after midnight on June 30, 2022; 2022 Acts, ch 1125, §7

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 328 - AERONAUTICS Section 328.33 - Records required.

328.33 Records required. A manufacturer, transporter, or dealer shall keep a written record of the aircraft in the manufacturer's, transporter's, or dealer's inventory, which records shall be open to inspection of any peace officer, or any officer or employee of the department. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.33] 2002 Acts, ch 1112, §12 Referred to in §328.28

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 328 - AERONAUTICS Section 328.34 - Grounds for refusing, revoking, or suspending certificates.

328.34 Grounds for refusing, revoking, or suspending certificates. The department may refuse to issue, or may revoke or suspend a certificate of registration or special certificate for any one, or any combination, of the following reasons: 1. That the application contains any false or fraudulent material statement, or that the applicant has failed to furnish required information or reasonable additional information requested, or that the applicant is not entitled to registration of the aircraft under this chapter. 2. That the department has reasonable ground to believe that the aircraft is a stolen or embezzled aircraft, or that granting of registration would constitute a fraud against the rightful owner. 3. That the required fee has not been paid. 4. That the department has reasonable ground to believe that fraudulent use, against the state or any municipality or citizen thereof, is being made of such certificate of registration or special certificate. 5. That the person making application for, or holding, the certificate is not certificated or licensed by the government of the United States or any authorized agency thereof, pursuant to the laws of the United States or any rules or regulations promulgated thereunder, to do the acts for which the person has been, or seeks to be, registered as performing, or to perform, pursuant to the provisions of this chapter. 6. That the aircraft registered, or for which application for registration is made, is not certificated or licensed for operation by the government of the United States or any authorized agency thereof, pursuant to the laws of the United States or any rules or regulations promulgated thereunder. 7. That the person making application for, or holding, a special certificate operated an aircraft for purposes of transporting, testing, demonstrating, or selling the aircraft, without registering the aircraft, after three years of holding a special certificate for the aircraft in violation of section 328.28. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.34] 2022 Acts, ch 1125, §4, 6, 7 Subsection 7 applies to special certificates issued by the department of transportation that are valid for a period beginning after midnight on June 30, 2022; 2022 Acts, ch 1125, §7

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 328 - AERONAUTICS Section 328.35 - Exceptions to registration requirements.

328.35 Exceptions to registration requirements. 1. The provisions of sections 328.19 and 328.20 shall not apply to: a. An aircraft which has been registered by a foreign country with which the United States has a reciprocal agreement covering the operations of registered aircraft. b. An aircraft which is owned by a resident of this state but which is continuously located and operated beyond the boundaries of the state. c. Any airport, landing area, or other air navigation facility owned or operated by the federal government within this state. d. A lighter than air aircraft that is not engine driven. e. An aircraft which is displayed in a museum. f. An aircraft in the inventory of a manufacturer, transporter, or dealer who has a special certificate issued by the department and the special certificate is in effect. 2. No registration is required for an airport maintained for private use. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.35] 90 Acts, ch 1063, §8; 93 Acts, ch 87, §10, 11; 2000 Acts, ch 1168, §3; 2002 Acts, ch 1112, §13 Referred to in §328.21, §328.37

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 328 - AERONAUTICS Section 328.36 - Deposit and use of revenues.

328.36 Deposit and use of revenues. All moneys received by the department pursuant to sections 328.21 and 328.29 shall be deposited into the state aviation fund created in section 328.56. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.36] 88 Acts, ch 1205, §19; 91 Acts, ch 260, §1229; 93 Acts, ch 131, §16; 94 Acts, ch 1107, §67; 2006 Acts, ch 1179, §56, 66; 2022 Acts, ch 1125, §5 – 7; 2023 Acts, ch 66, §80 Referred to in §328.56 2022 amendment applies to special certificates issued by the department of transportation that are valid for a period beginning after midnight on June 30, 2022; 2022 Acts, ch 1125, §7 Subsection 2 stricken and former subsection 1 redesignated as an unnumbered paragraph

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 328 - AERONAUTICS Section 328.37 - Operations unlawful without certificate.

328.37 Operations unlawful without certificate. Except as provided in section 328.35, it is unlawful for a person to operate, or cause or authorize to be operated, a civil aircraft, airport, or landing area in this state, unless there has been issued for the aircraft or to the airport or landing area an appropriate certificate of registration by the department and the certificate is in effect. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.37] 88 Acts, ch 1063, §9; 2002 Acts, ch 1112, §14

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 328 - AERONAUTICS Section 328.39 - Order of department —

review.

328.39 Order of department — review. 1. In any case where the department refuses to issue a certificate of registration or special certificate, or in any case where it shall issue any order requiring certain things to be done, or revoking or suspending any certificate, it shall set forth its reasons and shall state the requirements to be met before such certificate will be issued or such order will be modified or changed. Any order made by the department pursuant to the provisions of this chapter shall be served upon the interested persons by certified mail or in person. 2. Any order of the department or any refusal to issue, revocation or suspension of any certificate shall be subject to judicial review in accordance with chapter 17A. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.39]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 328 - AERONAUTICS Section 328.40 - Penalties.

328.40 Penalties. Any person who violates any of the provisions of this chapter, or who makes any material false statement or representation in any application or statement filed with the department as required by this chapter or any of the rules and regulations issued pursuant thereto shall be guilty of a fraudulent practice. [C31, 35, §8338-c8; C39, §8338.21; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.40] Fraudulent practices, see §714.8 – 714.14

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 328 - AERONAUTICS Section 328.41 - Operating recklessly or while intoxicated.

328.41 Operating recklessly or while intoxicated. It shall be unlawful for any person to operate an aircraft in the air space above this state or on the ground or water within this state, while under the influence of intoxicating liquor, narcotics, or other habit-forming drug, or to operate an aircraft in the air space above this state or on the ground or water within this state in a careless or reckless manner so as to endanger the life or property of another. 1. Any person who operates an aircraft in a careless or reckless manner in violation of the provisions of this section shall be guilty of a simple misdemeanor. 2. Any person who operates any aircraft, while in an intoxicated condition or under the influence of narcotic drugs in violation of this section, shall, upon conviction or a plea of guilty, be guilty of: a. A serious misdemeanor for the first offense. b. An aggravated misdemeanor for the second offense. c. A class “D” felony for a third offense. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.41] 2010 Acts, ch 1061, §123

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 328 - AERONAUTICS Section 328.42 - Nonresident registration.

328.42 Nonresident registration. Nonresident owners of aircraft operated within this state for the intrastate transportation of persons or property for compensation or the furnishing of services for compensation or for the intrastate transportation of merchandise, shall register each such aircraft and pay the same fees therefor as is required with reference to like aircraft owned by residents of this state. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.42]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 328 - AERONAUTICS Section 328.43 - Transfer notice.

328.43 Transfer notice. Upon the transfer of ownership of any registered aircraft, the owner shall immediately provide notice to the department stating the date of such transfer, the name and post office address with street number, if in a city, of the person to whom the aircraft was transferred, the number of the registration certificate, and such other information as the department may require. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.43] 2019 Acts, ch 28, §2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 328 - AERONAUTICS Section 328.44 - Application by new owner.

328.44 Application by new owner. The purchaser of the aircraft shall join in the notice of transfer to the department and shall, at the same time, make application for a new certificate of registration. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.44]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 328 - AERONAUTICS Section 328.45 - New registration upon transfer.

328.45 New registration upon transfer. The department, if satisfied of the genuineness and regularity of such transfer, shall register said aircraft in the name of the transferee and issue a new certificate of registration as provided in this chapter. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.45]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 328 - AERONAUTICS Section 328.46 - Penalty for delay.

328.46 Penalty for delay. If a transfer of ownership of an aircraft subject to registration is not completed within thirty days of the actual change of possession, a penalty of five dollars shall accrue against the aircraft and a certificate of registration shall not be issued until the penalty is paid. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.46] 96 Acts, ch 1152, §24

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 328 - AERONAUTICS Section 328.47 - Lien of fees.

328.47 Lien of fees. All registration fees provided for in this chapter shall be and continue a lien against the aircraft for which said fees are payable until such time as they are paid as provided by law, with any accrued penalties. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.47]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 328 - AERONAUTICS Section 328.48 - Attachment of lien.

328.48 Attachment of lien. The lien of the original registration fee attaches at the time it is payable as provided by law and the liens of all renewals of registration attach on the first day of each registration year. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.48] 88 Acts, ch 1063, §10

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 328 - AERONAUTICS Section 328.49 - Collection of fees.

328.49 Collection of fees. The collection of all fees and penalties provided for in the chapter may be enforced against any aircraft or they may be collected by suit against the owner who shall remain personally liable therefor until such time as the transfer thereof shall be reported to the department or until such time as the identity of such aircraft as an aircraft has been entirely eliminated and all fees and penalties to such date shall be paid. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.49]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 328 - AERONAUTICS Section 328.50 - Penalty on delinquent registration.

328.50 Penalty on delinquent registration. On the first day of the second month following the end of an aircraft registration period, a penalty of five percent of the annual registration fee shall be added to a fee not paid by that date, and five percent of the annual registration fee shall be added to the fee on the first day of each following month that the fee remains unpaid; however, the penalty shall not be less than one dollar. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.50] 88 Acts, ch 1063, §11

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 328 - AERONAUTICS Section 328.51 - Accrual of penalty.

328.51 Accrual of penalty. Failure to register shall be considered delinquent and a penalty shall accrue the first day of the month following thirty days from the date of the purchase of a new aircraft or the date an aircraft is brought into the state. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.51] 90 Acts, ch 1063, §9; 96 Acts, ch 1152, §25

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 328 - AERONAUTICS Section 328.52 - Waiver.

328.52 Waiver. The department, if it finds that a delinquency in registration was excusable and upon making a record of such finding and the reasons for such delinquency, shall have the power to waive or reduce any of the penalties provided for delinquent registrations. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §328.52]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 328 - AERONAUTICS Section 328.53 - Marking public aircraft.

328.53 Marking public aircraft. All aircraft owned by the state or a governmental subdivision of the state shall be marked to show ownership in a readily apparent manner. The department may promulgate regulations for marking such aircraft. [C77, 79, 81, §328.53]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 328 - AERONAUTICS Section 328.54 - Biennial report.

328.54 Biennial report. The department shall publish biennially an airport directory which shall contain a listing of all airports in the state which are open to public use. The department may charge a reasonable fee based on the cost of publication and distribution to those persons receiving a copy of the directory. [C77, 79, 81, §328.54]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 328 - AERONAUTICS Section 328.56 - State aviation fund.

328.56 State aviation fund. 1. A state aviation fund is created under the authority of the department. The fund shall consist of moneys deposited in the fund pursuant to sections 328.36 and 452A.82 and other moneys appropriated to the fund. 2. Moneys in the state aviation fund are appropriated to the department of transportation for use by the department for airport engineering studies, construction or improvements, and the windsock program for public airports and marketing at commercial service airports. In awarding moneys, the department shall give preference to projects that demonstrate a collaborative effort between airports. 2006 Acts, ch 1179, §57, 66; 2007 Acts, ch 22, §115; 2007 Acts, ch 219, §40 Referred to in §328.36, 452A.82

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 328 - AERONAUTICS Section 328.56A - Staggered registration for aircraft — implementation.

328.56A Staggered registration for aircraft — implementation. To implement the change from fiscal year registration to the registration system provided for in this chapter, aircraft registered after July 1, 1988, shall be registered as follows: 1. Aircraft shall be registered for the registration year as defined in this chapter. If the registration period is for a period of less than twelve months, the registration fee shall be prorated for the remaining unexpired months, except as provided in subsection 2. 2. The owner of an aircraft for which the registration year begins on August 1 may elect to register the aircraft for a period of one month or thirteen months. The owner of an aircraft for which the registration year begins on September 1 may elect to register the aircraft for a period of two months or fourteen months. The owner of an aircraft for which the registration year begins on October 1 may elect to register the aircraft for a period of three months or fifteen months. 88 Acts, ch 1063, §12

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 328 - AERONAUTICS Section 328.57 - Short title.

328.57 Short title. This chapter may be cited as the “State Aeronautics Act”. [C46, §328.41; C50, 54, 58, 62, 66, 71, 73, 75, §328.53; C77, 79, 81, §328.57]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 329 - AIRPORT ZONING Section 329.1 - Definitions.

329.1 Definitions. The following words, terms, and phrases, when used in this chapter, shall, for the purposes of this chapter, have the meaning given in this section, unless otherwise specifically defined, or unless another intention clearly appears, or the context otherwise requires: 1. “Airport” means any area of land or water designed and set aside for the landing and take-off of aircraft and utilized, or to be utilized, in the interest of the public for such purposes. 2. “Airport hazard” means any structure or tree or use of land which would exceed the federal obstruction standards as contained in 14 C.F.R. §77.21, 77.23 and 77.25 as revised March 4, 1972, and which obstruct the air space required for the flight of aircraft and landing or take-off at an airport or is otherwise hazardous to such landing or taking off of aircraft. 3. “Airport hazard area” means any area of land or water upon which an airport hazard might be established if not prevented as provided by this chapter. 4. “Department” means the state department of transportation. 5. “Municipality” means any county or city of this state. 6. “Obstruction” means any tangible, inanimate physical object, natural or artificial, protruding above the surface of the ground. 7. “Person” means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof. 8. “Structure” means any object constructed or installed by humans, including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines, including the poles or other structures supporting the same. 9. “Tree” means any object of natural growth. 10. The singular shall include the plural, and the plural the singular. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §329.1] 2008 Acts, ch 1032, §106; 2023 Acts, ch 66, §81 Unnumbered paragraph 1 amended

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 329 - AIRPORT ZONING Section 329.10 - Airport zoning requirements.

329.10 Airport zoning requirements. 1. All airport zoning regulations adopted under this chapter shall be reasonable and none shall impose any requirement or restriction which is not necessary to effectuate the purposes of this chapter. 2. a. Airport zoning regulations adopted under this chapter may require, at the municipality’s expense, the removal, lowering, or other change or alteration of any structure or tree, or a change in use, not conforming to the regulations when adopted or amended. b. Airport zoning regulations adopted under this chapter may require a property owner to permit the municipality at its own expense to install, operate, and maintain on the property markers and lights as necessary to indicate to operators of aircraft the presence of the airport hazard. 3. All such regulations may provide that a preexisting nonconforming structure, tree, or use, shall not be replaced, rebuilt, altered, allowed to grow higher, or replanted, so as to constitute a greater airport hazard than it was when the airport zoning regulations or amendments to the regulations were adopted. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §329.10] 90 Acts, ch 1022, §1

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 329 - AIRPORT ZONING Section 329.11 - Variances.

329.11 Variances. Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use the person’s property in violation of airport zoning regulations adopted under this chapter, may apply to the board of adjustment for a variance from the zoning regulations. Such variances shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest, but would do substantial justice and be in accordance with the spirit of the regulations and this chapter; provided, however, that any such variance may be allowed subject to any reasonable conditions that the board of adjustment may deem necessary to effectuate the purposes of this chapter, including the reservation of the right of the municipality, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to operators of aircraft the presence of the airport hazard. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §329.11]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 329 - AIRPORT ZONING Section 329.12 - Board of adjustment — creation — powers — duties.

329.12 Board of adjustment — creation — powers — duties. 1. The governing body of any municipality seeking to exercise powers under this chapter shall by ordinance provide for the appointment of a board of adjustment, as provided in section 414.7 for a city, or as provided in section 335.10 for a county. The board of adjustment has the same powers and duties, and its procedure and appeals are subject to the same provisions as established in sections 414.9 through 414.18 for a city, or sections 335.12 through 335.21 for a county. 2. a. The board of adjustment shall consist of two members from each municipality, selected by the governing body thereof, and one additional member to act as chairperson and to be selected by a majority vote of the members selected by the municipality. b. The terms of the members of the board of adjustment shall be for five years, excepting that when the board shall first be created, one of the members appointed by each municipality shall be appointed for a term of two years and one for a term of four years. c. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant in the same manner in which that member was selected. d. Members shall be removable for cause by the appointing authority upon written charges and after public hearing. 3. The concurring vote of a majority of the board shall be necessary to do any of the following: a. Reverse any order, requirement, decision, or determination of any administrative official. b. Decide in favor of the applicant on any matter upon which the board is required to pass under any regulations adopted pursuant to this chapter. c. Effect any variance from any regulations

adopted pursuant to this chapter. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §329.12; 81 Acts, ch 117, §1053] 2010 Acts, ch 1069, §116; 2019 Acts, ch 59, §102

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 329 - AIRPORT ZONING Section 329.13 - Administration of airport zoning regulations.

329.13 Administration of airport zoning regulations. All airport zoning regulations adopted under this chapter shall provide for the administration and enforcement of such regulations by an administrative agency, which may be an agency created by such regulations, or by any official, board, or other existing agency of the municipality adopting the regulations, or of one or both of the municipalities which participated therein, but in no case shall such administrative agency be or include any member of the board of adjustment. The duties of any administrative agency designated pursuant to this chapter shall not include any of the powers herein delegated to the board of adjustment. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §329.13] 2005 Acts, ch 3, §64

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 329 - AIRPORT ZONING Section 329.14 - Enforcement and remedies.

329.14 Enforcement and remedies. Each violation of this chapter or of any regulations, order, or rules promulgated pursuant to this chapter, shall constitute a simple misdemeanor and each day a violation continues to exist shall constitute a separate offense. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §329.14] Referred to in §329.4

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 329 - AIRPORT ZONING Section 329.15 - Short title.

329.15 Short title. This chapter shall be known and may be cited as the “Airport Zoning Act”. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §329.15]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 329 - AIRPORT ZONING Section 329.2 - Airport hazards contrary to public interest.

329.2 Airport hazards contrary to public interest. It is hereby found that an airport hazard endangers the lives and property of users of the airport and of occupants of land and other persons in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for the landing, taking off and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein. Accordingly, it is hereby declared: 1. That the creation or establishment of an airport hazard is a public nuisance and an injury to the community served by the airport in question. 2. That it is necessary in the interest of the public health, safety, and general welfare that the creation or establishment of airport hazards be prevented. 3. That this should be accomplished, to the extent legally possible, by proper exercise of the police power. 4. That the prevention of the creation or establishment of airport hazards, and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which municipalities may raise and expend public funds, as an incident to the operation of airports, to acquire land or property interests therein. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §329.2] See §657.2(8)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 329 - AIRPORT ZONING Section 329.3 - Zoning regulations — powers granted.

329.3 Zoning regulations — powers granted. Every municipality having an airport hazard area within its territorial limits may adopt, administer, and enforce in the manner and upon the conditions prescribed by this chapter, zoning regulations for such airport hazard area, which regulations may divide such area into zones and, within such zones, specify the land uses permitted, and regulate and restrict, for the purpose of preventing airport hazards, the height to which structures and trees may be erected or permitted to grow. Regulations adopted under this chapter shall be made with consideration of the smart planning principles under section 18B.1. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §329.3] 2010 Acts, ch 1184, §20 Referred to in §329.4, 329.6

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 329 - AIRPORT ZONING Section 329.4 - Extraterritorial airport hazard areas.

329.4 Extraterritorial airport hazard areas. When any airport hazard area appertaining to an airport owned or controlled by a municipality is located outside the territorial limits of said municipality: 1. Ordinances. The municipality owning or controlling the airport, and the municipality within which the airport hazard area is located, may by duly adopted ordinance adopt, administer, and enforce airport zoning regulations applicable to the airport hazard area. 2. Petition to district court. If the municipality within which is located such airport hazard area has failed or refused, within sixty days after demand has been made upon it by any municipality owning or controlling the airport, to adopt reasonably adequate airport zoning regulations under section 329.3, or to join in adopting joint airport zoning regulations as authorized in subsection 1 of this section, the municipality owning or controlling the airport may, upon a resolution of necessity therefor duly adopted by its governing body, petition the district court of the county in which such airport hazard area or any part thereof is located, in the name of the municipality owning or controlling the affected airport, praying that zoning regulations be established for the airport hazard area in question. 3. Petition — contents. Such petition shall allege all essential facts showing the necessity for bringing such action, the relief sought including proposed zoning regulations, and the necessity therefor. 4. Parties. The parties defendant in such action shall be the municipality in which such airport hazard area is

located, and all persons having an apparent or contingent interest in the property located within such area, who may be joined in said action generally as a class. 5. Procedure. The action shall be triable in equity and in accordance with general rules of civil procedure, except that such action shall have precedence over any other business of the court except criminal cases, and the court shall set said petition for hearing not less than sixty days nor more than one hundred twenty days from the date it is filed with the clerk of said court. 6. Notice. The original notice in such action shall be served upon the municipality in which such airport hazard area is located, and in the same manner as original notice of any other action but not less than thirty days prior to the date set for trial; and upon all other defendants by the publication of said notice in some newspaper or newspapers of general circulation within the area described in the petition, or as near thereto as possible, which publication shall be in the same manner as provided for the publication of other original notices, provided, however, that the last publication thereof shall be not less than thirty days prior to the date set for trial. 7. Decree and modification. Upon trial the court may enter decree establishing such zoning regulations as it shall find reasonable and necessary. The court having once taken jurisdiction of such matter shall retain continuing jurisdiction thereof for such subsequent modification as it may deem advisable, upon proper application of interested parties, and due showing made thereunder after such notice to possible adverse parties as the court shall prescribe. 8. Appeal. Any person or municipality adversely affected or aggrieved by any findings of the court may appeal therefrom as in other civil actions. 9. Enforcement. Following the entry of any final decree by the district court, and unless appeal has been taken therefrom, the zoning regulations established by such decree may be enforced, and violations thereof punished, as provided by section 329.14. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §329.4; 81 Acts, ch 117, §1050] Referred to in §329.6 Service of notice, R.C.P. 1.302 – 1.315

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 329 - AIRPORT ZONING Section 329.5 - Prevention of airport hazards.

329.5 Prevention of airport hazards. Any municipality owning or controlling an airport may maintain actions in equity to restrain and abate as nuisances the creation or establishment of airport hazards appertaining to said airport, in violation of any zoning regulations adopted or established pursuant to the provisions of this chapter for any area whether within or without the territorial limits of said municipality. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §329.5] See §657.2(8)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 329 - AIRPORT ZONING Section 329.6 - Zoning powers.

329.6 Zoning powers. 1. If any municipality owning or controlling an airport adjacent to which there is an airport hazard area fails or refuses, within sixty days after a demand is made by the department, to adopt reasonably adequate airport zoning regulations under section 329.3, or to proceed as provided in section 329.4, the department may petition the district court of the county in which the airport hazard area, or any part thereof, is located, in the name of the state, praying that zoning regulations be established for the airport hazard area in question. The provisions of section 329.4, subsections 3 through 9, shall apply to such actions provided, however, that the municipality shall be joined as a party defendant in the action. 2. The department may maintain actions in equity to restrain and abate as nuisances the creation or establishment of airport hazards appertaining to any airport within the state, in violation of any zoning regulations adopted or established pursuant to the provisions of this chapter. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §329.6] 2021 Acts, ch 80, §194; 2022 Acts, ch 1032, §53

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 329 - AIRPORT ZONING Section 329.7 - Relation to comprehensive zoning regulations.

329.7 Relation to comprehensive zoning regulations. Any municipality which adopts zoning ordinances under chapter 414 or chapter 335 may incorporate therein airport hazard area zoning regulations and administer and enforce them as provided in this chapter. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §329.7; 81 Acts, ch 117, §1051]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 329 - AIRPORT ZONING Section 329.8 - Conflicting regulations.

329.8 Conflicting regulations. In the event of any conflict between any airport zoning regulations adopted or established under this chapter and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §329.8]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 329 - AIRPORT ZONING Section 329.9 - Procedure for adopting zoning regulations — zoning commission.

329.9 Procedure for adopting zoning regulations — zoning commission. In adopting, amending, and repealing airport zoning regulations under this chapter the governing body of a city shall follow the procedure in sections 414.4 and 414.6 and the board of supervisors of a county shall follow the procedure in sections 335.6 and 335.8. The commission so appointed shall be known as the airport zoning commission. The airport zoning commission shall consist of two members from each municipality selected by the governing body and one additional member to act as chairperson and to be selected by a majority vote of the members selected by the municipality. The terms of the members of the airport zoning commission shall be for six years excepting that when the board is first created, one of the members appointed by each municipality shall be appointed for a term of two years and one for a term of four years. Members may be removed for cause by the appointing authority upon written charges after public hearing. Vacancies

shall be filled for the unexpired term of any member whose office becomes vacant in the same manner in which the member was selected. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §329.9; 81 Acts, ch 117, §1052] Referred to in §331.321

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 330 - AIRPORTS Section 330.1 - Definition.

330.1 Definition. The word “airport” as used in this chapter, shall include landing field, airdrome, aviation field, or other similar term used in connection with aerial traffic. [C31, 35, §5903-c1; C39, §5903.01; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §330.1]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 330 - AIRPORTS Section 330.13 - Federal aid.

330.13 Federal aid. 1. Any subdivision of government is authorized to accept, receive, and receipt for federal moneys, and other moneys, either public or private, for the acquisition, construction, enlargement, improvement, maintenance, equipment, or operation of airports, and other air navigation facilities, and sites for airports and other navigation facilities, and to comply with the laws of the United States and any regulations for the expenditure of federal moneys upon airports and other air navigation facilities. 2. All preapplications for funds authorized to be received pursuant to this section by any governmental subdivision, commission, or authority, whether acting alone or jointly with another governmental or private entity, shall be approved by the state transportation commission prior to being submitted to any federal agency or department. Approval shall be based on criteria consistent with the Iowa aviation system plan. However, this subsection does not apply to preapplications from airports which receive federal primary commercial service entitlement funds if the airport making the preapplication files a copy of the preapplication with the state department of transportation. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §330.13] 93 Acts, ch 87, §12; 2020 Acts, ch 1062, §45

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 330 - AIRPORTS Section 330.17 - Airport commission — election.

330.17 Airport commission — election. 1. The council of any city or county which owns or acquires an airport may, and upon the council’s receipt of a valid petition as provided in section 362.4, or receipt of a petition by the board of supervisors as provided in section 331.306 shall, at an election held on a date specified in section 39.2, subsection 4, paragraph “a” or “b”, as applicable, submit to the voters the question as to whether the management and control of the airport shall be placed in an airport commission. If a majority of the voters favors placing the management and control of the airport in an airport commission, the commission shall be established as provided in this chapter. 2. The management and control of an airport by an airport commission may be ended in the same manner. If a majority of the voters does not favor continuing the management and control of the airport in an airport commission, the commission shall stand abolished sixty days from and after the date of the election, and the power to maintain and operate the airport shall revert to the city or county. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §330.17; 81 Acts, ch 117, §1054] 91 Acts, ch 129, §24; 2008 Acts, ch 1115, §54, 71 Referred to in §330.4, 330.23, 330.24, 331.381, 331.382

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 330 - AIRPORTS Section 330.18 - Notice of election.

330.18 Notice of election. Notice of the election shall be given by publication in a newspaper of general circulation in the city, subject to section 362.3 or in the county, subject to section 331.305. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §330.18; 81 Acts, ch 117, §1055] Referred to in §330.4, 330.23, 330.24, 331.381, 331.382

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 330 - AIRPORTS Section 330.19 - Form of question.

330.19 Form of question. The question to be submitted shall be in the following form: Shall the City (or County) of place (or continue) the management and control of its airport (or airports) in an Airport Commission? [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §330.19; 81 Acts, ch 117, §1056] Referred to in §330.4, 330.23, 330.24, 331.381, 331.382

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 330 - AIRPORTS Section 330.20 - Appointment of commission — terms.

330.20 Appointment of commission — terms. When a majority of the voters favors airport control and management by a commission, the governing body shall, within ten days, appoint an airport commission of three or five members, each of whom shall be a resident of the city or county establishing the commission or a resident of a city or county in this state served by the airport. At least two of the members of a three-member commission and at least three of the members of a five-member commission shall be residents of the city or county establishing the commission. The governing body shall by ordinance set the commencement dates of office and the length of the terms of office which shall be no more than six and no less than three years. The terms of the first appointees of a newly created commission shall be staggered by length of term and all subsequent appointments shall be for full terms. Vacancies shall be filled in the same manner as original appointments are made. Members of the airport commission shall serve without compensation. Each commissioner shall execute and furnish a bond in an amount fixed by the governing body and filed with the city clerk of the city, or county auditor of the county, establishing the commission. The commission shall elect from its own members a chairperson and a secretary who shall serve for a term as the commission shall determine. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §330.20] 83 Acts, ch 123, §131, 209; 91 Acts, ch 76, §1; 2009 Acts, ch 114, §1; 2011 Acts, ch 34, §83 Referred to in §330.4, 330.23, 330.24, 331.321, 331.381, 331.382

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 330 - AIRPORTS Section 330.21 - Powers — funds.

330.21 Powers — funds. 1. The commission has all of the powers in relation to airports granted to cities and counties under state law, except powers to sell the airport. The commission shall annually certify the amount of tax within the limitations of state law to be levied for airport purposes, and upon certification the governing body may include all or a portion of the amount in its budget. 2. All funds derived from taxation or otherwise for airport purposes shall be under the full and absolute control of the commission for the purposes prescribed by law, and shall be deposited with the county treasurer or city clerk to the credit of the airport commission, and shall be disbursed only on the written warrants or orders of the airport commission, including the payment of all indebtedness arising from the acquisition and construction of airports and their maintenance, operation, and extension. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §330.21; 81 Acts, ch 117, §1057; 82 Acts, ch 1104, §10] 2020 Acts, ch 1062, §94 Referred to in §330.4, 330.24

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 330 - AIRPORTS Section 330.22 - Annual report — publishing.

330.22 Annual report — publishing. The airport commission shall immediately after the close of each municipal fiscal year, file with the city clerk or county auditor a detailed and audited written report of all money received and disbursed by the commission during said fiscal year, and shall publish a summary thereof in an official newspaper. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §330.22] Referred to in §330.4, 330.24

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 330 - AIRPORTS Section 330.23 - No restriction on administrative agencies.

330.23 No restriction on administrative agencies. 1. This chapter does not prohibit a city from establishing an administrative agency pursuant to chapter 392 to manage and control all or part of its airport in lieu of an airport commission under this chapter. A city may abolish an airport commission and provide for the management and control of its airport by an administrative agency. 2. Sections 330.17 through 330.20 do not apply to the abolition of an airport commission by a city pursuant to this section for the purpose of establishing an administrative agency pursuant to chapter 392 to manage and control all or part of its airport. The commission shall stand abolished sixty days from the date of the city council's final approval abolishing the airport commission pursuant to this section, unless the council designates a different effective date. 88 Acts, ch 1229, §1; 89 Acts, ch 182, §1; 2020 Acts, ch 1062, §94 Referred to in §330.4

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 330 - AIRPORTS Section 330.24 - No restrictions on former commissions.

330.24 No restrictions on former commissions. Nothing in sections 330.17 through 330.22 shall be interpreted as limiting or affecting airport commissions of cities in the above classification which have already been in existence and operation prior to January 1, 1941, under the provisions of this chapter. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §330.24] 2020 Acts, ch 1063, §174 Referred to in §330.4

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 330 - AIRPORTS Section 330.4 - Joint exercise of powers.

330.4 Joint exercise of powers. Agreements between political subdivisions for joint exercise of any powers relating to airports may provide for the creation and establishment of a joint airport commission which, when so created or established, shall function in accordance with the provisions of sections 330.17 through 330.24 insofar as provided by the agreements. [C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §330.4] 2020 Acts, ch 1063, §173

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 330 - AIRPORTS Section 330.9 - Plans and specifications.

330.9 Plans and specifications. 1. Before an airport is acquired by a city or county, the plans and specifications for it shall be submitted to the state department of transportation which shall require that they show the legal description and plat of the site, distance from the nearest post office and railroad station, location and type of highways, location and type of obstructions on and near the site, kind of soil and subsoil, costs and details of grading and draining, and location of proposed runways, hangars, buildings, and other structures. 2. The department shall issue approval of the plans and specifications if it finds that they are in substantial accord with the rules promulgated by the department or with the regulations of the federal aviation administration or other department of the federal government having general supervision of air navigation as it relates to plans and specifications for airports. [C31, 35, §5903-c7; C39, §5903.07; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §330.9] 83 Acts, ch 101, §75

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 330A - AVIATION AUTHORITIES Section 330A.1 - Citation.

330A.1 Citation. This chapter shall be known and may be cited as the "Aviation Authority Act". [C71, 73, 75, 77, 79, 81, §330A.1]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 330A - AVIATION AUTHORITIES Section 330A.10 - Funds of an authority.

330A.10 Funds of an authority. 1. Moneys of an authority shall be paid to the treasurer of the authority who shall not commingle said moneys with any other moneys, but shall deposit them in a separate account or accounts. The moneys in said accounts shall be

paid out by check of the treasurer on requisition of the chairperson of the authority, or of such other person, or persons, as the authority may authorize to make such requisition. 2. Notwithstanding subsection 1, an authority is hereby authorized, and shall have the right, to deposit any of its rates, fees, rentals, or other charges, receipts or income with any bank or trust company within the state and to deposit the proceeds of any bonds issued hereunder with any bank or trust company within the state, all as may be provided in any agreement with the holders of bonds issued hereunder. [C71, 73, 75, 77, 79, 81, §330A.10] 2009 Acts, ch 133, §125; 2011 Acts, ch 34, §84

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 330A - AVIATION AUTHORITIES Section 330A.11 - Transfer of existing facilities to authority.

330A.11 Transfer of existing facilities to authority. 1. Any municipality, airport commission, authority, or person may, and they are hereby authorized to sell, lease, lend, grant, or convey to the authority, any aviation facilities or any part or parts thereof, or any interest in real or personal property, which are within or without geographical boundaries of one or more of the municipal members and which may be used by an authority in the construction, improvement, maintenance, leasing, or operation of any aviation facilities. Any municipality, airport commission, authority, or person is additionally authorized hereby to transfer, assign, and set over to an authority any contract or contracts which may have been awarded by said municipality, airport commission, authority, or person for the construction of aviation facilities not begun or, if begun, not completed. 2. The proposed action of an authority, and the proposed agreement to acquire, shall be approved by the governing body of the owner of the aviation facilities. Whenever the governing body of any municipality, airport commission, or authority, shall desire to sell, lease, lend, grant, or convey to the authority, any aviation facilities or any part or parts thereof, as aforesaid, it shall adopt a resolution signifying its intention to do so and shall publish said resolution at least one time in a newspaper of general circulation in said municipality and in a newspaper or newspapers, if necessary, of general circulation of the area served by said airport commission or authority giving notice of a hearing to be held on the question of said sale, lease, loan, grant, or conveyance. Such resolution shall be published at least fourteen days prior to the date of hearing. After the hearing and if in the public interest, said municipality shall enact an ordinance authorizing said sale, lease, loan, grant, or conveyance and said airport commission or authority shall pass a resolution authorizing said sale, lease, loan, grant, or conveyance. 3. An owner, transferring existing facilities to an authority under the provisions of this section must notify the authority of and make provision in the transfer documents for, where necessary, existing rights, liens, securities, and rights of reentry belonging to the state and federal government. 4. This section, without reference to any other law, shall be deemed complete authority for the acquisition by agreement, of aviation facilities as defined in this chapter, any provision of other laws to the contrary notwithstanding, and no proceedings or other action shall be required except as herein prescribed. [C71, 73, 75, 77, 79, 81, §330A.11]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 330A - AVIATION AUTHORITIES Section 330A.12 - Award of contract.

330A.12 Award of contract. All contracts entered into by an authority for the construction, reconstruction, and improvement of aviation facilities shall be entered into pursuant to and shall comply with the competitive bid procedures in chapter 26. However, where an authority determines an emergency exists, it may enter into contracts obligating the authority for not in excess of the competitive bid threshold in section 26.3, or as established in section 314.1B per emergency without regard to the requirements of chapter 26 and the authority may proceed with the necessary action as expeditiously as possible to the extent necessary to resolve such emergency. [C71, 73, 75, 77, 79, 81, §330A.12] 2006 Acts, ch 1017, §30, 42, 43

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 330A - AVIATION AUTHORITIES Section 330A.13 - Acquisition of lands and property.

330A.13 Acquisition of lands and property. An authority shall have the power to acquire, within or without the geographical boundaries of the member municipalities, by purchase or eminent domain proceedings, either the fees or such rights, title, interest, or easement in such lands and property, including but not limited to air rights and aviation easements, as the authority may deem necessary for any of the purposes of this chapter. The right of eminent domain herein conferred shall be exercised by the authority in the manner provided by law, as though the authority were a municipal corporation. [C71, 73, 75, 77, 79, 81, §330A.13] Referred to in §330A.8

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 330A - AVIATION AUTHORITIES Section 330A.14 - Use of aviation facilities.

330A.14 Use of aviation facilities. The use of aviation facilities and the services and facilities thereof, by an authority and the operation of its business shall be subject to the rules and regulations, from time to time, adopted by the authority and applicable federal laws and regulations; provided, however, that an authority shall not be authorized to do anything which will impair the security of the holders of the obligations of the authority or violate any agreements with them or for their benefit. [C71, 73, 75, 77, 79, 81, §330A.14]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 330A - AVIATION AUTHORITIES Section 330A.15 - Tax for purposes of an authority.

330A.15 Tax for purposes of an authority. The governing body of a municipality after joining an authority and after determination by the authority pursuant to planning studies may by ordinance provide for the assessment of an annual levy not to exceed twenty-seven cents per one thousand dollars of assessed value upon all the taxable property in such municipality for a period not to exceed forty years as shall be agreed by the member municipalities or for such longer time as any revenue bonds of an authority shall be outstanding or until such municipality withdraws from the authority, whichever is sooner. A county which is a member municipality may levy such tax only upon the property in the unincorporated area of such county. Such tax may be levied in excess of any tax limitation imposed by statute. Such ordinance shall be enacted only after publication of notice and hearing in the manner prescribed in section 330A.6. Upon such enactment, a copy thereof shall be certified to the authority. An authority shall have the power to enforce the collection of such levy by mandamus or other appropriate remedy and such levy shall be collected in the manner other taxes are collected and allocated and paid to the authority for the exclusive and proper use of the authority, including but not limited to the purchase of land, and the acquiring, establishing, constructing, enlarging, operating, and maintaining of aviation facilities. In addition to the purposes listed above, moneys in said fund may be pledged to the payment of the principal, interest, and redemption premium, if any, on bonds of the authority. Money paid to the authority pursuant to this section shall be deposited by the authority in a special trust fund to be called the “..... Authority Capital Reserve Fund”. Member municipalities may, in addition, deposit money from current operating funds in the capital reserve fund pursuant to agreement for the purpose of providing initial funds to the authority to be used for funding studies, plans, and other expenses of an authority pending receipt of funds from the annual levy herein authorized. Any such money so deposited shall be considered a gift and is not repayable. [C71, 73, 75, 77, 79, 81, §330A.15] Referred to in §331.424, 384.12

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 330A - AVIATION AUTHORITIES Section 330A.16 - Exemption from taxation.

330A.16 Exemption from taxation. The effectuation of the authorized purposes of an authority shall be in all respects for the benefit of the people of the state and the member municipalities, for the increase of their commerce and prosperity, and for the improvement of their welfare, health, and living conditions, and since an authority will be performing essential governmental functions in effectuating such purposes, an authority shall not be required to pay any taxes or assessments of any kind or nature whatsoever upon any property required or used by it for such purposes, or any rates, fees, rentals, receipts, or incomes at any time received by it, and the bonds issued by an authority, their transfer and the income therefrom (including any profits made on the sale thereof) shall at all times be free from taxation of any kind by the state, or any political subdivision or taxing agency or instrumentality thereof. [C71, 73, 75, 77, 79, 81, §330A.16] Referred to in §422.7(2)(p)

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 330A - AVIATION AUTHORITIES Section 330A.17 - Statute complete and additional authority.

330A.17 Statute complete and additional authority. The powers conferred by this chapter shall be in addition and supplemental to any other law and this chapter shall not be construed so as to repeal any other law, except to the extent of any conflict between the provisions of this chapter and the provisions of any other law, in which event the provisions of this chapter shall be controlling and shall, to the extent of any such conflict, supersede the provisions of any other law. This chapter is intended to and shall provide an alternative and complete method for the exercise of the powers granted by this chapter, and the aviation facilities authorized by this chapter may be constructed, acquired, or improved and bonds or other obligations issued pursuant to this chapter upon compliance with the provisions of this chapter without regard to or necessity for compliance with the limitations or restrictions contained in any other law. No approval of the registered voters or qualified freeholders of the state, or of any other political subdivision or taxing unit or agency thereof, or of the member municipalities shall be required for the issuance of any bonds by an authority pursuant to this chapter. [C71, 73, 75, 77, 79, 81, §330A.17] 2001 Acts, ch 56, §20

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 330A - AVIATION AUTHORITIES Section 330A.18 - Cooperation between municipalities and authorities.

330A.18 Cooperation between municipalities and authorities. The effectuation of the authorized purposes of an authority being in all respects for the benefit of the people of the state and the member municipalities, each member municipality is hereby authorized to aid and cooperate with an authority in carrying out any authorized purposes of the authority. Each member municipality is hereby authorized to enter into cooperation agreements for the making of a loan, gift, grant, or contribution to the authority for the carrying out of its authorized purposes. Each member municipality is hereby further authorized to grant and convey to an authority real or personal property, of any kind or nature, or any interest therein, for the carrying out of its authorized purposes. Each member municipality is, further and additionally, authorized to covenant in any such cooperation agreement made pursuant to this section to pay all or any part of the costs of operation and maintenance of the aviation facilities of an authority from moneys derived from ad valorem taxation or from any other available funds of the municipality. Any such cooperation agreement may be made and entered into pursuant to this chapter for such time or times not exceeding forty years as shall be agreed by the parties thereto or for such longer time as any revenue bonds of an authority, including refundings thereof, remain outstanding and unpaid and may contain such other details, terms, provisions, and conditions as shall be agreed upon by the parties thereto. Any such cooperation agreement may be made and entered into for the benefit of the holders of any revenue bonds of an authority as well as the parties thereto and shall be enforceable in any court of competent jurisdiction by the holders of any such revenue bonds or of the coupons appertaining

thereto. [C71, 73, 75, 77, 79, 81, §330A.18]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 330A - AVIATION AUTHORITIES Section 330A.19 - Eligibility as investments and security for public funds.

330A.19 Eligibility as investments and security for public funds. Notwithstanding the provisions of any other law or laws, all bonds issued by an authority pursuant to this chapter shall be and constitute legal investments for banks, savings banks, trustees, executors, and all other fiduciaries, and all such bonds shall be and constitute securities eligible for deposit for the securing of all state, municipal, and other public funds. [C71, 73, 75, 77, 79, 81, §330A.19]

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 330A - AVIATION AUTHORITIES Section 330A.2 - Definitions.

330A.2 Definitions. The following terms whenever used, or referred to, in this chapter shall have the following meanings, except in those instances where the context clearly indicates otherwise: 1. The term “authority” shall mean any aviation authority created pursuant to the provisions of this chapter. 2. The term “aviation facilities” shall mean and include airports, buildings, structures, terminal buildings, or space hangars, lands, warehouses, or other aviation facilities of any kind or nature, or any other facilities of any kind or nature related to or connected with said airports and other aviation facilities which an authority is authorized by law to construct, acquire, own, lease, or operate, including but not limited to parking facilities, restaurants, and related facilities together with all fixtures, equipment, and property, real or personal, tangible or intangible, necessary, appurtenant, or incidental thereto. 3. The term “board” shall mean the governing body of an authority. 4. The term “federal government” shall mean and include the United States of America, the president of the United States of America, and any department of, or corporation, agency, or instrumentality heretofore or hereafter created, designated, or established by the United States of America. 5. The term “member municipality” shall mean any municipality which shall join in the creation of an aviation authority as provided herein. 6. The term “municipality” shall mean any county or city of this state, and any political subdivision of any state whose borders are at any point conterminous with those of this state and whose laws shall permit the entry of and submission by such political subdivision to an authority created and operating pursuant to the provisions of this chapter. 7. The term “person” shall mean any individual, firm, partnership, corporation, company, association, or joint stock association, and includes any trustee, receiver, assignee, or similar representative thereof. 8. The term “state” shall mean the state of Iowa. 9. The term “state government” shall mean and include the state, the governor of the state, and any department thereof, or corporation, agency, or instrumentality heretofore or hereafter created, designated, or established by the state, exclusive of counties and cities. [C71, 73, 75, 77, 79, 81, §330A.2] Referred to in §715.9

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 330A - AVIATION AUTHORITIES Section 330A.20 - Dissolution of an authority.

330A.20 Dissolution of an authority. When an authority has fully discharged all of its debts and obligations or has arranged for the assumption of its debts and obligations by another public agency, it may be dissolved by unanimous consent of the member municipalities upon enactment of an ordinance to dissolve the authority by each member municipality. If all members withdraw from the authority, the authority is dissolved. When the business and affairs of an authority have been closed upon dissolution, that fact shall be certified by the chairperson of the board to the recorders of the counties in which the authority was situated and to the secretary of state. 89 Acts, ch 182, §8

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 330A - AVIATION AUTHORITIES Section 330A.21 - Transition.

330A.21 Transition. For those authorities established prior to July 1, 1989, the terms of all board members in office shall expire on December 31, 1989. The provision for successor board members shall be by agreement of the member municipalities and in accordance with section 330A.5. Authorities in existence prior to July 1, 1989, remain in existence on or after July 1, 1989, except as provided in this chapter. 89 Acts, ch 182, §9

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 330A - AVIATION AUTHORITIES Section 330A.3 - Creation.

330A.3 Creation. One or more municipalities may provide by ordinance for the creation of an airport authority in the manner and for the purposes provided under this chapter. The authority shall be created by agreement adopted by ordinance between two or more municipalities, or by ordinance of a single municipality. An authority is a public instrumentality and public body corporate to be known as “..... Airport Authority”. An airport authority may exercise its jurisdiction, powers, and duties as set forth in this chapter. Provisions for the disposition of the authority’s rights and properties in the event of dissolution of the authority shall be set forth in the agreement or ordinance creating the authority. [C71, 73, 75, 77, 79, 81, §330A.3] 89 Acts, ch 182, §2

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 330A - AVIATION AUTHORITIES Section 330A.5 - Board.

330A.5 Board. Each authority shall have a board of an odd number of three or more members and the board shall be the governing body of the authority exercising all of the rights, duties, and powers conferred by this chapter upon the authority. The board members shall be appointed by the governing bodies of the member municipalities. The number to be appointed by each municipality shall be provided for in the agreement or ordinance creating the authority. However, an elected official or full-time

paid employee of a member municipality is not eligible for appointment to the board. Board members shall serve for terms of four years at the pleasure of the municipality appointing the members except members of the initial board shall determine their respective terms by lot so the terms of one-half of the members expire at the end of two years. The remaining initial terms shall expire at the end of four years. Each member of the board shall qualify by taking an oath to faithfully perform the duties of office. Within forty-five days after a vacancy occurs on the board by death, resignation, change of residence or removal of a member, or from any other cause, the successor of the member shall be appointed by the member municipality represented by the vacancy and shall serve until the term expires. The board shall, within ten days after its appointment, organize by electing a chairperson, a secretary, and a treasurer, each for a term of two years. The treasurer shall execute an adequate surety bond in a penal sum to be fixed by the authority, conditioned upon the faithful performance of the duties of office, the premium on which shall be paid by the authority. Board members and officers shall serve until their successors are duly elected and qualified. A salary shall not be paid to a board member; however, each board member shall be reimbursed for actual expenses incurred in the performance of the member's duties. All actions by an authority require the affirmative vote of a majority of the board of the authority. [C71, 73, 75, 77, 79, 81, §330A.5] 89 Acts, ch 182, §3 Referred to in §330A.21

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 330A - AVIATION AUTHORITIES Section 330A.6 - Creation of an authority.

330A.6 Creation of an authority. 1. Whenever the governing body of any municipality shall desire to participate in the creation of an authority it shall adopt a resolution signifying its intention to do so and shall publish said resolution at least one time in a newspaper of general circulation in such municipality giving notice of a hearing to be held on the question of the municipality's entry into such authority. Such resolution shall be published at least fourteen days prior to the date of hearing, and shall contain therein the following information: a. Intention to join in the creation of an authority pursuant to the provisions of this chapter. b. The names of other municipalities which have expressed their intention to join in the creation of the authority. c. Number of board members to be appointed by the municipality. d. Name of authority. e. Place, date and time of hearing. 2. After the hearing, and if in the best interests of the municipality, the municipality shall enact an ordinance authorizing the creation of the authority. [C71, 73, 75, 77, 79, 81, §330A.6] 89 Acts, ch 182, §4, 5 Referred to in §330A.7, 330A.15

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 330A - AVIATION AUTHORITIES Section 330A.7 - Withdrawal.

330A.7 Withdrawal. 1. One or more of the member municipalities may withdraw from the authority, except that a municipality shall not withdraw after any obligations have been incurred by the authority unless satisfactory provision has been made by the withdrawing municipality for the payment of its portion of the outstanding obligations. If an authority has been created pursuant to this chapter, a municipality which did not join in the original agreement may subsequently join the authority with the approval of the member municipalities. 2. A municipality wishing to withdraw from or to become a member of an existing authority shall signify its intention by resolution and shall publish the resolution at least one time in a newspaper of general circulation in the municipality giving notice of a hearing to be held on the question of withdrawing or joining and its intention to withdraw or join. The resolution shall be published at least fourteen days prior to the date of the hearing. A withdrawing municipality shall state in the resolution how it intends to pay its portion of the outstanding obligations of the authority, if any. A joining municipality shall state in the resolution the information required in section 330A.6. A copy of the resolution shall be certified to the authority by the municipality at least fourteen days in advance of the hearing. The board shall by resolution indicate whether a satisfactory provision has been made for the payment of the outstanding obligations of the authority, as required under subsection 1. After the hearing and if the outstanding obligations of the authority have been adequately provided for by the municipality, the municipality may enact an ordinance to withdraw from or join the authority. 3. An application to withdraw or join shall be submitted to the authority and shall in all cases be executed by the proper officers of the withdrawing or incoming municipality under its municipal seal and accompanied by a certified copy of the authorizing ordinance, and shall be joined in by the proper officers of the governing body of the authority. 4. A municipality that joins initially or subsequently or withdraws shall file notice of such joining or withdrawal with the secretary of state and the county recorder in which such municipality is located. Upon its creation, the authority shall file with the secretary of state and with the county recorder wherein each municipality or part thereof is located a copy of the agreement creating the authority. [C71, 73, 75, 77, 79, 81, §330A.7] 89 Acts, ch 182, §6

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 330A - AVIATION AUTHORITIES Section 330A.8 - Purposes and powers — general.

330A.8 Purposes and powers — general. An authority is hereby granted the following rights and powers, and shall have and may exercise all powers necessary, appurtenant, convenient, or incidental to the carrying out of the powers enumerated in this chapter: 1. To sue and be sued in all courts. 2. To adopt, use, and alter at will a seal. 3. To acquire, hold, construct, improve, maintain, operate, own, and lease as lessor or lessee, aviation facilities, provided that no lease of the authority's property whose primary term is in excess of three years shall be entered by the authority until after publication of notice of the terms of the proposed lease once in the county in which said property is located, in the manner provided by section 618.14, together with the date, time, and place of a public hearing which shall be held not less than fourteen days thereafter, at which the authority will hear proponents for and objectors against the lease and may, thereafter, cause it to be executed. 4. To acquire, purchase, hold, own, operate, and lease as lessee and use any franchise, property, real, personal or mixed, tangible or intangible, or any interest therein, necessary or desirable

for carrying out the purposes of an authority and this chapter, and to sell, mortgage, lease as lessor, transfer, and dispose of any property or interest therein at any time acquired by it. 5. To enter into and make leases, either as lessee or lessor, for such period or periods of time and under such terms and conditions as an authority shall determine. Such leases may be entered into for buildings, structures, or facilities constructed or acquired or to be constructed or acquired by an authority, or may be entered into for lands owned by an authority where the lessee of said lands agrees as a consideration for said lease to construct or acquire buildings, structures, or facilities on said lands which will become the property of an authority under such terms, rentals, and other conditions as the authority shall deem proper. 6. To acquire by purchase, lease, or otherwise, and to construct, improve, maintain, repair, and operate aviation facilities. 7. To fix, alter, charge, establish, and collect rates, fees, rentals, and other charges for the services and facilities of aviation facilities, or any part thereof, at reasonable and uniform rates to be determined exclusively by an authority for the purposes of carrying out the provisions of this chapter. 8. To borrow money, make and issue negotiable bonds, certificates, refunding bonds, and other obligations (herein called “bonds”) and notes of an authority and to secure the payment of such bonds or any part thereof by a pledge of any or all of an authority’s revenues, rates, fees, rentals, or other charges, and any other funds which it has a right to, or may hereafter have the right to pledge for such purposes (hereafter sometimes referred to as “revenues”), and to mortgage its property as security for the payment of such bonds; and in general, to provide for the security of said bonds and the rights and remedies of the holders thereof. Such bonds may be issued to finance either one or more or a combination of aviation facilities and the revenues of any one or more aviation facilities may, subject to any prior rights of bondholders, be pledged for any one or more or a combination of aviation facilities. Any revenues from existing aviation facilities theretofore constructed or acquired pursuant to this chapter or existing laws, or existing aviation facilities constructed or acquired by an authority from any source may be pledged for any one or more or a combination of aviation facilities financed under this chapter, regardless of whether or not such existing aviation facilities are then being improved or financed by the proceeds of the bonds to be issued to finance the one or more or the combination of aviation facilities for which such revenues of such existing aviation facilities are to be pledged. 9. To make contracts of every kind and nature and to execute all instruments necessary or convenient for the carrying on of its business. 10. Without limitation of the foregoing, to borrow money and accept grants, contributions or loans from, and to enter into contracts, leases, or other transactions with, municipal, county, state, or federal government. 11. To have the power of eminent domain, but only as provided in section 330A.13. 12. To pledge, hypothecate, or otherwise encumber all or any part of the revenues, rates, fees, rentals, or other charges or receipts of an authority as security for all or any of the obligations issued by an authority. 13. To pledge, mortgage, hypothecate, or otherwise encumber all or any part of the property, real or personal, of the authority as security for all or any of the obligations issued by an authority. 14. To employ technical experts necessary to assist an authority in carrying out or exercising any powers granted hereby, including but not limited to architects, engineers, attorneys, fiscal advisors, fiscal agents, investment bankers, and aviation consultants. 15. To do all acts and things necessary or convenient for the promotion of its business and the general welfare of an authority, in order to carry out the powers granted to it by this chapter or any other laws. An authority shall have no power at any time or in any manner to pledge the taxing power of the state or any political subdivision or agency thereof, nor shall any of the obligations issued by an authority be deemed to be an obligation of the state or any political subdivision or agency thereof secured by and payable from ad valorem taxes thereof, nor shall the state or any political subdivision or agency thereof be liable for the payment of principal of or interest on such obligations except from the special funds provided for in this chapter. 16. To designate employees upon whom are conferred all the powers of a peace officer as defined in section 801.4. The maximum age for a person designated as a peace officer pursuant to this subsection is sixty-five years of age. [C71, 73, 75, 77, 79, 81, §330A.8] 89 Acts, ch 182, §7; 98 Acts, ch 1183, §111; 2006 Acts, 1st Ex, ch 1001, §30, 49 Referred to in §152C.5B, 157.4A, 801.4

2024 Iowa Code Title VIII - TRANSPORTATION Chapter 330A - AVIATION AUTHORITIES Section 330A.9 - Purposes and powers — bonds and notes.

330A.9 Purposes and powers — bonds and notes. 1. The bonds issued by an authority pursuant to this chapter shall be authorized by resolution of the board and shall be either term or serial bonds, shall bear such date or dates, mature at such time or times, not exceeding forty years from their respective dates, bear interest at such rate or rates, not exceeding that permitted by chapter 74A payable semiannually, be in such denominations, be in such form, either coupon or fully registered, shall carry such registration, exchangeability and interchangeability privileges, be payable in such medium of payment and at such place or places, within or without the state, be subject to such terms of redemption and be entitled to such priorities on the revenues, rates, fees, rentals, or other charges or receipts of the authority as the resolution or any subsequent resolution may provide. The bonds shall be executed either by manual or facsimile signature by the officers as an authority shall determine, provided that the bonds shall bear at least one signature which is manually executed thereon, and the coupons attached to the bonds shall bear the facsimile signature or signatures of the officer or officers as shall be designated by an authority and the bonds shall have the seal of the authority, affixed, imprinted, reproduced, or lithographed thereon, all as may be prescribed in the resolution or resolutions. The bonds may be sold at public or private sale at the price or prices as the authority shall determine to be in the best interests of the authority. However, the net interest cost shall not exceed that permitted by chapter 74A. Pending the preparation of definitive bonds, interim certificates or temporary bonds may be issued to the purchaser or purchasers of the bonds, and may contain terms and conditions as the authority may determine. 2. An authority shall have the power, at any time and from time to time after the issuance of bonds shall have been authorized, to borrow money for the purposes for which the bonds are to be issued in anticipation of the receipt of the proceeds of the sale of the bonds and within the authorized maximum amount of the bond issue. Any loan shall be paid within three years after

the date of the initial loan. Bond anticipation notes shall be issued for all moneys borrowed under this section, and the notes may be renewed from time to time, but all renewal notes shall mature within the time above limited for the payment of the initial loan. The notes shall be authorized by resolution of the board and shall be in such denomination or denominations, shall bear interest at such rate or rates not exceeding the maximum rate permitted by the resolution authorizing the issuance of the bonds, shall be in such form and shall be executed in such manner, all as the authority shall prescribe. The notes may be sold at public or private sale or, if the notes shall be renewal notes, they may be exchanged for notes then outstanding on such terms as the board shall determine. The board may, in its discretion, retire the notes from the revenues derived from its aviation facilities or from other moneys of the authority which are lawfully available or from a combination of each, in lieu of retiring them by means of bond proceeds. However, before the retirement of the notes by any means other than the issuance of bonds it shall amend or repeal the resolution authorizing the issuance of the bonds, in anticipation of the proceeds of the sale of which the notes were issued, so as to reduce the authorized amount of the bond issue by the amount of the notes retired. The amendatory or repealing resolution takes effect upon its passage. 3. Any such resolution or resolutions authorizing any bonds hereunder may contain provisions which shall be part of the contract with the holders of such bonds, as to: a. The pledging of all or any part of the revenues, rates, fees, rentals, or other charges or receipts of an authority derived by an authority from all or any of its aviation facilities. b. The construction, improvement, operation, extensions, enlargement, maintenance, repair, or lease of such aviation facilities and the duties of an authority with reference thereto. c. Limitations on the purposes to which the proceeds of the bonds, then or thereafter to be issued, or of any loan or grant by the federal government or the state government or the county or any municipality therein, may be applied. d. The fixing, charging, establishing, and collecting of rates, fees, rentals, or other charges for use of the services and facilities of the aviation facilities of an authority, or any part thereof. e. The setting aside of reserves or sinking funds or repair and replacement funds or other funds and the regulation and disposition thereof. f. Limitations on the issuance of additional bonds. g. The terms and provisions of any deed of trust, mortgage, or indenture securing the bonds or under which the same may be issued. h. Any other or additional agreements with the holders of the bonds as are customary and proper and which in the judgment of an authority will make said bonds more marketable. 4. An authority may enter into any deeds of trust, mortgages, indentures, or other agreements, with any bank or trust company or any other lender within or without the state as security for such bonds, and may assign and pledge all or any of the revenues, rates, fees, rentals, or other charges or receipts of an authority thereunder. Such deeds of trust, mortgages, indentures, or other agreements, may contain such provisions as may be customary in such instruments, or, as an authority may authorize, including, but without limitation, provisions as to: a. The construction, improvement, operation, leasing, maintenance, and repair of the aviation facilities and duties of an authority with reference thereto. b. The application of funds and the safeguarding and investment of funds on hand or on deposit. c. The appointment of consulting engineers or architects and approval thereof by the holders of the bonds. d. The rights and remedies of said trustee and the holders of the bonds. e. The terms and provisions of the bonds or the resolution authorizing the issuance of the same. 5. Any of the bonds issued pursuant to this chapter are, and are hereby declared to be, negotiable instruments, and shall have all the qualities and incidents of negotiable instruments. [C71, 73, 75, 77, 79, 81, §330A.9] 93 Acts, ch 118, §1; 2010 Acts, ch 1061, §124

Title: title-iv

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.1 - Public policy declared.

123.1 Public policy declared. This chapter shall be cited as the “Iowa Alcoholic Beverage Control Act”, and shall be deemed an exercise of the police power of the state, for the protection of the welfare, health, peace, morals, and safety of the people of the state, and all its provisions shall be liberally construed for the accomplishment of that purpose. It is declared to be public policy that the traffic in alcoholic liquors is so affected with a public interest that it should be regulated to the extent of prohibiting all traffic in them, except as provided in this chapter. [C35, §1921-f1; C39, §1921.001; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §123.1] 85 Acts, ch 32, §3; 86 Acts, ch 1122, §1

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.10 - Rules.

123.10 Rules. The director, with the approval of the commission and subject to chapter 17A, may adopt rules as necessary to carry out this chapter. The director’s authority under this chapter extends to, but is not limited to, the following: 1. Prescribing the duties of officers, clerks, agents, or other employees of the department under this chapter and regulating their conduct while in the discharge of their duties. 2. Regulating the management, equipment, and merchandise of state warehouses in and from which alcoholic liquors are transported, kept, or sold and prescribing the books and records to be kept therein. 3. Regulating the purchase of alcoholic liquor generally and the furnishing of the liquor to class “E” retail alcohol licensees under this chapter, and determining the classes, varieties, and brands of alcoholic liquors to be kept in state warehouses. 4. Prescribing forms or information blanks to be used for the purposes of this chapter. 5. Prescribing the nature and character of evidence which shall be required to establish legal age. 6. Providing for the issuance and electronic distribution of price lists which show the price to be paid by class “E” retail alcohol licensees for each brand, class, or variety of liquor kept for sale by the department, providing for the filing or posting of prices charged in sales between class “A” beer and class “A” wine permit holders and retailers, as provided in this chapter, and establishing or controlling the prices based on minimum standards of fill, quantity, or alcoholic content for each individual sale of alcoholic beverages as deemed necessary for retail or consumer protection. However, the department shall not regulate markups, prices,

discounts, allowances, or other terms of sale at which alcoholic liquor may be purchased by the retail public or retail alcohol licensees from class “E” retail alcohol licensees or at which wine may be purchased and sold by class “A” and retail wine permittees, or change, nullify, or vary the terms of an agreement between a holder of a vintner certificate of compliance and a class “A” wine permittee. 7. Prescribing the official seals, labels, or other markings which shall be attached to or stamped on packages of alcoholic liquor sold under this chapter. 8. Prescribing, subject to this chapter, the days and hours during which state warehouses shall be kept open for the purpose of the sale and delivery of alcoholic liquors. 9. Prescribing the place and the manner in which alcoholic liquor may be lawfully kept or stored by the licensed manufacturer under this chapter. 10. Prescribing the time, manner, means, and method by which distillers, vendors, or others authorized under this chapter may deliver or transport alcoholic liquors and prescribing the time, manner, means, and methods by which alcoholic liquor may be lawfully conveyed, carried, or transported. 11. Prescribing, subject to the provisions of this chapter, the conditions and qualifications necessary for the obtaining of licenses and permits and the books and records to be kept and the remittances to be made by those holding licenses and permits and providing for the inspection of the records of all such licensees and permittees. 12. Providing for the issuance of combination licenses and permits with fees consistent with individual license and permit fees as may be necessary for the efficient administration of this chapter. 13. Providing for the issuance of a waiver for an individual of legal age desiring to import alcoholic liquor, wine, or beer in excess of the amount provided in section 123.22, 123.122, or 123.171, as applicable. The waiver shall be limited to those individuals who were domiciled outside the state within one year of the request for a waiver and shall provide that any alcoholic liquor, wine, or beer imported pursuant to the waiver shall be for personal consumption only in a private home or other private accommodation. 14. Prescribing the uniform fee to be assessed against a retail alcohol licensee, except a class “B”, special class “B”, or class “E” retail alcohol licensee, to cover the administrative costs incurred by the department resulting from the failure of the licensee to maintain dramshop liability insurance coverage pursuant to section 123.92, subsection 2, paragraph “a”. 15. Prescribing the uniform fee, not to exceed one hundred dollars, to be assessed against a licensee or permittee under this chapter for a contested case hearing conducted by the department or by an administrative law judge from the department of inspections, appeals, and licensing which results in administrative action taken against the licensee or permittee by the department. [C35, §1921-f17; C39, §1921.017; C46, 50, 54, 58, 62, 66, 71, §123.17; C73, 75, 77, 79, 81, §123.21] 85 Acts, ch 32, §16, 17; 86 Acts, ch 1122, §7; 86 Acts, ch 1245, §739; 86 Acts, ch 1246, §731, 732; 2015 Acts, ch 30, §204 C2016, §123.10 2016 Acts, ch 1008, §2; 2018 Acts, ch 1060, §6; 2018 Acts, ch 1096, §1, 6, 7; 2019 Acts, ch 113, §3, 4; 2022 Acts, ch 1099, §21, 88; 2023 Acts, ch 19, §1873, 2362, 2363 Former §123.10 transferred to §123.7; 2015 Acts, ch 30, §204 See Code editor’s note on simple harmonization at the beginning of this Code volume Unnumbered paragraph 1 amended Subsections 1, 6, 14, and 15 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.100 - Packages in transit.

123.100 Packages in transit. Any peace officer of the county under process or warrant to the peace officer directed shall have the right to open any box, barrel, or other vessel or package for examination, if the peace officer has reasonable ground for believing that it contains alcoholic liquor, wine, or beer, either before or while the same is being so transported or conveyed. [C97, §2420; C24, 27, 31, 35, 39, §1935; C46, 50, 54, 58, 62, 66, 71, §125.15; C73, 75, 77, 79, 81, §123.100] 2013 Acts, ch 35, §26; 2018 Acts, ch 1060, §50

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.101 - Record of shipments.

123.101 Record of shipments. It shall be the duty of all common carriers, or corporations, or persons who shall for hire carry any alcoholic liquor, wine, or beer into the state, or from one point to another within the state, for the purpose of delivery, and who shall deliver such alcoholic liquor, wine, or beer to any person, company, or corporation, to maintain a proper record of the name of the consignor of each shipment of alcoholic liquor, wine, or beer from where shipped, the date of arrival, the quantity and kind of alcoholic liquor, wine, or beer, so far as disclosed by lettering on the package or by the carrier’s records, and to whom and where consigned, and the date delivered. [SS15, §2421-b; C24, 27, 31, 35, 39, §1940; C46, 50, 54, 58, 62, 66, 71, §125.20; C73, 75, 77, 79, 81, §123.101] 2013 Acts, ch 35, §27; 2018 Acts, ch 1060, §51 Referred to in §123.102

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.102 - Inspection of shipping records.

123.102 Inspection of shipping records. The records required by section 123.101 shall, during business hours, be open to inspection by any peace or law enforcing officer. It is a simple misdemeanor to refuse such inspection. [SS15, §2421-c, -d; C24, 27, 31, 35, 39, §1941; C46, 50, 54, 58, 62, 66, 71, §125.21; C73, 75, 77, 79, 81, §123.102] 2013 Acts, ch 35, §28

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.103 - Record and certification upon delivery.

123.103 Record and certification upon delivery. The full name and residence or place of business of the consignee of a shipment billed in whole or in part as alcoholic liquor, wine, or beer, shall be properly recorded at the time of delivery and the consignee shall certify that the alcoholic liquor, wine, or beer is for the consignee’s own lawful purposes. [SS15, §2421-b; C24, 27, 31, 35, 39,

§1942; C46, 50, 54, 58, 62, 66, 71, §125.22; C73, 75, 77, 79, 81, §123.103] 2013 Acts, ch 35, §29; 2018 Acts, ch 1060, §52
Referred to in §123.104

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.104 - Unlawful delivery.

123.104 Unlawful delivery. It is a simple misdemeanor for any corporation, common carrier, person, or any agent or employee thereof: 1. To deliver any alcoholic liquor, wine, or beer to any person other than to the consignee. 2. To deliver any alcoholic liquor, wine, or beer without having the same properly recorded as provided in section 123.103. 3. To deliver any alcoholic liquor, wine, or beer where there is reasonable ground to believe that such alcoholic liquor, wine, or beer is intended for unlawful use. [SS15, §2421-c1; C24, 27, 31, 35, 39, §1943; C46, 50, 54, 58, 62, 66, 71, §125.23; C73, 75, 77, 79, 81, §123.104] 2013 Acts, ch 35, §30; 2018 Acts, ch 1060, §53

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.105 - Immunity from damage.

123.105 Immunity from damage. In no case shall any corporation, common carrier, person, or the agent thereof, be liable in damages for complying with any requirements of this chapter. [SS15, §2421-c; C24, 27, 31, 35, 39, §1944; C46, 50, 54, 58, 62, 66, 71, §125.24; C73, 75, 77, 79, 81, §123.105]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.106 - Federal statutes.

123.106 Federal statutes. The requirements of this chapter relative to the shipment and delivery of alcoholic liquor, wine, or beer and the records to be kept thereof shall be construed in harmony with federal statutes relating to interstate commerce in such liquor, wine, or beer. [SS15, §2421-e; C24, 27, 31, 35, 39, §1945; C46, 50, 54, 58, 62, 66, 71, §125.25; C73, 75, 77, 79, 81, §123.106] 2013 Acts, ch 35, §31; 2018 Acts, ch 1060, §54

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.107 - Unnecessary allegations.

123.107 Unnecessary allegations. 1. In any indictment or information under this chapter, it shall not be necessary: a. To set out exactly the kind or quantity of alcoholic liquor, wine, or beer manufactured, sold, given in evasion of the statute, or kept for sale. b. To set out the exact time of manufacture, sale, gift, or keeping for sale. c. To negative any exceptions contained in the statute creating or defining the offense, which may be proper ground of defense. 2. Proof of the violation by the accused of any provision of this chapter, the substance of which violation is briefly set forth, within the time mentioned in the indictment or information, shall be sufficient to convict such person. [R60, §1569; C73, §1549; C97, §2424; C24, 27, 31, 35, 39, §1952; C46, 50, 54, 58, 62, 66, 71, §126.7; C73, 75, 77, 79, 81, §123.107] 2009 Acts, ch 41, §263; 2013 Acts, ch 35, §32; 2018 Acts, ch 1060, §55; 2019 Acts, ch 59, §46

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.108 - Second conviction defined.

123.108 Second conviction defined. The second or subsequent convictions provided for in this chapter shall be convictions on separate informations or indictments, and, unless shown in the information or indictment, the charge shall be held to be for a first offense. [R60, §1562; C73, §1540; C97, §2425; C24, 27, 31, 35, 39, §1955; C46, 50, 54, 58, 62, 66, 71, §126.10; C73, 75, 77, 79, 81, §123.108]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.109 - Record of conviction.

123.109 Record of conviction. On the trial of any cause in which the accused is charged with a second or subsequent offense, a duly authenticated copy of the former judgment in any court in which such conviction was had shall be competent evidence of such former conviction. [SS15, §2461-n; C24, 27, 31, 35, 39, §1956; C46, 50, 54, 58, 62, 66, 71, §126.11; C73, 75, 77, 79, 81, §123.109]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.11 - Compensation and expenses.

123.11 Compensation and expenses. Members of the commission, the director, and other employees of the department shall be allowed their actual and necessary expenses while traveling on business of the department under this chapter outside of their place of residence, however, an itemized account of such expenses shall be verified by the claimant and approved by the director. If such account is paid, the same shall be filed with the department and be and remain a part of its permanent records. Each member appointed to the commission is entitled to receive reimbursement of actual expenses incurred while attending meetings. Each member of the commission may also be eligible to receive compensation as provided in section 7E.6. All expenses and salaries of commission members, the director, and other employees shall be paid from appropriations for such purposes and the department

shall be subject to the budget requirements of chapter 8. [C35, §1921-f11; C39, §1921.011; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §123.11] 2015 Acts, ch 30, §40; 2023 Acts, ch 19, §2364 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.110 - Proof of sale.

123.110 Proof of sale. It shall not be necessary in every case to prove payment in order to prove a sale within the meaning and intent of this chapter. [R60, §1569; C73, §1549; C97, §2424; C24, 27, 31, 35, 39, §1957; C46, 50, 54, 58, 62, 66, 71, §126.12; C73, 75, 77, 79, 81, §123.110]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.111 - Purchaser as witness.

123.111 Purchaser as witness. The person purchasing any alcoholic liquor, wine, or beer sold in violation of this chapter shall in all cases be a competent witness to prove such sale. [R60, §1569; C73, §1549; C97, §2424; C24, 27, 31, 35, 39, §1958; C46, 50, 54, 58, 62, 66, 71, §126.13; C73, 75, 77, 79, 81, §123.111] 2013 Acts, ch 35, §33; 2018 Acts, ch 1060, §56

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.112 - Peace officer as witness.

123.112 Peace officer as witness. Every peace officer shall give evidence, when called upon, of any facts within the peace officer's knowledge tending to prove a violation of the provisions of this chapter. [R60, §1578; C73, §1551; C97, §2428; S13, §2428; C24, 27, 31, 35, 39, §1959; C46, 50, 54, 58, 62, 66, 71, §126.14; C73, 75, 77, 79, 81, §123.112]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.113 - Judgment lien.

123.113 Judgment lien. For all fines and costs assessed or judgments rendered of any kind against any person for a violation of any provision of this chapter, or costs paid by the county on account of such violation, the personal and real property of the violator, whether exempt or not, except the homestead, as well as the premises and property, personal and real, occupied and used for the unlawful purpose, with the knowledge of the owner or the owner's agent, by the violator, shall be liable, and the same shall be a lien on such real estate until paid. [R60, §1579; C73, §1552, 1558; C97, §2422; C24, 27, 31, 35, 39, §1960; C46, 50, 54, 58, 62, 66, 71, §126.15; C73, 75, 77, 79, 81, §123.113]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.114 - Enforcement of lien.

123.114 Enforcement of lien. Costs paid by the county for the prosecution of actions or proceedings, civil or criminal, under this chapter, as well as the fines inflicted or judgments rendered, may be enforced against the property upon which the lien attaches by execution, or by action against the owner of the property to subject it to the payment thereof. [C73, §1558; C97, §2422; C24, 27, 31, 35, 39, §1961; C46, 50, 54, 58, 62, 66, 71, §126.16; C73, 75, 77, 79, 81, §123.114]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.115 - Defense.

123.115 Defense. In any prosecution under this chapter for the unlawful transportation of alcoholic liquor, wine, or beer it shall be a defense that the character and contents of the shipment or thing transported were not known to the accused or to the accused's agent or employee. [C97, §2419; C24, §2059; C27, 31, 35, §1945-a2; C39, §1945.3; C46, 50, 54, 58, 62, 66, 71, §125.28; C73, 75, 77, 79, 81, §123.115] 2013 Acts, ch 35, §34; 2018 Acts, ch 1060, §57

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.116 - Right to receive alcoholic liquor, wine, or beer.

123.116 Right to receive alcoholic liquor, wine, or beer. The consignee of alcoholic liquor, wine, or beer shall, on demand of the carrier transporting such alcoholic liquor, wine, or beer, furnish the carrier, at the place of delivery, with legal proof of the consignee's legal right to receive such alcoholic liquor, wine, or beer at the time of delivery, and until such proof is furnished the carrier shall be under no legal obligation to make delivery nor be liable for failure to deliver. [C24, §2061; C27, 31, 35, §1945-a4; C39, §1945.5; C46, 50, 54, 58, 62, 66, 71, §125.30; C73, 75, 77, 79, 81, §123.116] 2013 Acts, ch 35, §35; 2018 Acts, ch 1060, §58

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.117 - Delivery to sheriff.

123.117 Delivery to sheriff. If such proof is not furnished the carrier within ten days after demand, the carrier may deliver such liquor, wine, or beer to the sheriff of the county embracing the place of delivery, and such delivery shall absolve the carrier from all liability pertaining to such liquor, wine, or beer. [C24, §2062; C27, 31, 35, §1945-a5; C39, §1945.6; C46, 50, 54, 58, 62, 66, 71, §125.31; C73, 75, 77, 79, 81, §123.117] 2013 Acts, ch 35, §36 Referred to in §331.653

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 123 - ALCOHOLIC BEVERAGE CONTROLSection 123.118 - Destruction.

123.118 Destruction. The sheriff shall, on receipt of such liquor, wine, or beer from the carrier, report the receipt to the district court of the sheriff's county, and the court shall proceed to summarily enter an order for the destruction or forfeiture to the state of such liquor, wine, or beer. [C24, §2063; C27, 31, 35, §1945-a6; C39, §1945.7; C46, 50, 54, 58, 62, 66, 71, §125.32; C73, 75, 77, 79, 81, §123.118] 2013 Acts, ch 35, §37 Referred to in §331.653

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 123 - ALCOHOLIC BEVERAGE CONTROLSection 123.119 - Evidence.

123.119 Evidence. In all actions, civil or criminal, under the provisions of this chapter, the finding of alcoholic liquors or of instruments or utensils used in the manufacture of alcoholic liquors, or materials which are being used, or are intended to be used in the manufacture of alcoholic liquors, in the possession of or under the control of any person, under and by authority of a search warrant or other process of law, and which shall have been finally adjudicated and declared forfeited by the court, shall be competent evidence of maintaining a nuisance or bootlegging, or of illegal transportation of alcoholic liquors, as the case may be, by such person. [C27, 31, 35, §1966-a1; C39, §1966.1; C46, 50, 54, 58, 62, 66, 71, §126.23; C73, 75, 77, 79, 81, §123.119] 2018 Acts, ch 1060, §59

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 123 - ALCOHOLIC BEVERAGE CONTROLSection 123.12 - Exemption from suit.

123.12 Exemption from suit. A commission member or officer or employee of the department shall not be personally liable for damages sustained by any person due to the act of such member, officer, or employee performed in the reasonable discharge of the member's, officer's, or employee's duties as enumerated in this chapter. [C35, §1921-f13; C39, §1921.013; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §123.13] 2015 Acts, ch 30, §204 C2016, §123.12 2023 Acts, ch 19, §2365 Former §123.12 repealed by 2015 Acts, ch 30, §198 Section amended

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 123 - ALCOHOLIC BEVERAGE CONTROLSection 123.120 - Attempt to destroy.

123.120 Attempt to destroy. The destruction of or attempt to destroy any liquid by any person while in the presence of peace officers or while a property is being searched by a peace officer, shall be competent evidence that such liquid is alcoholic liquor, wine, or beer and intended for unlawful purposes. [C27, 31, 35, §1966-a3; C39, §1966.3; C46, 50, 54, 58, 62, 66, 71, §126.25; C73, 75, 77, 79, 81, §123.120] 2013 Acts, ch 35, §38; 2018 Acts, ch 1060, §60

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 123 - ALCOHOLIC BEVERAGE CONTROLSection 123.121 - Venue.

123.121 Venue. 1. In any prosecution under this chapter for the unlawful sale of alcoholic liquor, wine, or beer, including a sale which requires a shipment or delivery of the alcoholic liquor, wine, or beer, shall be deemed to be made in the county in which the delivery is made by the carrier to the consignee, or the consignee's agent or employee. 2. In any prosecution under this chapter for the unlawful transportation of alcoholic liquor, wine, or beer, the offense shall be held to have been committed in any county in which such alcoholic liquor, wine, or beer is received for transportation, through which it is transported, or in which it is delivered. [C97, §2419; C24, §1928, 2060; C27, 31, 35, §1928, 1945-a3; C39, §1928, 1945.4; C46, 50, 54, 58, 62, 66, 71, §125.8, 125.29; C73, 75, 77, 79, 81, §123.121] 85 Acts, ch 32, §60; 2013 Acts, ch 35, §39; 2018 Acts, ch 1060, §61

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 123 - ALCOHOLIC BEVERAGE CONTROLSection 123.122 - Beer certificate, permit, or license required — exception for personal use.

123.122 Beer certificate, permit, or license required — exception for personal use. 1. A person shall not cause the manufacture, importation, or sale of beer in this state unless a certificate or permit as provided in this subchapter, or a retail alcohol license as provided in subchapter I of this chapter, is first obtained which authorizes that manufacture, importation, or sale. 2. Any person of legal age may manufacture beer for personal use without a class "A" beer permit, subject to the requirements of this subsection. Such beer may be consumed on the premises or removed from the premises where it was manufactured only if the beer is not sold, exchanged, bartered, dispensed, or given in consideration of purchase for any property or services or in evasion of the requirements of this chapter. 3. Except as otherwise provided in this chapter, a person shall not import beer. However, an individual of legal age may import beer into the state without a certificate, permit, or license an amount of beer not to exceed four and one-half gallons per calendar month that the individual personally obtained outside the state or, in the case of beer personally obtained outside the United States, a quantity which does not exceed the amount allowed by federal law governing the importation of alcoholic beverages into the United States for personal consumption. Beer imported pursuant to this section shall be for personal consumption in a private home or other private accommodation and only if the beer is not sold, exchanged, bartered, dispensed, or given in consideration of purchase for any property or services or in evasion of the requirements of this chapter. [C35, §1921-f96; C39, §1921.095; C46, 50, 54, 58, 62, 66, 71, §124.1; C73, 75, 77, 79, 81, §123.122] 88 Acts, ch 1088, §7; 2015 Acts, ch 30, §48; 2015 Acts, ch 138, §26, 161,

162; 2019 Acts, ch 113, §37; 2022 Acts, ch 1099, §56, 88 Referred to in §123.10 Charity beer, spirits, and wine special event license, see §123.173A

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.124 - Beer permits — classes.

123.124 Beer permits — classes. Permits for the manufacture and sale, or sale, of beer shall be known as class “A” and special class “A”. A holder of a class “A” or special class “A” beer permit shall have the authority as provided in section 123.130. [C35, §1921-f98; C39, §1921.097; C46, 50, 54, 58, 62, 66, 71, §124.3; C73, 75, 77, 79, 81, §123.124] 88 Acts, ch 1241, §15; 89 Acts, ch 221, §1; 92 Acts, ch 1003, §1; 94 Acts, ch 1017, §6; 2010 Acts, ch 1031, §89, 96; 2015 Acts, ch 53, §3; 2016 Acts, ch 1073, §33; 2017 Acts, ch 119, §20; 2022 Acts, ch 1099, §57, 88

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.125 - Issuance of beer permits.

123.125 Issuance of beer permits. The director shall issue class “A” and special class “A” beer permits and may suspend or revoke permits for cause as provided in this chapter. [C35, §1921-f98; C39, §1921.097; C46, 50, 54, 58, 62, 66, 71, §124.3; C73, 75, 77, 79, 81, §123.125] 89 Acts, ch 221, §2; 2010 Acts, ch 1031, §90, 96; 2017 Acts, ch 119, §21; 2022 Acts, ch 1099, §58, 88; 2023 Acts, ch 19, §2430 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.126 - High alcoholic content beer — applicability.

123.126 High alcoholic content beer — applicability. Unless otherwise provided by this chapter, the provisions of this chapter applicable to beer shall also apply to high alcoholic content beer. 2010 Acts, ch 1189, §42, 43

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.126A - Canned cocktails — applicability — manufacture.

123.126A Canned cocktails — applicability — manufacture. 1. Unless otherwise provided by this chapter, the provisions of this chapter applicable to beer shall also apply to canned cocktails. 2. Notwithstanding any provision of this chapter to the contrary, a manufacturer of beer may obtain and possess alcoholic liquor from the department for the purpose of manufacturing canned cocktails. 2019 Acts, ch 107, §3, 6; 2020 Acts, ch 1010, §1, 2; 2023 Acts, ch 19, §2431 Subsection 2 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.127 - Class “A” and special class “A” beer permit application and issuance.

123.127 Class “A” and special class “A” beer permit application and issuance. 1. A person applying for a class “A” or special class “A” beer permit shall submit a completed application electronically, or in a manner prescribed by the director, which shall set forth under oath the following: a. The name and place of residence of the applicant. b. The names and addresses of all persons or, in the case of a corporation, limited liability company, or any other similar legal entity, the officers, directors, and persons owning or controlling ten percent or more of the capital stock thereof, having a financial interest, by way of loan, ownership, or otherwise, in the business. c. The location of the premises where the applicant intends to operate. d. The name of the owner of the premises and if the owner of the premises is not the applicant, whether the applicant is the actual lessee of the premises. e. When required by the director, and in such form and containing such information as the director may require, a description of the premises where the applicant intends to use the permit, to include a sketch or drawing of the premises and, if applicable, the number of square feet of interior floor space which comprises the retail sales area of the premises. f. Whether any person specified in paragraph “b” has ever been convicted of any offense against the laws of the United States, or any state or territory thereof, or any political subdivision of any such state or territory. g. Any other information as required by the director. 2. The director shall issue a class “A” or special class “A” beer permit to any applicant who establishes all of the following: a. That the applicant has submitted a completed application as required by subsection 1. b. That the applicant is a person of good moral character as provided in section 123.3, subsection 40. c. That the applicant is a citizen of the state of Iowa or, if a corporation, that the applicant is authorized to do business in the state. d. That the applicant has filed with the department a basic permit issued by the alcohol and tobacco tax and trade bureau of the United States department of the treasury, and that the applicant will faithfully observe and comply with all laws, rules, and regulations governing the manufacture and sale of beer. e. That the premises where the applicant intends to use the permit conforms to all applicable laws, health regulations, and fire regulations, and constitutes a safe and proper place or building. f. That the applicant gives consent to a person, pursuant to section 123.30, subsection 1, to enter upon the premises without a warrant during the business hours of the applicant to inspect for violations of the provisions of this chapter or ordinances and regulations that local authorities may adopt. g. That the applicant has submitted a bond in the amount of ten thousand dollars in a manner prescribed by the director with good and sufficient sureties to be approved by the department conditioned upon compliance with this chapter. h. If the person is applying for a special class “A” beer permit, that the applicant holds or has applied for a class “C” or special class “C” retail alcohol license. [C35, §1921-f102; C39, §1921.103; C46, 50, 54, 58, 62, 66, §124.8; C71, §124.8, 124.41; C73, 75, 77, 79, 81, §123.127] 88 Acts, ch 1241, §16; 89 Acts, ch 221, §3; 2003 Acts, ch 143, §6, 17; 2009 Acts, ch 41, §177; 2010 Acts, ch 1031, §91,

92, 96; 2013 Acts, ch 35, §8, 9; 2015 Acts, ch 53, §4; 2016 Acts, ch 1073, §34, 35; 2017 Acts, ch 119, §22; 2018 Acts, ch 1060, §62; 2019 Acts, ch 113, §38, 39; 2022 Acts, ch 1099, §59, 88; 2023 Acts, ch 19, §2432 – 2435 Referred to in §123.32 Subsection 1, unnumbered paragraph 1 amended Subsection 1, paragraphs e and g amended Subsection 2, unnumbered paragraph 1 amended Subsection 2, paragraphs d and g amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.13 - Prohibitions on commission members and employees.

123.13 Prohibitions on commission members and employees. 1. Commission members, officers, and employees of the department under this chapter shall not, while holding such office or position, do any of the following: a. Hold any other office or position under the laws of this state, or any other state or territory or of the United States. b. Engage in any occupation, business, endeavor, or activity which would or does conflict with their duties under this chapter. c. Directly or indirectly, use their office or employment to influence, persuade, or induce any other officer, employee, or person to adopt their political views or to favor any particular candidate for an elective or appointive public office. d. Directly or indirectly, solicit or accept, in any manner or way, any money or other thing of value for any person seeking an elective or appointive public office, or to any political party or any group of persons seeking to become a political party. 2. Except as provided in section 123.5, subsection 3, a commission member or department employee under this chapter shall not, directly or indirectly, individually, or as a member of a partnership or shareholder in a corporation, have any interest in dealing in or in the manufacture of alcoholic liquor, wine, or beer, and shall not receive any kind of profit nor have any interest in the purchase or sale of alcoholic liquor, wine, or beer by persons so authorized under this chapter. However, this subsection does not prohibit any member or employee from lawfully purchasing and keeping alcoholic liquor, wine, or beer in the member's or employee's possession for personal use. 3. Any officer or employee violating this section or any other provisions of this chapter shall, in addition to any other penalties provided by law, be subject to suspension or discharge from employment. Any commission member shall, in addition to any other penalties provided by law, be subject to removal from office as provided by chapter 66. [C35, §1921-f14; C39, §1921.014; C46, 50, 54, 58, 62, 66, 71, §123.14; C73, 75, 77, 79, 81, §123.17] 2015 Acts, ch 30, §41, 204 C2016, §123.13 2023 Acts, ch 19, §2366 Former §123.13 transferred to §123.12 pursuant to directive in 2015 Acts, ch 30, §204 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.130 - Authority under class "A" and special class "A" beer permits.

123.130 Authority under class "A" and special class "A" beer permits. 1. a. Any person holding a class "A" beer permit issued by the department shall be authorized to manufacture and sell, or sell at wholesale, beer for consumption off the premises, such sales within the state to be made only to persons holding a subsisting class "A" beer permit, or retail alcohol licenses, excluding a special class "B" retail native wine license, issued in accordance with the provisions of this chapter. However, a person holding a class "A" beer permit issued by the department who also holds a brewer's notice issued by the alcohol and tobacco tax and trade bureau of the United States department of the treasury shall be authorized to sell, at wholesale, no more than thirty thousand barrels of beer on an annual basis for consumption off the premises to a licensee authorized under this chapter to sell beer at retail. b. A person holding a class "A" beer permit may sell beer to distributors outside of the state that are authorized by the laws of that jurisdiction to sell beer at wholesale. c. A class "A" or special class "A" beer permit does not grant authority to manufacture wine as defined in section 123.3, subsection 53. 2. Pursuant to section 123.45, subsection 3, a native brewery may be granted not more than two class "C" retail alcohol licenses or not more than two special class "C" retail alcohol licenses. 3. All class "A" premises shall be located within the state. All beer received by the holder of a class "A" beer permit from the holder of a certificate of compliance before being resold must first come to rest on the licensed premises of the permit holder, must be inventoried, and is subject to the barrel tax when resold as provided in section 123.136. A class "A" beer permittee shall not store beer overnight except on premises licensed under a class "A" beer permit. 4. a. All special class "A" premises shall be located within the state. b. Except as provided in paragraph "c", a person who holds a special class "A" beer permit for the same location at which the person holds a class "C" or special class "C" retail alcohol license for the purpose of operating as a brewpub may manufacture and sell beer to be consumed on the premises, may sell beer at retail at the manufacturing premises for consumption off the premises, may sell beer to a class "A" beer permittee for resale purposes, and may sell beer to distributors outside of the state that are authorized by the laws of that jurisdiction to sell beer at wholesale. c. A person who holds a special class "A" beer permit for the same location at which the person holds a class "C" or special class "C" retail alcohol license for the purpose of operating as a brewpub may manufacture beer under an alternating proprietorship arrangement as provided in subsection 5. However, the person may not sell beer to be consumed on the premises where manufactured or sell beer at retail for consumption off the premises where manufactured unless the person is also the holder of a class "C" or special class "C" retail alcohol license issued for the premises of the alternating proprietorship whose space and equipment is being used for the purpose of manufacturing beer. d. The permit issued to holders of a special class "A" beer permit shall clearly state on its face that the permit is limited. 5. a. For purposes of this subsection, "manufacturer" includes only those persons who hold a class "A" or special class "A" beer permit and manufacture beer in Iowa. b. Notwithstanding any provision of law to the contrary, a manufacturer may use the space and equipment of another manufacturer for the purpose of manufacturing beer, provided that such an alternating proprietorship arrangement has been approved by the alcohol and tobacco tax and trade bureau of the United States department of the treasury. A separate class "A" or special class "A" beer permit shall be issued to each manufacturer, and each manufacturer shall be subject to the provisions of this chapter and the rules of the department.

c. Notwithstanding any provision of law to the contrary, not more than one class “C” retail alcohol license or special class “C” retail license shall be issued to a premises with alternating proprietorships as authorized by this subsection. 6. A manufacturer of beer issued a class “A” or special class “A” beer permit shall file with the department, on or before the fifteenth day of each calendar month, all documents filed with the alcohol and tobacco tax and trade bureau of the United States department of the treasury, including all brewer’s operation and excise tax return reports. [C35, §1921-f105; C39, §1921.106; C46, 50, 54, 58, 62, 66, 71, §124.11; C73, 75, 77, 79, 81, §123.130] 88 Acts, ch 1241, §19; 89 Acts, ch 221, §4; 92 Acts, ch 1003, §2; 2010 Acts, ch 1031, §93, 96; 2015 Acts, ch 53, §8; 2016 Acts, ch 1073, §39; 2017 Acts, ch 119, §27; 2018 Acts, ch 1060, §63; 2019 Acts, ch 8, §5; 2019 Acts, ch 113, §40 – 42; 2021 Acts, ch 133, §3; 2022 Acts, ch 1099, §60, 61, 88; 2023 Acts, ch 19, §2436, 2437; 2023 Acts, ch 48, §2, 3; 2023 Acts, ch 157, §8 Referred to in §123.124, 123.136, 123.143 Subsection 1, paragraph a amended Subsections 2 and 4 amended NEW subsection 5 Former subsection 5 amended and renumbered as 6

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.134 - Beer permit fees.

123.134 Beer permit fees. 1. The annual permit fee for a class “A” beer permit is seven hundred fifty dollars. 2. The annual permit fee for a class “A” beer permit for a native brewery is three hundred dollars. 3. The annual permit fee for a special class “A” beer permit is three hundred dollars. [C35, §1921-f117; C39, §1921.119; C46, 50, 54, 58, 62, 66, 71, §124.24; C73, 75, 77, 79, 81, §123.134] 84 Acts, ch 1275, §5; 87 Acts, ch 22, §10; 88 Acts, ch 1241, §20; 89 Acts, ch 221, §5; 91 Acts, ch 245, §4; 2010 Acts, ch 1031, §94, 96; 2011 Acts, ch 17, §13; 2016 Acts, ch 1073, §42 – 44; 2017 Acts, ch 119, §29, 30; 2021 Acts, ch 155, §9; 2022 Acts, ch 1099, §11, 15

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.135 - Brewer’s certificate of compliance — penalties.

123.135 Brewer’s certificate of compliance — penalties. 1. A manufacturer, brewer, bottler, importer, or vendor of beer, or any agent thereof, desiring to ship or sell beer, or have beer brought into this state for resale by a class “A” beer permittee, shall first make application for and be issued a brewer’s certificate of compliance by the director for that purpose. The certificate of compliance expires at the end of one year from the date of issuance and shall be renewed for a like period upon application to the director unless otherwise revoked for cause. Each completed application for a certificate of compliance or renewal of a certificate shall be submitted electronically, or in a manner prescribed by the director, and shall be accompanied by a fee of two hundred dollars payable to the department. Each holder of a certificate of compliance shall furnish the information in a manner the director requires. 2. At the time of applying for a certificate of compliance, each applicant shall file with the department a list of all class “A” beer permittees with whom it intends to do business and shall designate the geographic area in which its products are to be distributed by such permittee. The listing of class “A” beer permittees and geographic area as filed with the department shall be amended by the holder of a certificate of compliance as necessary to keep the listing current with the department. 3. All class “A” beer permit holders shall sell only those brands of beer which are manufactured, brewed, bottled, shipped, or imported by a person holding a current certificate of compliance. Any employee or agent working for or representing the holder of a certificate of compliance within this state shall submit electronically, or in a manner prescribed by the director, the employee’s or agent’s name and address with the department. 4. It shall be unlawful for any holder of a certificate of compliance or the holder’s agent, or any class “A” beer permit holder or the beer permit holder’s agent, to grant to any retail alcohol license holder, directly or indirectly, any rebates, free goods, or quantity discounts on beer which are not uniformly offered to all retail alcohol licensees. 5. Any violation of the requirements of this chapter or the rules adopted pursuant to this chapter shall subject the holder of a brewer’s certificate of compliance or a class “A” beer permit holder to the general penalties provided in this chapter and shall constitute grounds for imposition of a civil penalty, suspension of the certificate or permit, or revocation of the certificate or permit after notice and opportunity for a hearing pursuant to section 123.39 and chapter 17A. [C73, 75, 77, 79, 81, §123.135] 89 Acts, ch 221, §6; 89 Acts, ch 252, §3; 2010 Acts, ch 1031, §95, 96; 2012 Acts, ch 1021, §38; 2013 Acts, ch 35, §12; 2015 Acts, ch 53, §9; 2016 Acts, ch 1073, §45; 2017 Acts, ch 119, §31; 2019 Acts, ch 113, §44, 45; 2022 Acts, ch 1099, §12, 15, 62, 88; 2023 Acts, ch 19, §2438 Referred to in §123.32, 123.35 Subsections 1 – 3 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.136 - Barrel tax.

123.136 Barrel tax. 1. In addition to the annual permit fee to be paid by all class “A” beer permittees under this chapter there shall be levied and collected from the permittees on all beer manufactured for sale or sold in this state at wholesale and on all beer imported into this state for sale at wholesale and sold in this state at wholesale, and from special class “A” beer permittees on all beer manufactured for consumption on the premises and on all beer sold at retail at the manufacturing premises for consumption off the premises pursuant to section 123.130, subsection 4, a tax of five and eighty-nine hundredths dollars for every barrel containing thirty-one gallons, and at a like rate for any other quantity or for the fractional part of a barrel. However, no tax shall be levied or collected on beer shipped outside this state by a class “A” beer permittee or special class “A” beer permittee or on beer sold to a class “A” beer permittee by a special class “A” beer permittee or another class “A” beer permittee. 2. All revenue derived from the barrel tax shall accrue to the state general fund. 3. All of the provisions of this chapter relating to the administration of the barrel tax on beer shall apply to this section. [C35, §1921-f118; C39, §1921.120; C46, 50, 54, 58, 62, 66, 71, §124.25; C73, 75, 77, 79, 81,

§123.136] 86 Acts, ch 1246, §751; 89 Acts, ch 221, §7; 2015 Acts, ch 53, §10; 2016 Acts, ch 1073, §46; 2017 Acts, ch 119, §32; 2019 Acts, ch 113, §46 Referred to in §123.130, 123.137, 123.142, 455C.2

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.137 - Report of barrel sales — penalty.

123.137 Report of barrel sales — penalty. 1. A person holding a class “A” or special class “A” beer permit shall, on or before the tenth day of each calendar month commencing on the tenth day of the calendar month following the month in which the person is issued a beer permit, make a report under oath to the department electronically, or in a manner prescribed by the director, showing the exact number of barrels of beer, or fractional parts of barrels, sold by the beer permit holder during the preceding calendar month. The report shall also state information the director requires, and beer permit holders shall at the time of filing a report pay to the department the amount of tax due at the rate fixed in section 123.136. 2. A penalty of ten percent of the amount of the tax shall be added thereto if the report is not filed and the tax paid within the time required by this section. [C35, §1921-f119; C39, §1921.121; C46, 50, 54, 58, 62, 66, 71, §124.26; C73, 75, 77, 79, 81, §123.137] 89 Acts, ch 221, §8; 2013 Acts, ch 35, §13; 2015 Acts, ch 53, §11; 2016 Acts, ch 1073, §47; 2017 Acts, ch 119, §33; 2023 Acts, ch 19, §2439 Subsection 1 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.138 - Records required — keg identification label.

123.138 Records required — keg identification label. 1. Each class “A” or special class “A” beer permittee shall keep proper records showing the amount of beer sold by the permittee, and these records shall be at all times open to inspection by the director and to other persons pursuant to section 123.30, subsection 1. Each retail alcohol licensee as described in section 123.30 shall keep proper records showing each purchase of beer made by the licensee, and the date and the amount of each purchase and the name of the person from whom each purchase was made, which records shall be open to inspection pursuant to section 123.30, subsection 1, during normal business hours of the licensee. 2. a. Each retail alcohol licensee who sells beer for off-premises consumption shall affix to each keg of beer an identification label provided by the director. The label provided shall allow for its full removal when common external keg cleaning procedures are performed. For the purposes of this subsection, “keg” means all durable and disposable containers with a liquid capacity of five gallons or more. Each retail alcohol licensee shall also keep a record of the identification label number of each keg of beer sold by the licensee with the name and address of the purchaser and the number of the purchaser’s driver’s license, nonoperator’s identification card, or military identification card, if the military identification card contains a picture and signature. This information shall be retained by the licensee for a minimum of ninety days. The records kept pursuant to this subsection shall be available for inspection by any law enforcement officer during normal business hours. b. (1) The department shall provide the keg identification labels described in paragraph “a” and shall, prior to utilizing a label, notify licensed brewers and licensed beer importers of the type of label to be utilized. Each label shall contain a number and the following statement: It is unlawful to sell, give, or otherwise supply any alcoholic beverage, wine, or beer to any person under legal age. Any person who defaces this label shall be guilty of criminal mischief punishable pursuant to section 716.6. (2) The identification label shall be placed on the keg at the time of retail sale. The licensee shall obtain the labels referred to in this subsection from the department. The cost of the labels to licensees shall not exceed the department’s cost of producing and distributing the labels. The moneys collected by the department relating to the sale of labels shall be credited to the beer and liquor control fund. c. The provisions of this subsection shall be implemented uniformly throughout the state. The provisions of this subsection shall preempt any local county or municipal ordinance regarding keg registration or the sale of beer in kegs. In addition, a county or municipality shall not adopt or continue in effect an ordinance regarding keg registration or the sale of beer in kegs. [C35, §1921-f120; C39, §1921.122; C46, 50, 54, 58, 62, 66, 71, §124.27; C73, 75, 77, 79, 81, §123.138] 88 Acts, ch 1241, §21; 89 Acts, ch 221, §9; 2007 Acts, ch 46, §2; 2013 Acts, ch 35, §40; 2014 Acts, ch 1092, §29; 2015 Acts, ch 53, §12; 2016 Acts, ch 1073, §48; 2017 Acts, ch 119, §34; 2022 Acts, ch 1099, §63 – 66, 88; 2023 Acts, ch 19, §2440 Referred to in §123.50 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.139 - Separate locations — class “A” or special class “A” beer permit.

123.139 Separate locations — class “A” or special class “A” beer permit. A class “A” or special class “A” beer permittee having more than one place of business is required to have a separate beer permit for each separate place of business maintained by the permittee where beer is manufactured, stored, warehoused, or sold. [C35, §1921-f121; C39, §1921.123; C46, 50, 54, 58, 62, 66, 71, §124.28; C73, 75, 77, 79, 81, §123.139] 89 Acts, ch 221, §10; 2015 Acts, ch 53, §13; 2016 Acts, ch 1073, §49; 2017 Acts, ch 119, §35; 2018 Acts, ch 1060, §65

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.14 - Alcoholic beverage control law enforcement.

123.14 Alcoholic beverage control law enforcement. 1. The department of public safety is the primary alcoholic beverage control law enforcement authority for this state. 2. The county attorney, the county sheriff and the sheriff’s deputies, and the police department of every city, and the department, shall be supplementary aids to the department of public safety for purposes of alcoholic beverage control law enforcement. Any neglect, misfeasance, or malfeasance shown by any peace officer included in this

section shall be sufficient cause for the peace officer's removal as provided by law. This section shall not be construed to affect the duties and responsibilities of any county attorney or peace officer with respect to law enforcement. 3. The department of public safety shall have full access to all records, reports, audits, tax reports and all other documents and papers in the department pertaining to liquor licensees and wine and beer permittees and their business. [C35, §1921-f94; C39, §1921.093; C46, 50, 54, 58, 62, 66, 71, §123.93; C73, 75, 77, 79, 81, §123.14] 85 Acts, ch 32, §11; 88 Acts, ch 1241, §2; 2002 Acts, ch 1119, §11; 2005 Acts, ch 35, §28; 2018 Acts, ch 1060, §7; 2023 Acts, ch 19, §2367 Referred to in §331.653, 331.756(24) Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.141 - Keeping liquor where beer is sold.

123.141 Keeping liquor where beer is sold. No alcoholic liquor for beverage purposes shall be used, or kept for any purpose in the place of business of a special class "C" retail alcohol licensee, or on the premises of such special class "C" retail alcohol licensee, at any time. A violation of any provision of this section shall be grounds for suspension or revocation of the beer permit pursuant to section 123.50, subsection 3. This section shall not apply in any manner or in any way to the premises of any hotel or motel for which a special class "C" retail alcohol license has been issued, other than that part of such premises regularly used by the hotel or motel for the principal purpose of selling beer or food to the general public, or to keep a pharmacy from having alcohol in stock for medicinal and compounding purposes. [C35, §1921-g4; C39, §1921.126; C46, 50, 54, 58, 62, 66, 71, §124.31; C73, 75, 77, 79, 81, §123.141] 2011 Acts, ch 17, §14; 2016 Acts, ch 1073, §51; 2017 Acts, ch 29, §40; 2019 Acts, ch 160, §4; 2022 Acts, ch 1099, §67, 88

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.142 - Unlawful sale and importation.

123.142 Unlawful sale and importation. 1. It is unlawful for the holder of a retail alcohol license issued under this chapter to sell beer, except beer brewed on the premises covered by a special class "A" beer permit or beer purchased from a person holding a class "A" beer permit issued in accordance with this chapter, and on which the tax provided in section 123.136 has been paid. However, this section does not apply to class "D" retail alcohol licensees as provided in this chapter. 2. It shall be unlawful for any person not holding a class "A" beer permit to import beer into this state for the purpose of sale or resale. [C35, §1921-f124; C39, §1921.127; C46, 50, 54, 58, 62, 66, 71, §124.32; C73, 75, 77, 79, 81, §123.142] 89 Acts, ch 221, §11; 2011 Acts, ch 17, §15; 2015 Acts, ch 53, §14; 2016 Acts, ch 1073, §52; 2017 Acts, ch 119, §36; 2022 Acts, ch 1099, §68, 88

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.143 - Distribution of funds — barrel tax fund created.

123.143 Distribution of funds — barrel tax fund created. The revenues obtained from permit fees and the barrel tax collected under the provisions of this chapter shall be distributed as follows: 1. All permit fees collected by the department under this subchapter shall accrue to the beer and liquor control fund, except as otherwise provided. All taxes collected by the department under this subchapter shall accrue to the state general fund, except as otherwise provided. 2. Barrel tax revenues collected on beer manufactured in this state from a class "A" beer permittee which owns and operates a native brewery shall be credited to the barrel tax fund hereby created in the office of the treasurer of state. In addition, barrel tax revenues collected on beer manufactured in this state from a special class "A" beer permittee which owns and operates a brewpub that is sold at retail at the manufacturing premises pursuant to section 123.130, subsection 4, shall be credited to the barrel tax fund. Moneys deposited in the barrel tax fund shall not revert to the general fund of the state without a specific appropriation by the general assembly. Moneys in the barrel tax fund are appropriated to the economic development authority for purposes of section 15E.117. [C35, §1921-f125; C39, §1921.128; C46, 50, 54, 58, 62, 66, 71, §124.33; C73, 75, 77, 79, 81, §123.143] 83 Acts, ch 123, §60, 209; 84 Acts, ch 1312, §7; 85 Acts, ch 198, §2; 87 Acts, ch 95, §1; 2010 Acts, ch 1188, §29; 2011 Acts, ch 118, §85, 89; 2015 Acts, ch 30, §50; 2015 Acts, ch 53, §15; 2016 Acts, ch 1073, §53; 2017 Acts, ch 119, §37; 2019 Acts, ch 113, §47; 2022 Acts, ch 1099, §69, 70, 88; 2023 Acts, ch 13, §1; 2023 Acts, ch 19, §2441 Referred to in §15E.117 Subsections 1 and 2 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.145 - Labels on bottles, barrels, etc.— conclusive evidence.

123.145 Labels on bottles, barrels, etc. — conclusive evidence. The label on any bottle, keg, barrel, or other container in which beer is offered for sale in this state, representing the alcoholic content of such beer as being in excess of five percent by weight shall be conclusive evidence as to the alcoholic content of the beer contained therein. [C35, §1921-f128; C39, §1921.133; C46, 50, 54, 58, 62, 66, 71, §124.38; C73, 75, 77, 79, 81, §123.145] 2013 Acts, ch 30, §24

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.15 - Favors from licensee or permittee.

123.15 Favors from licensee or permittee. A person responsible for the administration or enforcement of this chapter shall not accept or solicit donations, gratuities, political advertising, gifts, or other favors, directly or indirectly, from any retail alcohol licensee, wine permittee, or beer permittee. [C35, §1921-f27; C39, §1921.027; C46, 50, 54, 58, 62, 66, 71, §123.27; C73, 75, 77, 79, 81,

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.16 - Annual report.

123.16 Annual report. The department shall cause to be prepared an annual report to the governor of the state, ending with June 30 of each fiscal year, on the operation and financial position of the department under this chapter for the preceding fiscal year. The report shall include but is not limited to the following information: 1. Amount of profit or loss from department operations under this chapter. 2. The current balance of the beer and liquor control fund, and the amount transferred from the fund to the treasurer of state during the period covered by the report. 3. All other funds on hand and the source from which derived. 4. The total quantity and particular kind of alcoholic liquor sold. 5. The increase or decrease of liquor sales from the previous reporting period. 6. The number of retail alcohol licenses, wine permits, and beer permits issued, by class, the number in effect on the last day included in the report, and the number which have been suspended or revoked during the period covered by the report. 7. Amount of fees paid to the department from retail alcohol licenses, wine permits, and beer permits, in gross, and the amount of retail alcohol license fees returned to local subdivisions of government as provided under this chapter. [C35, §1921-f53; C39, §1921.053; C46, 50, 54, 58, 62, 66, 71, §123.53; C73, 75, 77, 79, 81, §123.55] 85 Acts, ch 32, §48; 86 Acts, ch 1246, §748; 2013 Acts, ch 35, §22; 2015 Acts, ch 30, §204 C2016, §123.16 2022 Acts, ch 1099, §23, 88; 2023 Acts, ch 19, §2368, 2369 Former §123.16 transferred to §123.8; 2015 Acts, ch 30, §204 Unnumbered paragraph 1 amended Subsections 1 and 7 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.17 - Beer and liquor control fund — allocations to substance use disorder programs — use of civil penalties.

123.17 Beer and liquor control fund — allocations to substance use disorder programs — use of civil penalties. 1. There shall be established within the office of the treasurer of state a fund to be known as the beer and liquor control fund. The fund shall consist of any moneys appropriated by the general assembly for deposit in the fund and moneys received from the sale of alcoholic liquors by the department, from the issuance of permits and licenses, and of moneys and receipts received by the department from any other source under this chapter. 2. a. The director of the department of administrative services shall periodically transfer from the beer and liquor control fund to the general fund of the state those revenues of the department which are not necessary for the purchase of liquor for resale by the department, or for remittances to local authorities or other sources as required by this chapter, or for other obligations and expenses of the department which are paid from such fund. b. All moneys received by the department from the issuance of vintner's certificates of compliance and wine permits shall be transferred by the director of the department of administrative services to the general fund of the state. 3. Notwithstanding subsection 2, if gaming revenues under sections 99D.17 and 99F.11 are insufficient in a fiscal year to meet the total amount of such revenues directed to be deposited in the revenue bonds debt service fund and the revenue bonds federal subsidy holdback fund during the fiscal year pursuant to section 8.57, subsection 5, paragraph "e", the difference shall be paid from moneys deposited in the beer and liquor control fund prior to transfer of such moneys to the general fund pursuant to subsection 2 and prior to the transfer of such moneys pursuant to subsections 5 and 6. If moneys deposited in the beer and liquor control fund are insufficient during the fiscal year to pay the difference, the remaining difference shall be paid from moneys deposited in the beer and liquor control fund in subsequent fiscal years as such moneys become available. 4. The treasurer of state shall, each quarter, prepare an estimate of the gaming revenues and of the moneys to be deposited in the beer and liquor control fund that will become available during the remainder of the appropriate fiscal year for the purposes described in subsection 3. The department of management, the department of inspections, appeals, and licensing, and the department shall take appropriate actions to provide that the sum of the amount of gaming revenues available to be deposited into the revenue bonds debt service fund and the revenue bonds federal subsidy holdback fund during a fiscal year and the amount of moneys to be deposited in the beer and liquor control fund available to be deposited into the revenue bonds debt service fund and the revenue bonds federal subsidy holdback fund during such fiscal year will be sufficient to cover any anticipated deficiencies. 5. After any transfer provided for in subsection 3 is made, the department shall transfer into a special revenue account in the general fund of the state, a sum of money at least equal to seven percent of the gross amount of sales made by the department from the beer and liquor control fund on a monthly basis but not less than nine million dollars annually. Of the amounts transferred, two million dollars, plus an additional amount determined by the general assembly, shall be appropriated to the department of health and human services for use by the staff who administer the comprehensive substance use disorder program under chapter 125 for substance use disorder treatment and prevention programs. Any amounts received in excess of the amounts appropriated to the department of health and human services for use by the staff who administer the comprehensive substance use disorder program under chapter 125 shall be considered part of the general fund balance. 6. After any transfers provided for in subsections 3 and 5, the department shall receive a transfer from the beer and liquor control fund and before any other transfer to the general fund, an amount sufficient to pay the costs incurred by the department for collecting and properly disposing of the liquor containers. 7. After any transfers provided for in subsections 3, 5, and 6, and before any other transfer to the general fund, the department shall transfer to the economic development authority from the beer and liquor control fund two million dollars annually for statewide tourism marketing services and efforts pursuant to section 15.275. 8. After any transfers provided for in subsections 3, 5, 6, and 7, and before any other transfer to the general fund, the department shall transfer from the beer and liquor control fund one million dollars to the department of health and human services for distribution pursuant to section 125.59. 9. After any transfers provided for in subsections 3, 5, 6, 7, and 8 are made, and before any other transfer to the general fund, the department shall transfer to the economic development

authority from the beer and liquor control fund the lesser of two hundred fifty thousand dollars or one percent of the gross sales of native distilled spirits by all class “A” native distilled spirits license holders made by the department for the purposes of promoting Iowa wine, beer, and spirits. 10. Civil penalties imposed and collected by the department under this chapter shall be credited to the general fund of the state. The moneys from the civil penalties shall be used by the department, subject to appropriation by the general assembly, for the purposes of providing educational programs, information and publications for alcoholic beverage licensees and permittees, local authorities, and law enforcement agencies regarding the laws and rules which govern the alcoholic beverages industry, and for promoting compliance with alcoholic beverage laws and rules. [C35, §1921-f50; C39, §1921.050; C46, 50, 54, 58, 62, 66, 71, §123.50; C73, 75, 77, 79, 81, §123.53] 85 Acts, ch 32, §45 – 47; 86 Acts, ch 1246, §603, 747; 88 Acts, ch 1151, §1; 88 Acts, ch 1250, §10; 92 Acts, ch 1242, §25; 93 Acts, ch 91, §19; 99 Acts, ch 199, §32; 2003 Acts, ch 145, §286; 2005 Acts, ch 179, §144, 146; 2006 Acts, ch 1010, §51; 2007 Acts, ch 126, §23; 2009 Acts, ch 41, §263; 2009 Acts, ch 173, §31, 32, 36; 2010 Acts, ch 1184, §92; 2011 Acts, ch 34, §35; 2012 Acts, ch 1021, §136; 2015 Acts, ch 30, §204 C2016, §123.17 2021 Acts, ch 171, §30; 2022 Acts, ch 1140, §30, 32; 2022 Acts, ch 1148, §19; 2023 Acts, ch 19, §1358, 1874, 2370; 2023 Acts, ch 116, §20 Referred to in §8.57, 15.275, 15E.117, 24.14, 123.24, 123.39, 123.183 Former §123.17 transferred to §123.13; 2015 Acts, ch 30, §204 See Code editor’s note on simple harmonization at the beginning of this Code volume Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.171 - Wine certificate, permit, or license required — exceptions for personal use.

123.171 Wine certificate, permit, or license required — exceptions for personal use. 1. A person shall not cause the manufacture, importation, or sale of wine in this state unless a certificate or permit as provided in this subchapter, or a retail alcohol license as provided in subchapter I of this chapter, is first obtained which authorizes that manufacture, importation, or sale. 2. Any person of legal age may manufacture wine for personal use without a class “A” wine permit, subject to the requirements of this subsection. Such wine may be consumed on the premises or removed from the premises where it was manufactured only if the wine is not sold, exchanged, bartered, dispensed, or given in consideration of purchase for any property or services or in evasion of the requirements of this chapter. 3. Notwithstanding subsection 1, an individual of legal age may import into the state without a certificate, permit, or license an amount of wine not to exceed nine liters per calendar month that the individual personally obtained outside the state or, in the case of wine personally obtained outside the United States, a quantity which does not exceed the amount allowed by federal law governing the importation of alcoholic beverages into the United States for personal consumption. Wine imported pursuant to this subsection shall be for personal consumption in a private home or other private accommodation and only if the wine is not sold, exchanged, bartered, dispensed, or given in consideration of purchase for any property or services or in evasion of the requirements of this chapter. 85 Acts, ch 32, §62; 2015 Acts, ch 30, §51; 2016 Acts, ch 1008, §10; 2018 Acts, ch 1096, §5, 6; 2022 Acts, ch 1099, §71, 88 Referred to in §123.10

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.173 - Wine permit — class “A” — authority.

123.173 Wine permit — class “A” — authority. 1. Except as provided in section 123.187, a permit exclusively for the manufacture and sale of wine shall be known as a class “A” wine permit. 2. A class “A” wine permit allows the holder to manufacture and sell, or sell at wholesale, in this state, wine. The holder of a class “A” wine permit may manufacture in this state wine having an alcoholic content greater than seventeen percent by weight or twenty-one and twenty-five hundredths percent of alcohol by volume for shipment outside this state. All class “A” premises shall be located within the state. 3. A class “A” wine permittee shall be required to deliver wine to a retail alcohol licensee, and a retail alcohol licensee shall be required to accept delivery of wine from a class “A” wine permittee, only at the licensed premises of the retail alcohol licensee. Except as specifically permitted by the department upon good cause shown, delivery or transfer of wine from an unlicensed premises to a licensed retail alcohol licensee’s premises, or from one licensed retail alcohol licensee’s premises to another licensed retail alcohol licensee’s premises, even if there is common ownership of all of the premises by one retail alcohol licensee, is prohibited. 85 Acts, ch 32, §64; 88 Acts, ch 1241, §22; 91 Acts, ch 203, §2, 3; 2003 Acts, ch 143, §7, 17; 2006 Acts, ch 1032, §2; 2010 Acts, ch 1031, §99; 2013 Acts, ch 35, §14; 2016 Acts, ch 1008, §11; 2018 Acts, ch 1060, §66; 2022 Acts, ch 1099, §72, 88; 2023 Acts, ch 19, §2442; 2023 Acts, ch 66, §34 See Code editor’s note on simple harmonization at the beginning of this Code volume Subsection 3 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.173A - Charity beer, spirits, and wine special event license.

123.173A Charity beer, spirits, and wine special event license. 1. For purposes of this section: a. “Authorized nonprofit entity” includes a nonprofit entity which has a principal office in the state, a nonprofit corporation organized under chapter 504, or a foreign corporation as defined in section 504.141, whose income is exempt from federal taxation under section 501(c) of the Internal Revenue Code. b. “Charity auction” means an auction conducted by an authorized nonprofit entity which includes beer, spirits, and wine. c. “Charity event” means an event at which an authorized nonprofit entity may serve the event’s attendees beer, spirits, and wine for consumption on the premises of the event, regardless of whether the entity charges an admission fee to the event or otherwise collects the cost of the beer, spirits, and wine served from the event’s attendees. d. “Charity special event” means a charity auction, charity event, or a combined charity auction and charity event. 2. Upon application to the department and receipt of a charity beer, spirits, and wine special event license, an authorized nonprofit entity may conduct a charity special event subject to the

requirements of this section. 3. A charity auction conducted by a charity beer, spirits, and wine special event licensee shall comply with the following requirements: a. The authorized nonprofit entity conducting the charity auction shall obtain the beer, spirits, and wine to be auctioned at the charity auction from an Iowa retail alcohol licensee, or may receive donations of beer, spirits, or wine to be auctioned at the charity auction from persons who purchased the donated beer, spirits, or wine from an Iowa retail alcohol licensee or an Iowa class “A” native distilled spirits licensee and who present a receipt documenting the purchase at the time the beer, spirits, or wine is donated. The authorized nonprofit entity conducting the charity auction shall retain a copy of the receipt for a period of one year from the date of the charity beer, spirits, and wine auction. b. The beer, spirits, and wine sold at the charity auction shall be in original containers for consumption off of the premises where the charity auction is conducted. No other alcoholic beverage may be sold by the charity beer, spirits, and wine special event licensee at the charity auction. A purchaser of beer, spirits, or wine at a charity auction shall not take possession of the beer, spirits, or wine until the person is leaving the event. A purchaser of beer, spirits, or wine at a charity auction shall not open the container or consume or permit the consumption of the beer, spirits, or wine purchased on the premises where the charity auction is conducted. A purchaser of beer, spirits, or wine at a charity auction shall not resell the beer, spirits, or wine. c. A retail alcohol licensee or class “A” native distilled spirits licensee shall not purchase beer, spirits, or wine at a charity auction. The charity auction may be conducted on a premises for which a class “B” or class “C” retail alcohol license has been issued, provided that the retail alcohol licensee does not participate in the charity auction, supply beer, spirits, or wine to be auctioned at the charity auction, or receive any of the proceeds of the charity auction. 4. A charity event conducted by a charity beer, spirits, and wine special event licensee shall comply with the following requirements: a. The charity event shall be conducted on a premises covered by a valid retail alcohol license issued by the department. b. The authorized nonprofit entity conducting a charity event shall have a written agreement with the retail alcohol licensee covering the premises where the charity event is to be conducted specifying that that licensee shall act as the agent of the authorized nonprofit entity for the purpose of providing and serving alcoholic beverages to the attendees of the charity event. c. The retail alcohol licensee covering the premises where the charity event is to be conducted shall supply all alcoholic beverages served to the attendees of the charity event. d. Only those types of alcoholic beverages as are authorized to be sold by the retail alcohol license covering the premises where the charity event is to be conducted are to be served to the attendees of the charity event. 5. An application for a charity beer, spirits, and wine special event license to conduct a charity special event shall include all of the following information: a. The date and time when the charity special event is to be conducted and the location of the premises in this state where the charity special event is to be physically conducted. b. The retail alcohol license number issued by the department for the premises where a charity event is to be conducted, if applicable. c. A certification that the objective of the charity special event is to raise funds solely to be used for educational, religious, or charitable purposes and that the entire proceeds from the charity special event are to be expended for any of the purposes described in section 423.3, subsection 78. 6. An authorized nonprofit entity shall be eligible to receive no more than two charity beer, spirits, and wine special event licenses during a calendar year and each charity beer, spirits, and wine special event license shall be valid for a period not to exceed thirty-six consecutive hours. 7. Any violation of the requirements of this chapter or the rules adopted pursuant to this chapter shall subject the charity beer, spirits, and wine special event license holder to the general penalties provided in this chapter and shall constitute grounds for imposition of a civil penalty, suspension of the license, or revocation of the permit after notice and opportunity for a hearing pursuant to section 123.39 and chapter 17A. 2010 Acts, ch 1031, §85; 2013 Acts, ch 51, §1; 2017 Acts, ch 119, §47; 2019 Acts, ch 113, §48, 49; 2022 Acts, ch 1099, §73, 88; 2023 Acts, ch 19, §2443 – 2445 Referred to in §123.32 Subsection 2 amended Subsection 4, paragraph a amended Subsection 5, paragraph b amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.174 - Issuance of wine permits.

123.174 Issuance of wine permits. The director shall issue wine permits as provided in this chapter, and may suspend or revoke a wine permit for cause as provided in this chapter. 85 Acts, ch 32, §65; 2003 Acts, ch 143, §8, 17; 2023 Acts, ch 19, §2446 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.175 - Class “A” wine permit application and issuance.

123.175 Class “A” wine permit application and issuance. 1. A person applying for a class “A” wine permit shall submit a completed application electronically, or in a manner prescribed by the director, which shall set forth under oath the following: a. The name and place of residence of the applicant. b. The names and addresses of all persons or, in the case of a corporation, limited liability company, or any other similar legal entity, the officers, directors, and persons owning or controlling ten percent or more of the capital stock thereof, having a financial interest, by way of loan, ownership, or otherwise, in the business. c. The location of the premises where the applicant intends to operate. d. The name of the owner of the premises and if the owner of the premises is not the applicant, whether the applicant is the actual lessee of the premises. e. When required by the director, and in such form and containing such information as the director may require, a description of the premises where the applicant intends to use the permit, to include a sketch or drawing of the premises. f. Whether any person specified in paragraph “b” has ever been convicted of any offense against the laws of the United States, or any state or territory thereof, or any political subdivision of any such state or territory. g. Any other information as required by the director. 2. The director shall issue a class “A” wine permit to any applicant who establishes all of the following: a. That the applicant has submitted a completed application as required by subsection 1. b. That the applicant is a person of good moral character as provided in section 123.3, subsection 40. c. That the applicant is a citizen of the

state of Iowa or, if a corporation, that the applicant is authorized to do business in the state. d. That the applicant has filed with the department a basic permit issued by the alcohol and tobacco tax and trade bureau of the United States department of the treasury, and that the applicant will faithfully observe and comply with all the laws, rules, and regulations governing the manufacture and sale of wine. e. That the premises where the applicant intends to use the permit conforms to all applicable laws, health regulations, and fire regulations, and constitutes a safe and proper place or building. f. That the applicant gives consent to a person, pursuant to section 123.30, subsection 1, to enter upon the premises without a warrant during the business hours of the applicant to inspect for violations of the provisions of this chapter or ordinances and regulations that local authorities may adopt. g. That the applicant has submitted a bond in the amount of five thousand dollars in a manner prescribed by the director with good and sufficient sureties to be approved by the department conditioned upon compliance with this chapter. 85 Acts, ch 32, §66; 88 Acts, ch 1241, §23; 2003 Acts, ch 143, §9, 17; 2013 Acts, ch 35, §15, 16; 2017 Acts, ch 119, §13; 2018 Acts, ch 1060, §67; 2019 Acts, ch 113, §50, 51; 2022 Acts, ch 1099, §74 – 77, 88; 2023 Acts, ch 19, §2447 – 2450 Referred to in §123.32 Subsection 1, unnumbered paragraph 1 amended Subsection 1, paragraphs e and g amended Subsection 2, unnumbered paragraph 1 amended Subsection 2, paragraphs d and g amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.176 - Native wines.

123.176 Native wines. 1. Subject to rules of the department, manufacturers of native wines from grapes, cherries, other fruits or other fruit juices, vegetables, vegetable juices, dandelions, clover, honey, or any combination of these ingredients, holding a class “A” wine permit as required by this chapter, may sell, keep, or offer for sale and deliver the wine. Notwithstanding section 123.24, subsection 2, paragraph “b”, or any other provision of this chapter, manufacturers of native wine may obtain and possess grape brandy from the department for the sole purpose of manufacturing wine. 2. Native wine may be sold at retail for off-premises consumption when sold on the premises of the manufacturer, or in a retail establishment operated by the manufacturer. Sales may also be made to class “A” or retail alcohol licensees as authorized by sections 123.30 and 123.177. A manufacturer of native wines shall not sell the wines other than as permitted in this chapter and shall not allow wine sold to be consumed upon the premises of the manufacturer. However, prior to sale, native wines may be tasted pursuant to the rules of the department on the premises where made, when no charge is made for the tasting. 3. A manufacturer of native wines may ship wine in closed containers to individual purchasers inside this state by obtaining a wine direct shipper permit pursuant to section 123.187. 4. A class “A” wine permit issued for a native wine manufacturer shall only allow the native wine manufacturer to sell, keep, or offer for sale and deliver the manufacturer’s native wines as provided under this section. 5. Notwithstanding any other provision of this chapter, a person engaged in the business of manufacturing native wine may be granted a class “C” retail alcohol license or special class “C” retail native wine license as defined in section 123.30. A manufacturer of native wine may be granted not more than two class “C” retail alcohol licenses or special class “C” retail native wine licenses. A manufacturer of native wine may be issued a class “C” retail alcohol license or special class “C” retail native wine license regardless of whether the manufacturer is also a manufacturer of beer pursuant to a class “A” beer permit or a manufacturer of native distilled spirits pursuant to a class “A” native distilled spirits license. 6. Notwithstanding any other provision of this chapter, a person employed by a manufacturer of native wine holding a class “A” wine permit may be employed by a brewery with a class “A” beer permit provided the person has no ownership interest in either licensed premises. 7. A manufacturer may use the space and equipment of another manufacturer for the purpose of manufacturing native wine, provided that such an alternating proprietorship arrangement is approved by the alcohol and tobacco tax and trade bureau of the United States department of the treasury. A separate class “A” wine permit shall be issued to each manufacturer, and each manufacturer shall be subject to the provisions of this chapter and the rules of the department. Notwithstanding subsection 5, not more than one class “C” retail alcohol license shall be issued to a premises with alternating proprietorships. 8. A manufacturer of native wines shall file with the department, on or before the fifteenth day of each calendar month, all documents filed with the alcohol and tobacco tax and trade bureau of the United States department of the treasury, including all wine premises operations and excise tax return reports. 9. For the purposes of this section, “manufacturer” includes only those persons who process in Iowa the fruit, vegetables, dandelions, clover, honey, or any combination of these ingredients, by fermentation into wines. [C35, §1921-f56; C39, §1921.056; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §123.56] 85 Acts, ch 32, §49; 85 Acts, ch 198, §1; 2003 Acts, ch 143, §4, 5, 17; 2009 Acts, ch 73, §1; 2011 Acts, ch 17, §11; 2011 Acts, ch 30, §8; 2015 Acts, ch 53, §2; 2016 Acts, ch 1008, §8; 2017 Acts, ch 119, §46; 2018 Acts, ch 1060, §41; 2019 Acts, ch 113, §33 – 35, 62; 2019 Acts, ch 160, §3 C2020, §123.176 2021 Acts, ch 133, §4; 2022 Acts, ch 1099, §78, 88; 2023 Acts, ch 19, §2451; 2023 Acts, ch 157, §9 Referred to in §123.3 Subsections 1, 2, 5, 7, and 8 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.177 - Authority under class “A” wine permit.

123.177 Authority under class “A” wine permit. 1. A person holding a class “A” wine permit may manufacture and sell, or sell at wholesale, wine for consumption off the premises. Sales within the state may be made only to persons holding a class “A” wine permit and to persons holding a retail alcohol license. However, if the person holding the class “A” permit is a manufacturer of native wine, the person may sell only native wine to a person holding a retail alcohol license. A person holding a class “A” wine permit may sell wine to distributors outside of the state that are authorized by the laws of that jurisdiction to sell wine at wholesale. A class “A” wine permittee having more than one place of business shall obtain a separate permit for each place of business where

wine is to be manufactured, stored, warehoused, or sold. 2. A class “A” wine permit holder may purchase and resell only those brands of wine which are manufactured, fermented, bottled, shipped, or imported by a person holding a certificate of compliance issued pursuant to section 123.180. 85 Acts, ch 32, §68; 88 Acts, ch 1241, §25; 93 Acts, ch 91, §21; 2003 Acts, ch 143, §10, 17; 2017 Acts, ch 119, §14; 2018 Acts, ch 1060, §68; 2019 Acts, ch 113, §52; 2022 Acts, ch 1099, §79, 80, 88 Referred to in §123.176

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.179 - Wine permit and license fees.

123.179 Wine permit and license fees. 1. The annual permit fee for a class “A” wine permit that is not issued to a native wine manufacturer is seven hundred fifty dollars. 2. The annual permit fee for a class “A” wine permit issued to a native wine manufacturer is one hundred dollars. 3. The fee for a charity beer, spirits, and wine special event license is one hundred dollars. 85 Acts, ch 32, §70; 2003 Acts, ch 143, §13, 17; 2010 Acts, ch 1031, §86; 2013 Acts, ch 51, §2; 2019 Acts, ch 113, §53, 54; 2020 Acts, ch 1114, §3; 2022 Acts, ch 1099, §13, 15

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.18 - Appropriations.

123.18 Appropriations. Department appropriations for purposes of this chapter shall be paid by the treasurer of state upon the orders of the director, in such amounts and at such times as the director deems necessary to carry on operations in accordance with the terms of this chapter. [C35, §1921-f52; C39, §1921.052; C46, 50, 54, 58, 62, 66, 71, §123.52; C73, 75, 77, 79, 81, §123.54] 2015 Acts, ch 30, §204 C2016, §123.18 2023 Acts, ch 19, §2371 Former §123.18 transferred to §123.15; 2015 Acts, ch 30, §204 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.180 - Vintner’s certificate of compliance — wholesale and retail restrictions — penalties.

123.180 Vintner’s certificate of compliance — wholesale and retail restrictions — penalties. 1. A manufacturer, vintner, bottler, importer, or vendor of wine, or an agent thereof, desiring to ship, sell, or have wine brought into this state for sale at wholesale by a class “A” permittee shall first make application for and shall be issued a vintner’s certificate of compliance by the director for that purpose. The vintner’s certificate of compliance shall expire at the end of one year from the date of issuance and shall be renewed for a like period upon application to the director unless otherwise revoked for cause. Each completed application for a vintner’s certificate of compliance or renewal of a certificate shall be submitted electronically, or in a manner prescribed by the director, and shall be accompanied by a fee of two hundred dollars payable to the department. Each holder of a vintner’s certificate of compliance shall furnish the information required by the director in the form the director requires. A vintner or wine bottler whose plant is located in Iowa and who otherwise holds a class “A” wine permit to sell wine at wholesale is exempt from the fee, but not the other terms and conditions. The holder of a vintner’s certificate of compliance may also hold a class “A” wine permit. 2. At the time of applying for a vintner’s certificate of compliance, each applicant shall file with the department a list of all class “A” wine permittees with whom it intends to do business. The listing of class “A” wine permittees as filed with the department shall be amended by the holder of the certificate of compliance as necessary to keep the listing current with the department. 3. All class “A” wine permit holders shall sell only those brands of wine which are manufactured, bottled, fermented, shipped, or imported by a person holding a current vintner’s certificate of compliance. An employee or agent working for or representing the holder of a vintner’s certificate of compliance within this state shall register the employee’s or agent’s name and address with the department. These names and addresses shall be filed with the department’s copy of the certificate of compliance issued except that this provision does not require the listing of those persons who are employed on the premises of a bottling plant, or winery where wine is manufactured, fermented, or bottled in Iowa or the listing of those persons who are thereafter engaged in the transporting of the wine. 4. It is unlawful for a holder of a vintner’s certificate of compliance or the holder’s agent, or any class “A” wine permittee or the permittee’s agent, to discriminate between class “B”, special class “B”, and class “E” retail alcohol licensees authorized to sell wine at retail. 5. It is unlawful for a holder of a vintner’s certificate of compliance or the vintner’s agent who is engaged in the business of selling wine to class “A” wine permittees to discriminate between class “A” wine permittees authorized to sell wine at wholesale. 6. Any violation of the requirements of this chapter or the rules adopted pursuant to this chapter shall subject the holder of a vintner’s certificate of compliance or a class “A” wine permit holder to the general penalties provided in this chapter and shall constitute grounds for imposition of a civil penalty, suspension of the certificate or permit, or revocation of the certificate or permit after notice and opportunity for a hearing pursuant to section 123.39 and chapter 17A. 85 Acts, ch 32, §71; 89 Acts, ch 161, §8; 89 Acts, ch 252, §4; 2012 Acts, ch 1021, §39; 2013 Acts, ch 35, §17; 2015 Acts, ch 53, §16; 2017 Acts, ch 119, §16; 2019 Acts, ch 113, §55, 56; 2022 Acts, ch 1099, §14, 15, 81, 88; 2023 Acts, ch 19, §2452 Referred to in §123.32, 123.35, 123.177 Subsections 1 – 3 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.181 - Prohibited credit sales.

123.181 Prohibited credit sales. A class “A” wine permittee shall not sell wine on credit to a retail alcohol licensee for a period exceeding thirty days from date of delivery. 85 Acts, ch 32, §72; 89 Acts, ch 252, §5; 2018 Acts, ch 1060, §69; 2022 Acts, ch 1099, §82, 83, 88

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.182 - Labels — point of origin — conclusive evidence.

123.182 Labels — point of origin — conclusive evidence. 1. All imported bulk wines to be bottled and distributed in the state shall have the point of origin stated on the label. The print size for the point of origin shall be at least half the print size of the brand name on the label. 2. The label on a bottle or other container in which wine is offered for sale in this state, which label represents the alcoholic content of the wine as being in excess of seventeen percent by weight or twenty-one and twenty-five hundredths percent of alcohol by volume, is conclusive evidence of the alcoholic content of that wine. 85 Acts, ch 32, §73; 2006 Acts, ch 1032, §3

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.183 - Wine gallonage tax and related funds.

123.183 Wine gallonage tax and related funds. 1. In addition to the annual permit fee to be paid by each class “A” wine permittee, a wine gallonage tax shall be levied and collected from each class “A” wine permittee on all wine manufactured for sale and sold in this state at wholesale and on all wine imported into this state for sale at wholesale and sold in this state at wholesale. A wine gallonage tax shall also be levied and collected on the direct shipment of wine pursuant to section 123.187. The rate of the wine gallonage tax is one dollar and seventy-five cents for each wine gallon. The same rate shall apply for the fractional parts of a wine gallon. The wine gallonage tax shall not be levied or collected on wine sold by one class “A” wine permittee to another class “A” wine permittee or on wine that is sold by a class “A” wine permittee to a distributor outside of the state. 2. a. Revenue collected from the wine gallonage tax on wine manufactured for sale and sold at wholesale in this state, and on wine subject to direct shipment as provided in section 123.187 by a wine manufacturer licensed or permitted pursuant to laws regulating alcoholic beverages in this state, shall be deposited in the wine gallonage tax fund as created in this section. b. (1) A wine gallonage tax fund is created in the office of the treasurer of state. (2) Moneys deposited in the fund are appropriated as follows: (a) To the midwest grape and wine industry institute at Iowa state university of science and technology, two hundred fifty thousand dollars. (b) To the economic development authority for purposes of section 15E.117, the balance of moneys in the fund after the appropriation in subparagraph division (a). (3) Moneys in the fund and moneys appropriated from the fund pursuant to subparagraph (2) are not subject to reversion under section 8.33. 3. The revenue collected from the wine gallonage tax on wine imported into this state for sale at wholesale and sold in this state at wholesale, and on wine subject to direct shipment as provided in section 123.187 by a wine manufacturer licensed or permitted pursuant to laws regulating alcoholic beverages in another state, shall be deposited in the beer and liquor control fund created in section 123.17. 85 Acts, ch 32, §74; 85 Acts, ch 198, §4, 5; 86 Acts, ch 1246, §753; 87 Acts, ch 95, §2; 2001 Acts, ch 162, §1; 2002 Acts, ch 1050, §15; 2003 Acts, ch 143, §14, 17; 2005 Acts, ch 113, §1; 2007 Acts, ch 211, §41; 2010 Acts, ch 1193, §164; 2011 Acts, ch 118, §85, 89; 2011 Acts, ch 130, §29, 71; 2012 Acts, ch 1136, §26; 2017 Acts, ch 119, §17; 2019 Acts, ch 113, §57 Referred to in §15E.117, 123.31A, 123.35, 123.184, 123.187

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.184 - Report of gallonage sales — penalty.

123.184 Report of gallonage sales — penalty. 1. Each class “A” wine permit holder on or before the tenth day of each calendar month commencing on the tenth day of the calendar month following the month in which the person is issued a permit, shall make a report under oath to the department electronically, or in a manner prescribed by the director, showing the exact number of gallons of wine and fractional parts of gallons sold by that permit holder during the preceding calendar month. The report also shall state whatever reasonable additional information the director requires. The permit holder at the time of filing this report shall pay to the department the amount of tax due at the rate fixed in section 123.183. A penalty of ten percent of the amount of the tax shall be assessed and collected if the report required to be filed pursuant to this subsection is not filed and the tax paid within the time required by this subsection. 2. Each wine direct shipper license holder shall make a report under oath to the department electronically, or in a manner prescribed by the director, on or before the tenth day of the calendar months of June and December, showing the exact number of gallons of wine and fractional parts of gallons sold and shipped pursuant to section 123.187 during the preceding six-month calendar period. The report shall also state whatever reasonable additional information the director requires. The license holder at the time of filing this report shall pay to the department the amount of tax due at the rate fixed in section 123.183. A penalty of ten percent of this amount shall be assessed and collected if the report required to be filed pursuant to this subsection is not filed and the tax paid within the time required by this subsection. 85 Acts, ch 32, §75; 2013 Acts, ch 35, §18; 2015 Acts, ch 104, §1; 2023 Acts, ch 19, §2453 Referred to in §123.187 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.186 - Federal regulations adopted as rules — penalties.

123.186 Federal regulations adopted as rules — penalties. 27 C.F.R. pt. 6 . 2. The department shall adopt as rules the substance of 27 C.F.R. §6.88 , to permit a manufacturer of alcoholic beverages, wine, or beer, or an agent of such manufacturer, to provide to a retailer without charge wine and beer coil cleaning services, including carbon dioxide filters and other necessary accessories to properly clean the coil and affix carbon dioxide filters. The rules shall provide that the manufacturer shall be responsible for paying the costs of any filters provided. 3. The department shall adopt as rules the substance of 27 C.F.R. §6.99 to permit, only with the explicit consent of the retailer, a manufacturer or a wholesaler of alcoholic liquor, wine, or beer to reset or rearrange another

manufacturer's or wholesaler's alcoholic beverage products. 4. The department shall adopt as rules the substance of 27 C.F.R. §10.21 to prohibit a manufacturer or a wholesaler of alcoholic liquor, wine, or beer from offering or giving, directly or indirectly or through an affiliate, a retailer free trips, bonuses, or prizes based on sales of the manufacturer's or wholesaler's alcoholic beverage products. 5. A licensee or permittee who permits or assents to or is a party in any way to a violation or infringement of a rule adopted pursuant to this section is guilty of a violation of this section. A violation of this section shall subject the licensee or permittee to the general penalties provided in this chapter and shall constitute grounds for imposition of a civil penalty or suspension or revocation of the license or permit pursuant to section 123.39. 85 Acts, ch 32, §77; 2006 Acts, ch 1061, §1; 2007 Acts, ch 22, §36; 2018 Acts, ch 1060, §70; 2019 Acts, ch 113, §58; 2023 Acts, ch 19, §2454; 2023 Acts, ch 31, §1 Subsections 1 and 2 amended NEW subsections 3 and 4 and former subsection 3 renumbered as 5

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.187 - Direct shipment of wine — permit and requirements.

123.187 Direct shipment of wine — permit and requirements. 1. A wine manufacturer licensed or permitted pursuant to laws regulating alcoholic beverages in this state or another state may apply for a wine direct shipper permit, as provided in this section. For the purposes of this section, a "wine manufacturer" means a person who processes the fruit, vegetables, dandelions, clover, honey, or any combination of these ingredients, by fermentation into wines. 2. a. Only a wine manufacturer that holds a wine direct shipper permit issued pursuant to this section shall sell wine at retail for direct shipment to any person within this state. This section shall not prohibit an authorized retail licensee from delivering wine pursuant to section 123.46A. b. A wine manufacturer applying for a wine direct shipper permit shall submit an application for the permit electronically, or in a manner prescribed by the director, accompanied by a true copy of the manufacturer's current alcoholic beverage license or permit issued by the state where the manufacturer is primarily located and a copy of the manufacturer's basic permit issued by the alcohol and tobacco tax and trade bureau of the United States department of the treasury. c. An application submitted pursuant to paragraph "b" shall be accompanied by a permit fee in the amount of twenty-five dollars. d. A permit issued pursuant to this section may be renewed annually by submitting a renewal application with the director in a manner prescribed by the director, accompanied by the twenty-five dollar permit fee. 3. The direct shipment of wine pursuant to this section shall be subject to the following requirements and restrictions: a. Wine shall only be shipped to a resident of this state who is at least twenty-one years of age, for the resident's personal use and consumption and not for resale. b. Wine subject to direct shipping shall be properly registered with the federal alcohol and tobacco tax and trade bureau, and fermented on the winery premises of the wine direct shipper permittee. c. All containers of wine shipped directly to a resident of this state shall be conspicuously labeled with the words "CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY" or shall be conspicuously labeled with alternative wording preapproved by the director. d. All containers of wine shipped directly to a resident of this state shall be shipped by a holder of a wine carrier permit as provided in section 123.188. e. Shipment of wine pursuant to this subsection does not require a refund value for beverage container control purposes under chapter 455C. 4. A wine direct shipper permittee shall remit to the department an amount equivalent to the wine gallonage tax on wine subject to direct shipment at the rate specified in section 123.183 for deposit as provided in section 123.183, subsections 2 and 3. The amount shall be remitted at the time and in the manner provided in section 123.184, subsection 2, and the ten percent penalty specified therein shall be applicable. 5. A wine direct shipper permittee shall be deemed to have consented to the jurisdiction of the department or any other agency or court in this state concerning enforcement of this section and any related laws, rules, or regulations. A permit holder shall allow the department to perform an audit of shipping records upon request. 6. A violation of this section shall subject the permittee to the general penalties provided in this chapter and shall constitute grounds for imposition of a civil penalty or suspension or revocation of the permit pursuant to section 123.39. 96 Acts, ch 1101, §1; 2003 Acts, 1st Ex, ch 2, §158, 205; 2010 Acts, ch 1031, §100; 2010 Acts, ch 1193, §165; 2013 Acts, ch 35, §19; 2015 Acts, ch 11, §1; 2015 Acts, ch 104, §2; 2017 Acts, ch 119, §18; 2018 Acts, ch 1060, §71; 2019 Acts, ch 113, §59, 60; 2022 Acts, ch 1099, §84, 85, 88; 2023 Acts, ch 19, §2455 – 2457 Referred to in §123.32, 123.35, 123.46A, 123.173, 123.176, 123.183, 123.184, 123.188 Subsection 2, paragraphs b and d amended Subsection 3, paragraph c amended Subsections 4 and 5 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.188 - Wine carrier — permit and requirements.

123.188 Wine carrier — permit and requirements. 1. A person desiring to deliver wine subject to direct shipment within this state pursuant to section 123.187 shall submit an application for a wine carrier permit electronically, or in a manner prescribed by the director, which shall be accompanied by a fee in the amount of one hundred dollars. 2. The director may in accordance with this chapter issue a wine carrier permit which shall be valid for one year from the date of issuance unless it is sooner suspended or revoked for a violation of this chapter. 3. A permit issued pursuant to this section may be renewed annually by submitting a renewal application with the director in a manner prescribed by the director, accompanied by the one hundred dollar permit fee. 4. The delivery of wine pursuant to this section shall be subject to the following requirements and restrictions: a. A wine carrier permittee shall not deliver wine to any person under twenty-one years of age, or to any person who either is or appears to be in an intoxicated state or condition. b. A wine carrier permittee shall obtain valid proof of identity and age prior to delivery, and shall obtain the signature of an adult as a condition of delivery. c. A wine carrier permittee shall maintain records of wine shipped which include the permit number and name of the wine manufacturer, quantity of wine shipped, recipient's name and address, and an electronic or paper form of signature from the recipient of the wine. Records shall be submitted to the department on a monthly basis in a form

and manner to be determined by the department. 5. A violation of this section shall subject the permittee to the general penalties provided in this chapter and shall constitute grounds for imposition of a civil penalty or suspension or revocation of the permit pursuant to section 123.39. 2019 Acts, ch 113, §61; 2020 Acts, ch 1063, §57; 2023 Acts, ch 19, §2458, 2459 Referred to in §123.32, 123.187 Subsections 1 – 3 amended Subsection 4, paragraph c amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.19 - Distiller's certificate of compliance — injunction — penalty.

123.19 Distiller's certificate of compliance — injunction — penalty. Transferred to §123.23; 2015 Acts, ch 30, §204 .

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.2 - General prohibition.

123.2 General prohibition. It is unlawful to manufacture for sale, sell, offer or keep for sale, possess, or transport alcoholic liquor, wine, or beer except upon the terms, conditions, limitations, and restrictions enumerated in this chapter. [C35, §1921-f3; C39, §1921.003; C46, 50, 54, 58, 62, 66, 71, §123.3; C73, 75, 77, 79, 81, §123.2] 85 Acts, ch 32, §4

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.20 - Powers.

123.20 Powers. Transferred to §123.9; 2015 Acts, ch 30, §204 .

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.21 - Rules.

123.21 Rules. Transferred to §123.10; 2015 Acts, ch 30, §204 .

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.22 - State monopoly.

123.22 State monopoly. 1. The department has the exclusive right of importation into the state of all forms of alcoholic liquor, except as otherwise provided in this chapter, and a person shall not import alcoholic liquor, except that an individual of legal age may import and have in the individual's possession an amount of alcoholic liquor not exceeding nine liters per calendar month that the individual personally obtained outside the state. Alcoholic liquor imported by an individual pursuant to this subsection shall be for personal consumption only in a private home or other private accommodation. A distillery shall not sell alcoholic liquor within the state to any person but only to the department, except as otherwise provided in this chapter. This section vests in the department exclusive control within the state as purchaser of all alcoholic liquor sold by distilleries within the state or imported, except beer and wine, and except as otherwise provided in this chapter. The department shall receive alcoholic liquor on a bailment system for resale by the department in the manner set forth in this chapter. The department shall act as the sole wholesaler of alcoholic liquor to class "E" retail alcohol licensees. 2. a. A person, acting individually or through another acting for the person, shall not directly or indirectly, or upon any pretense or by any device, do any of the following: (1) Manufacture, sell, exchange, barter, dispense, give in consideration of the purchase of any property or of any services or in evasion of this chapter, or keep for sale, or have possession of any alcoholic liquor, except as provided in this chapter. (2) Own, keep, or be in any way concerned, engaged, or employed in owning or keeping, any alcoholic liquor with intent to violate any provision of this chapter, or authorize or permit the same to be done. (3) Manufacture, own, sell, or have possession of any manufactured or compounded article, mixture or substance, not in a liquid form, and containing alcohol which may be converted into a beverage by a process of pressing or straining the alcohol therefrom, or any instrument intended for use and capable of being used in the manufacture of alcoholic liquor. (4) Own or have possession of any material used exclusively in the manufacture of alcoholic liquor. (5) Use or have possession of any material with intent to use it in the manufacture of alcoholic liquors. b. However, alcohol may be manufactured for industrial and nonbeverage purposes by persons who have qualified for that purpose as provided by the laws of the United States and the laws of this state. Such alcohol, so manufactured, may be denatured, transported, used, possessed, sold, and bartered and dispensed, subject to the limitations, prohibitions and restrictions imposed by the laws of the United States and this state. c. Any person may manufacture, sell, or transport ingredients and devices other than alcohol for the making of homemade wine or beer. [C51, §924 – 928; R60, §1559, 1563, 1583, 1587; C73, §1523, 1540 – 1542, 1555; C97, §2382; SS15, §2382; C24, 27, 31, §1924; C35, §1921-f54, 1924; C39, §1921.054, 1924; C46, 50, 54, 58, 62, 66, 71, §123.54, 125.3; C73, 75, 77, 79, 81, §123.22] 85 Acts, ch 32, §18; 86 Acts, ch 1246, §733; 88 Acts, ch 1241, §4; 89 Acts, ch 161, §2; 2017 Acts, ch 119, §2; 2018 Acts, ch 1026, §38; 2018 Acts, ch 1060, §8; 2018 Acts, ch 1096, §2, 6; 2022 Acts, ch 1099, §24, 88; 2023 Acts, ch 19, §2372 Referred to in §123.10, 123.26, 123.28 Subsection 1 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.23 - Distiller's certificate of compliance — injunction — penalty.

123.23 Distiller's certificate of compliance — injunction — penalty. 1. Any manufacturer, distiller, or importer of alcoholic liquors shipping, selling, or having alcoholic liquors brought into this state for resale by the state shall, as a condition precedent to the privilege of so trafficking in alcoholic liquors in this state, annually make application for and hold a distiller's certificate of compliance which shall be issued by the director for that purpose. No brand of alcoholic liquor shall be sold by the department in

this state unless the manufacturer, distiller, importer, and all other persons participating in the distribution of that brand in this state have obtained a certificate. The certificate of compliance shall expire at the end of one year from the date of issuance and shall be renewed for a like period upon application to the director unless otherwise suspended or revoked for cause. Each completed application for a certificate of compliance or renewal shall be submitted electronically, or in a manner prescribed by the director, and shall be accompanied by a fee of two hundred dollars payable to the department. However, this subsection need not apply to a manufacturer, distiller, or importer who ships or sells in this state no more than eleven gallons or its case equivalent during any fiscal year as a result of “special orders” which might be placed, as defined and allowed by departmental rules adopted under this chapter. 2. At the time of applying for a certificate of compliance, each applicant shall submit to the department electronically, or in a manner prescribed by the director, the name and address of its authorized agent for service of process which shall remain effective until changed for another, and a list of names and addresses of all representatives, employees, or attorneys whom the applicant has appointed in the state of Iowa to represent it for any purpose. The listing shall be amended by the certificate holder as necessary to keep the listing current with the department. 3. The director and the attorney general are authorized to require any certificate holder or person listed as the certificate holder’s representative, employee, or attorney to disclose such financial and other records and transactions as may be considered relevant in discovering violations of this chapter or of rules and regulations of the department under this chapter or of any other provision of law by any person. 4. Any violation of the requirements of this chapter or rules adopted pursuant to this chapter shall subject the holder of a distiller’s certificate of compliance to the general penalties provided in this chapter and shall constitute grounds for imposition of a civil penalty, suspension of the certificate, or revocation of the certificate, after notice and opportunity for a hearing pursuant to section 123.39 and chapter 17A. However, willful failure to comply with requirements which may be imposed under subsection 3 is grounds for suspension or revocation of the certificate of compliance only. 5. This section shall not require the listing of those persons who are employed on premises where alcoholic liquors are manufactured, processed, bottled, or packaged in Iowa or persons who are thereafter engaged in the transporting of such alcoholic liquors to the department. 6. The attorney general may also proceed pursuant to the provisions of section 714.16 in order to gain compliance with subsection 3 of this section and may obtain an injunction prohibiting any further violations of this chapter or other provisions of law. Any violation of that injunction shall be punished as contempt of court pursuant to chapter 665 except that the maximum fine that may be imposed shall not exceed fifty thousand dollars. [C73, 75, 77, 79, 81, §123.19] 85 Acts, ch 32, §15; 86 Acts, ch 1237, §6; 93 Acts, ch 91, §3; 2013 Acts, ch 35, §2; 2015 Acts, ch 30, §204 C2016, §123.23 2017 Acts, ch 119, §3; 2018 Acts, ch 1060, §9; 2019 Acts, ch 113, §5; 2022 Acts, ch 1099, §7, 15; 2023 Acts, ch 19, §2373 Referred to in §123.32, 123.35 Subsections 1, 2, 3, and 5 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.24 - Alcoholic liquor sales by the department — dishonored payments — liquor prices.

123.24 Alcoholic liquor sales by the department — dishonored payments — liquor prices. 1. The department shall sell alcoholic liquor at wholesale only. The department shall sell alcoholic liquor to class “E” retail alcohol licensees only. The department shall offer the same price on alcoholic liquor to all class “E” retail alcohol licensees without regard for the quantity of purchase or the distance for delivery. 2. The price of alcoholic liquor sold by the department shall consist of the following: a. The manufacturer’s price. b. A markup of up to fifty percent of the wholesale price paid by the department for the alcoholic liquor. The department may increase the markup on selected kinds of alcoholic liquor sold by the department if the average return to the department on all sales of alcoholic liquor does not exceed the wholesale price paid by the department and the fifty percent markup. c. A split case charge in an amount determined by the department when alcoholic liquor is sold in quantities which require a case to be split. d. A bottle surcharge in an amount sufficient, when added to the amount not refunded to class “E” retail alcohol licensees pursuant to section 455C.2, to pay the costs incurred by the department for collecting and properly disposing of the liquor containers. The amount collected pursuant to this paragraph, in addition to any amounts not refunded to class “E” retail alcohol licensees pursuant to section 455C.2, shall be deposited in the beer and liquor control fund established under section 123.17. 3. a. The department may accept from a class “E” retail alcohol licensee electronic funds transferred by automated clearing house, wire transfer, or another method deemed acceptable by the director, in payment of alcoholic liquor. If a payment is subsequently dishonored, the department shall cause a notice of nonpayment and penalty to be served upon the class “E” retail alcohol licensee or upon any person in charge of the licensed premises. The notice shall state that if payment or satisfaction for the dishonored payment is not made within ten days of the service of notice, the licensee’s retail alcohol license may be suspended under section 123.39. The notice of nonpayment and penalty shall be in a form prescribed by the director, and shall be sent by certified mail. b. If upon notice and hearing under section 123.39 and pursuant to the provisions of chapter 17A concerning a contested case hearing, the director determines that the class “E” retail alcohol licensee failed to satisfy the obligation for which the payment was issued within ten days after the notice of nonpayment and penalty was served on the licensee as provided in paragraph “a” of this subsection, the director may suspend the licensee’s class “E” retail alcohol license for a period not to exceed ten days. 4. The director may refuse to sell alcoholic liquor to a class “E” retail alcohol licensee who tenders a payment which is subsequently dishonored until the outstanding obligation is satisfied. [C35, §1921-f20, 1921-f41; C39, §1921.020, 1921.041; C46, 50, 54, 58, 62, 66, 71, §123.20, 123.41; C73, 75, 77, 79, 81, §123.24; 81 Acts, ch 56, §1] 86 Acts, ch 1246, §734; 87 Acts, ch 22, §1, 2; 88 Acts, ch 1158, §29; 88 Acts, ch 1241, §5; 92 Acts, ch 1242, §24; 93 Acts, ch 91, §4, 5; 2013 Acts, ch 35, §21; 2019 Acts, ch 113, §6 – 8; 2022 Acts, ch 1099, §25, 88; 2023 Acts, ch 19, §2374 Referred to in §123.176 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.25 - Consumption on premises.

123.25 Consumption on premises. An officer, clerk, agent, or employee of the department employed in a state-owned warehouse under this chapter shall not allow any alcoholic beverage to be consumed on the premises, nor shall a person consume any alcoholic liquor on the premises except for testing or sampling purposes only. [C35, §1921-f23; C39, §1921.023; C46, 50, 54, 58, 62, 66, 71, §123.23; C73, 75, 77, 79, 81, §123.25] 86 Acts, ch 1122, §8; 86 Acts, ch 1246, §735; 2018 Acts, ch 1060, §10; 2023 Acts, ch 19, §2375 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.26 - Restrictions on sales — seals — labeling.

123.26 Restrictions on sales — seals — labeling. Alcoholic liquor shall not be sold by a class “E” retail alcohol licensee except in a sealed container with identifying markers as prescribed by the director and affixed in the manner prescribed by the director, and no such container shall be opened upon the premises of a state warehouse. The department shall cooperate with the department of natural resources so that only one identifying marker or mark is needed to satisfy the requirements of this section and section 455C.5, subsection 1. Possession of alcoholic liquors which do not carry the prescribed identifying markers is a violation of this chapter except as provided in section 123.22. [C35, §1921-f24; C39, §1921.024; C46, 50, 54, 58, 62, 66, 71, §123.24; C73, 75, 77, 79, 81, §123.26] 86 Acts, ch 1246, §736; 87 Acts, ch 22, §3; 2022 Acts, ch 1099, §26, 88; 2023 Acts, ch 19, §2376 Referred to in §123.28 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.27 - Sales and deliveries prohibited.

123.27 Sales and deliveries prohibited. It is unlawful to transact the sale or delivery of alcoholic liquor in, on, or from the premises of a state warehouse: 1. After the closing hour as established by the director. 2. On any legal holiday except those designated by the director. 3. During other periods or days as designated by the director. [C35, §1921-f25; C39, §1921.025; C46, 50, 54, 58, 62, 66, 71, §123.25; C73, 75, 77, 79, 81, §123.27; 81 Acts, ch 6, §11] 85 Acts, ch 32, §20; 86 Acts, ch 1122, §9; 86 Acts, ch 1246, §737; 89 Acts, ch 161, §3; 2019 Acts, ch 113, §9; 2023 Acts, ch 19, §2377 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.28 - Restrictions on transportation.

123.28 Restrictions on transportation. 1. It is lawful to transport, carry, or convey alcoholic liquors from the place of purchase by the department to a state warehouse or depot established by the department or from one such place to another and, when so permitted by this chapter, it is lawful for the department, a common carrier, or other person to transport, carry, or convey alcoholic liquor sold from a state warehouse, depot, or point of purchase by the state to any place to which the liquor may be lawfully delivered under this chapter. 2. The department shall deliver alcoholic liquor purchased by class “E” retail alcohol licensees. Class “E” retail alcohol licensees may deliver alcoholic liquor purchased by class “C”, class “D”, or class “F” retail alcohol licensees, and class “C”, class “D”, or class “F” retail alcohol licensees may transport alcoholic liquor purchased from class “E” retail alcohol licensees. 3. A common carrier or other person shall not break or open or allow to be broken or opened a container or package containing alcoholic liquor or use or drink or allow to be used or drunk any alcoholic liquor while it is being transported or conveyed. 4. This section does not prohibit a private person from transporting individual bottles or containers of alcoholic liquor exempted pursuant to section 123.22 and individual bottles or containers bearing the identifying mark prescribed in section 123.26 which have been opened previous to the commencement of the transportation. 5. This section does not affect the right of a retail alcohol license holder to purchase, possess, or transport alcoholic liquors subject to this chapter. [C35, §1921-f26; C39, §1921.026; C46, 50, 54, 58, 62, 66, 71, §123.26; C73, 75, 77, 79, 81, §123.28; 81 Acts, ch 6, §12] 84 Acts, ch 1275, §1; 85 Acts, ch 196, §1; 86 Acts, ch 1020, §1; 86 Acts, ch 1246, §738; 87 Acts, ch 170, §1; 95 Acts, ch 48, §1; 2017 Acts, ch 119, §4; 2018 Acts, ch 1060, §11; 2019 Acts, ch 113, §10; 2022 Acts, ch 1099, §27, 88; 2023 Acts, ch 19, §2378 See also §321.284 Subsections 1 and 2 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.29 - Patent and proprietary products and sacramental wine.

123.29 Patent and proprietary products and sacramental wine. 1. This chapter does not prohibit the sale of patent and proprietary medicines, tinctures, food products, extracts, toiletries, perfumes, and similar products, which are not susceptible of use as a beverage, but which contain alcoholic liquor, wine, or beer as one of their ingredients. These products may be sold through ordinary wholesale and retail businesses without a license or permit issued by the department. 2. This chapter does not prohibit a member of the clergy of any religious denomination which uses vinous liquor in its sacramental ceremonies from purchasing, receiving, possessing, and using vinous liquor for sacramental purposes. [C24, 27, 31, §2171; C35, §1921-f27, 2171; C39, §1921.027, 2171; C46, 50, 54, 58, 62, 66, 71, §123.27, 134.1; C73, 75, 77, 79, 81, §123.29] 85 Acts, ch 32, §21; 86 Acts, ch 1246, §739, 740; 89 Acts, ch 161, §4 – 6; 93 Acts, ch 91, §6; 2023 Acts, ch 19, §2379 Subsection 1 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.3 -

Definitions.

123.3 Definitions. As used in this chapter, unless the context otherwise requires: 1. "Air common carrier" means a person engaged in transporting passengers for hire in interstate or foreign commerce by aircraft and operating regularly scheduled flights under a certificate of public convenience issued by the civil aeronautics board. 2. "Alcohol" means the product of distillation of any fermented liquor rectified one or more times, whatever may be the origin thereof, and includes synthetic ethyl alcohol. 3. "Alcoholic beverage" means any beverage containing more than one-half of one percent of alcohol by volume including alcoholic liquor, wine, and beer. 4. "Alcoholic liquor" means the varieties of liquor defined in subsections 2 and 49 which contain more than six and twenty-five hundredths percent of alcohol by volume, beverages made as described in subsection 6 which beverages contain more than six and twenty-five hundredths percent of alcohol by volume but which are not wine as defined in subsection 53, high alcoholic content beer as defined in subsection 22, or canned cocktails as defined in subsection 10, and every other liquid or solid, patented or not, containing spirits and every beverage obtained by the process described in subsection 53 containing more than twenty-one and twenty-five hundredths percent of alcohol by volume, and susceptible of being consumed by a human being, for beverage purposes. Alcohol manufactured in this state for use as fuel pursuant to an experimental distilled spirits plant permit or its equivalent issued by the federal bureau of alcohol, tobacco and firearms is not an "alcoholic liquor". 5. "Application" means a written request for the issuance of a permit, license, or certificate that is supported by a verified statement of facts and submitted electronically, or in a manner prescribed by the director. 6. "Beer" means any liquid capable of being used for beverage purposes made by the fermentation of an infusion in potable water of barley, malt, and hops, with or without unmalted grains or decorticated and degerminated grains or made by the fermentation of or by distillation of the fermented products of fruit, fruit extracts, or other agricultural products, containing more than one-half of one percent of alcohol by volume but not more than six and twenty-five hundredths percent of alcohol by volume. 7. "Brewer" means any person who manufactures beer for the purpose of sale, barter, exchange, or transportation. 8. "Brewpub" means a commercial establishment authorized to sell beer at retail for consumption on or off the premises that is operated by a person who holds a class "C" or special class "C" retail alcohol license and who also holds a special class "A" beer permit that authorizes the holder to manufacture and sell beer pursuant to this chapter. 9. "Broker" means a person who represents or promotes alcoholic liquor within the state on behalf of the holder of a distiller's certificate of compliance, a manufacturer's license, or a class "A" native distilled spirits license. An employee of the holder of a distiller's certificate of compliance, a manufacturer's license, or a class "A" native distilled spirits license is not a broker. 10. "Canned cocktail" means a mixed drink or cocktail that is premixed and packaged in a metal can and contains more than one-half of one percent of alcohol by volume but not more than fifteen percent of alcohol by volume. A mixed drink or cocktail mixed and packaged in a metal can pursuant to section 123.49, subsection 2, paragraph "d", subparagraph (3), shall not be considered a canned cocktail. 11. "City" means a municipal corporation but not including a county, township, school district, or any special purpose district or authority. 12. "Club" means any nonprofit corporation or association of individuals, which is the owner, lessee, or occupant of a permanent building or part thereof, membership in which entails the prepayment of regular dues and is not operated for a profit other than such profits as would accrue to the entire membership. 13. "Commercial establishment" means a place of business which is at all times equipped with sufficient tables and seats to accommodate twenty-five persons at one time, and the licensed premises of which conform to the standards and specifications of the department. 14. "Commission" means the alcoholic beverages commission established by this chapter. 15. "Completed application" means an application where all necessary fees have been paid in full, any required bonds have been submitted, the applicant has provided all information requested by the department, and the application meets the requirements of section 123.92, subsection 2, if applicable. 16. "Department" means the department of revenue. 17. "Designated security employee" means an agent, contract employee, independent contractor, servant, or employee of a licensee or permittee who works in a security position in any capacity at a commercial establishment licensed or permitted under this chapter. 18. "Director" means the director of the department of revenue or the director's designee. 19. "Distillery", "winery", and "brewery" mean not only the premises where alcohol or spirits are distilled, wine is fermented, or beer is brewed, but in addition mean a person owning, representing, or in charge of such premises and the operations conducted there, including the blending and bottling or other handling and preparation of alcoholic liquor, wine, or beer in any form. 20. "Grape brandy" means brandy produced by the distillation of fermented grapes or grape juice. 21. "Grocery store" means any retail establishment, the business of which consists of the sale of food, food products, or beverages for consumption off the premises. 22. "High alcoholic content beer" means beer which contains more than six and twenty-five hundredths percent of alcohol by volume, but not more than nineteen percent of alcohol by volume, that is made by the fermentation of an infusion in potable water of barley, malt, and hops, with or without unmalted grains or decorticated and degerminated grains. Not more than one and five-tenths percent of the volume of a "high alcoholic content beer" may consist of alcohol derived from added flavors and other nonbeverage ingredients containing alcohol. The added flavors and other nonbeverage ingredients may not include added caffeine or other added stimulants including but not limited to guarana, ginseng, and taurine. 23. "Hotel" or "motel" means premises licensed by the department of inspections, appeals, and licensing and regularly or seasonally kept open in a bona fide manner for the lodging of transient guests, and with twenty or more sleeping rooms. 24. "Import" means the transporting or ordering or arranging the transportation of alcoholic liquor, wine, or beer into this state whether by a resident of this state or not. 25. "Importer" means the person who transports or orders, authorizes, or arranges the transportation of alcoholic liquor, wine, or beer into this state whether the person is a resident of this state or not. 26. The terms "in accordance with the provisions of this chapter", "pursuant to the provisions of this title", or similar terms shall include all rules and regulations of the department adopted to aid in the administration or enforcement of those provisions. 27. "Institutional investor" means a person who maintains a diversified portfolio of investments through a state or federally chartered bank, a mutual fund, a

retirement plan or account created by an employer, the person, or another individual to provide retirement benefits or deferred compensation to the person, a private investment firm, or a holding company publicly traded on the New York stock exchange, the American stock exchange, or NASDAQ stock market and who has a majority of investments in businesses other than businesses that manufacture, bottle, wholesale, or sell at retail alcoholic beverages. 28. "Legal age" means twenty-one years of age or more. 29. "Licensed premises" or "premises" means all rooms, enclosures, contiguous areas, or places susceptible of precise description satisfactory to the director where alcoholic beverages, wine, or beer is sold or consumed under authority of a retail alcohol license, wine permit, or beer permit. A single licensed premises may consist of multiple rooms, enclosures, areas, or places if they are wholly within the confines of a single building or contiguous grounds. 30. "Local authority" means the city council of any incorporated city in this state, or the county board of supervisors of any county in this state, which is empowered by this chapter to approve or deny applications for retail alcohol licenses; empowered to recommend that such licenses be granted and issued by the department; and empowered to take other actions reserved to them by this chapter. 31. "Manufacture" means to distill, rectify, ferment, brew, make, mix, concoct, or process any substance capable of producing a beverage containing more than one-half of one percent of alcohol by volume and includes blending, bottling, or the preparation for sale. 32. "Mixed drink or cocktail" means an alcoholic beverage, composed in whole or in part of alcoholic liquor, that is combined with other alcoholic beverages or nonalcoholic beverages or ingredients including but not limited to ice, water, soft drinks, or flavorings. 33. "Native brewery" means a business which manufactures beer or high alcoholic content beer and is operated by a person who holds a class "A" beer permit that authorizes the holder to manufacture and sell beer pursuant to this chapter. 34. "Native distilled spirits" means spirits fermented, distilled, or, for a period of two years, barrel matured on the licensed premises of the native distillery where fermented, distilled, or matured. "Native distilled spirits" also includes blended or mixed spirits comprised solely of spirits fermented, distilled, or, for a period of two years, barrel matured at a native distillery. 35. "Native distillery" means a business with an operating still which produces and manufactures native distilled spirits. 36. "Native wine" means wine manufactured pursuant to section 123.176 by a manufacturer of native wine. 37. "Package" means any container or receptacle used for holding alcoholic liquor. 38. "Permit" or "license" means an express written authorization issued by the department for the manufacture or sale, or both, of alcoholic liquor, wine, or beer. 39. "Person" means any individual, association, or partnership, any corporation, limited liability company, or other similar legal entity, any club, hotel or motel, or any municipal corporation owning or operating a bona fide airport, marina, park, coliseum, auditorium, or recreational facility in or at which the sale of alcoholic liquor, wine, or beer is only an incidental part of the ownership or operation. 40. "Person of good moral character" means any person who meets all of the following requirements: a. The person has such financial standing and good reputation as will satisfy the director that the person will comply with this chapter and all laws, ordinances, and regulations applicable to the person's operations under this chapter. However, the director shall not require the person to post a bond to meet the requirements of this paragraph. b. The person is not prohibited by section 123.40 from obtaining a retail alcohol license or a wine or beer permit. c. Notwithstanding paragraph "e", the applicant is a citizen of the United States and a resident of this state, or licensed to do business in this state in the case of a corporation. Notwithstanding paragraph "e", in the case of a partnership, only one general partner need be a resident of this state. d. The person has not been convicted of a felony. However, if the person's conviction of a felony occurred more than five years before the date of the application for a license or permit, and if the person's rights of citizenship have been restored by the governor, the director may determine that the person is of good moral character notwithstanding such conviction. e. The requirements of this subsection apply to the following: (1) Each of the officers, directors, and partners of such person. (2) A person who directly or indirectly owns or controls ten percent or more of any class of stock of such person. (3) A person who directly or indirectly has an interest of ten percent or more in the ownership or profits of such person. 41. "Pharmacy" means a drug store in which drugs and medicines are exposed for sale and sold at retail, or in which prescriptions of licensed physicians and surgeons, dentists, prescribing psychologists, or veterinarians are compounded and sold by a registered pharmacist. 42. "Private place" means a location which, at the time alcoholic beverages are kept, dispensed, or consumed, meets all of the following criteria: a. The general public does not have access to the location and attendees are limited to bona fide social hosts and invited guests. b. The location is not of a commercial nature. c. Goods or services are neither sold nor purchased at the location. d. The location is not a licensed premises. e. Admission fees or other kinds of entrance fees, fare, ticket, donation or charges are not made or are required of the invited guests to enter the location. 43. "Public place" means any place, building, or conveyance to which the public has or is permitted access. 44. "Residence" means the place where a person resides, permanently or temporarily. 45. "Retail alcohol license" means a class "B", class "C", special class "C", class "D", class "E", or class "F" retail alcohol license, or a special class "B" or special class "C" retail native wine license issued under this chapter. 46. "Retailer" means any person who shall sell, barter, exchange, offer for sale, or have in possession with intent to sell any alcoholic liquor, wine, or beer for consumption either on or off the premises where sold. 47. The prohibited "sale" of alcoholic liquor, wine, or beer under this chapter includes soliciting for sales, taking orders for sales, keeping or exposing for sale, delivery or other trafficking for a valuable consideration promised or obtained, and procuring or allowing procurement for any other person. 48. "School" means a public or private school or that portion of a public or private school which provides facilities for teaching any grade from kindergarten through grade twelve. 49. "Spirits" means any beverage which contains alcohol obtained by distillation mixed with drinkable water and other substances in solution, including, but not limited to, brandy, rum, whisky, and gin. 50. "Unincorporated town" means a compactly populated area recognized as a distinct place with a distinct place-name which is not itself incorporated or within the corporate limits of a city. 51. "Warehouse" means any premises or place primarily constructed or used or provided with facilities for the storage in transit or other temporary storage of perishable goods or for the conduct of normal warehousing business. 52. "Wholesaler" means any person, other than a vintner, brewer or bottler of beer or wine, who shall sell, barter, exchange, offer for

sale, have in possession with intent to sell, deal or traffic in alcoholic liquor, wine, or beer. A wholesaler shall not sell for consumption upon the premises. 53. “Wine” means any beverage containing more than six and twenty-five hundredths percent of alcohol by volume but not more than twenty-one and twenty-five hundredths percent of alcohol by volume obtained by the fermentation of the natural sugar contents of fruits or other agricultural products but excluding any product containing alcohol derived from malt or by the distillation process from grain, cereal, molasses, or cactus. [C35, §1921-f5, 1921-f97; C39, §1921.005, 1921.096; C46, 50, 54, 58, 62, 66, 71, §123.5, 124.2; C73, 75, 77, 79, 81, §123.3; 81 Acts, ch 55, §1] 85 Acts, ch 32, §5 – 8; 86 Acts, ch 1122, §2 – 4; 86 Acts, ch 1246, §724, 725; 88 Acts, ch 1088, §1; 88 Acts, ch 1241, §1; 89 Acts, ch 161, §1; 93 Acts, ch 91, §1; 94 Acts, ch 1017, §1; 97 Acts, ch 126, §1; 2000 Acts, ch 1201, §1; 2003 Acts, ch 143, §1, 2, 17; 2005 Acts, ch 13, §1; 2006 Acts, ch 1032, §1; 2006 Acts, ch 1185, §118; 2010 Acts, ch 1031, §87, 88, 96; 2011 Acts, ch 17, §1 – 3, 17; 2011 Acts, ch 30, §2; 2013 Acts, ch 35, §1, 24; 2014 Acts, ch 1092, §27; 2016 Acts, ch 1112, §1; 2017 Acts, ch 119, §1, 39; 2018 Acts, ch 1060, §1 – 3; 2019 Acts, ch 8, §1; 2019 Acts, ch 107, §1, 2, 6; 2019 Acts, ch 113, §1, 2; 2021 Acts, ch 155, §1; 2022 Acts, ch 1099, §16 – 19, 88; 2023 Acts, ch 19, §1872, 2351 – 2354; 2023 Acts, ch 157, §1 Referred to in §7D.16, 99F.4, 123.31, 123.31A, 123.32, 123.35, 123.43, 123.127, 123.130, 123.175, 123A.2, 142D.2, 455B.301, 455C.1, 455C.5, 455C.16 Subsection 1 stricken and former subsections 2 – 5 renumbered as 1 – 4 Former subsection 6 amended and renumbered as 5 Former subsections 7 – 13 renumbered as 6 – 12 Former subsection 14 amended and renumbered as 13 and former subsection 15 renumbered as 14 Former subsection 16 amended and renumbered as 15 NEW subsection 16 NEW subsection 18 and former subsection 19 stricken and former subsection 18 renumbered as 19 Subsections 23, 26, 29, 30, and 38 amended Subsection 40, paragraphs a and d amended Subsection 45 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.30 - Retail alcohol licenses — classes.

123.30 Retail alcohol licenses — classes. 1. a. A retail alcohol license may be issued to any person who is of good moral character as defined by this chapter. b. As a condition for issuance of a retail alcohol license or wine or beer permit, the applicant must give consent to members of the fire, police, and health departments and the building inspector of cities; the county sheriff or deputy sheriff; members of the department of public safety; representatives of the department and of the department of inspections, appeals, and licensing; certified police officers; and any official county health officer to enter upon areas of the premises where alcoholic beverages are stored, served, or sold, without a warrant during business hours of the licensee or permittee to inspect for violations of this chapter or ordinances and regulations that cities and boards of supervisors may adopt. However, a subpoena issued under section 421.17 or a warrant is required for inspection of private records, a private business office, or attached living quarters. Persons who are not certified peace officers shall limit the scope of their inspections of licensed premises to the regulatory authority under which the inspection is conducted. All persons who enter upon a licensed premises to conduct an inspection shall present appropriate identification to the owner of the establishment or the person who appears to be in charge of the establishment prior to commencing an inspection; however, this provision does not apply to undercover criminal investigations conducted by peace officers. c. As a further condition for the issuance of a class “E” retail alcohol license, the applicant shall post a bond in a sum of not less than five thousand nor more than fifteen thousand dollars as determined on a sliding scale established by the department; however, a bond shall not be required if all purchases of alcoholic liquor from the department by the licensee are made by means that ensure that the department will receive full payment in advance of delivery of the alcoholic liquor. d. A class “E” retail alcohol license may be issued to a city council for premises located within the limits of the city if there are no class “E” retail alcohol licensees operating within the limits of the city and no other applications for a class “E” license for premises located within the limits of the city at the time the city council’s application is filed. If a class “E” retail alcohol license is subsequently issued to a private person for premises located within the limits of the city, the city council shall surrender its license to the department within one year of the date that the class “E” retail alcohol licensee begins operating, liquidate any remaining assets connected with the liquor store, and cease operating the liquor store. 2. A retail alcohol license shall not be issued for premises which do not constitute a safe and proper place or building and which do not conform to all applicable laws, ordinances, resolutions, and health and fire regulations. A licensee shall not have or maintain any interior access to residential or sleeping quarters unless permission is granted by the director in the form of a living quarters permit. 3. Retail alcohol licenses issued under this chapter shall be of the following classes: a. Class “B”. (1) (a) A class “B” retail alcohol license may be issued and shall authorize the holder to purchase wine from a class “A” wine permittee only and beer from a class “A” beer permittee only, and to sell wine and beer in original unopened containers at retail to patrons for consumption off the licensed premises. (b) The holder of a class “B” retail alcohol license may sell wine to class “C”, special class “C”, class “D”, and class “F” retail alcohol licensees for resale for consumption on the premises. Such wine sales shall be in quantities of less than one case of any wine brand but not more than one such sale shall be made to the same retail alcohol licensee in a twenty-four-hour period. (c) The holder of a class “B” retail alcohol license may sell beer to class “C”, special class “C”, special class “C” retail native license, class “D”, and class “F” retail alcohol licensees for resale for consumption on the premises. Such beer sales shall be in quantities of not more than five cases of beer, high alcoholic content beer, and canned cocktails, but not more than one such sale shall be made to the same retail alcohol licensee in a twenty-four-hour period. A class “A” beer permittee shall be held harmless concerning any beer resold as authorized by this subparagraph division. (2) A special class “B” retail native wine license shall authorize the holder to purchase wine from a native winery holding a class “A” wine permit and to sell native wine only at retail for consumption off the licensed premises. b. Class “C”. (1) (a) A class “C” retail alcohol license may be issued to a commercial establishment but must be issued in the name of the individuals who actually own the

entire business. (b) The holder of a class "C" retail alcohol license shall be authorized to purchase alcoholic beverages as follows: (i) Alcoholic liquors in original unopened containers from class "E" retail alcohol licensees only. (ii) Wine from class "A" wine permittees. (iii) Wine from class "B" retail alcohol licensees or class "E" retail alcohol licensees in quantities of less than one case of any wine brand in a twenty-four-hour period, but not more than one such purchase shall be made by the licensee in a twenty-four-hour period. (iv) Beer from class "A" beer permittees. (v) Beer from class "B" retail alcohol licensees or class "E" retail alcohol licensees in quantities of not more than five cases of beer, high alcoholic content beer, and canned cocktails, but not more than one such purchase shall be made by the licensee in a twenty-four-hour period. A class "A" beer permittee shall be held harmless concerning any beer resold as authorized by this subparagraph subdivision. (c) The holder of a class "C" retail alcohol license shall be authorized to sell alcoholic beverages to patrons by the individual drink for consumption on the premises only. However, alcoholic liquor, wine, and beer in original unopened containers may also be sold for consumption off the premises. In addition, mixed drinks or cocktails may also be sold for consumption off the premises subject to the requirements of section 123.49, subsection 2, paragraph "d". (d) The holder of a class "C" retail alcohol license may also hold a special class "A" beer permit for the premises licensed under a class "C" retail alcohol license for the purpose of operating a brewpub pursuant to this chapter. (2) (a) A special class "C" retail alcohol license may be issued to a commercial establishment. (b) The holder of a special class "C" retail alcohol license shall be authorized to purchase alcoholic beverages as follows: (i) Wine from class "A" wine permittees. (ii) Wine from class "B" retail alcohol licensees or class "E" retail alcohol licensees in quantities of less than one case of any wine brand in a twenty-four-hour period, but not more than one such purchase shall be made by the licensee in a twenty-four-hour period. (iii) Beer from class "A" beer permittees. (iv) Beer from class "B" retail alcohol licensees or class "E" retail alcohol licensees in quantities of not more than five cases of beer, high alcoholic content beer, and canned cocktails, but not more than one such purchase shall be made by the licensee in a twenty-four-hour period. A class "A" beer permittee shall be held harmless concerning any beer resold as authorized by this subparagraph subdivision. (c) The holder of a special class "C" retail alcohol license shall be authorized to sell wine and beer to patrons by the individual drink for consumption on the premises only. However, wine and beer in original unopened containers may also be sold for consumption off the premises. (d) The holder of a special class "C" retail alcohol license may also hold a special class "A" beer permit for the premises licensed under a special class "C" retail alcohol license for the purpose of operating a brewpub pursuant to this chapter. (e) The license issued to holders of a special class "C" retail alcohol license shall clearly state on its face that the license is limited. (3) A special class "C" retail native wine license shall authorize the holder to sell beer and native wine as provided in section 123.31C. c. Class "D". (1) A class "D" retail alcohol license may be issued to a railway corporation, to an air common carrier, and to passenger-carrying boats or ships for hire with a capacity of twenty-five persons or more operating in inland or boundary waters, and shall authorize the holder to sell or furnish alcoholic beverages to passengers for consumption only on trains, watercraft as described in this section, or aircraft, respectively. Each license is valid throughout the state. Only one license is required for all trains, watercraft, or aircraft operated in the state by the licensee. However, if a watercraft is an excursion gambling boat licensed under chapter 99F, the owner shall obtain a separate class "D" retail alcohol license for each excursion gambling boat operating in the waters of this state. (2) A class "D" retail alcohol licensee who operates a train or a watercraft intrastate only, or an excursion gambling boat licensed under chapter 99F, shall be authorized to purchase alcoholic beverages as follows: (a) Alcoholic liquors in original unopened containers from class "E" retail alcohol licensees only. (b) Wine from class "A" wine permittees. (c) Wine from class "B" retail alcohol licensees or class "E" retail alcohol licensees in quantities of less than one case of any wine brand in a twenty-four-hour period, but not more than one such purchase shall be made by the licensee in a twenty-four-hour period. (d) Beer from class "A" beer permittees. (e) Beer from class "B" retail alcohol licensees or class "E" retail alcohol licensees in quantities of not more than five cases of beer, high alcoholic content beer, and canned cocktails, but not more than one such purchase shall be made by the licensee in a twenty-four-hour period. A class "A" beer permittee shall be held harmless concerning any beer resold as authorized by this subparagraph division. d. Class "E". (1) A class "E" retail alcohol license may be issued and shall authorize the holder to purchase alcoholic liquor in original unopened containers from the department only, wine from a class "A" wine permittee only, and beer from a class "A" beer permittee only; to sell alcoholic liquor, wine, and beer in original unopened containers at retail to patrons for consumption off the licensed premises; and to sell alcoholic liquor and high alcoholic content beer at wholesale to other retail alcohol licensees, provided the holder has filed with the department a basic permit issued by the alcohol and tobacco tax and trade bureau of the United States department of the treasury. (2) A holder of a class "E" retail alcohol license may hold other retail alcohol licenses, but the premises licensed under a class "E" retail alcohol license shall be separate from other licensed premises, though the separate premises may have a common entrance. (3) The holder of a class "E" retail alcohol license may sell wine to class "C", special class "C", class "D", and class "F" retail alcohol licensees for resale for consumption on the premises. Such wine sales shall be in quantities of less than one case of any wine brand but not more than one such sale shall be made to the same retail alcohol licensee in a twenty-four-hour period. (4) The holder of a class "E" retail alcohol license may sell beer to class "C", special class "C", special class "C" retail native license, class "D", and class "F" retail alcohol licensees for resale for consumption on the premises. Such beer sales shall be in quantities of not more than five cases of beer, high alcoholic content beer, and canned cocktails, but not more than one such sale shall be made to the same retail alcohol licensee in a twenty-four-hour period. A class "A" beer permittee shall be held harmless concerning any beer resold as authorized by this subparagraph. (5) The department may issue a class "E" retail alcohol license for premises covered by a retail alcohol license for on-premises consumption under any of the following circumstances: (a) If the premises are in a county having a population under nine thousand five hundred in which no other class "E" retail alcohol license has been issued by the department, and no other application for a class "E" retail alcohol license has been made within the previous twelve consecutive months. (b) If,

notwithstanding any provision of this chapter to the contrary, the premises covered by a retail alcohol license is a grocery store that is at least five thousand square feet. e. Class “F”. (1) A class “F” retail alcohol license may be issued to a club and shall authorize the holder to sell alcoholic beverages to bona fide members and their guests by the individual drink for consumption on the premises only. (2) The holder of a class “F” retail alcohol license shall be authorized to purchase alcoholic beverages as follows: (a) Alcoholic liquors in original unopened containers from class “E” retail alcohol licensees only. (b) Wine from class “A” wine permittees. (c) Wine from class “B” retail alcohol licensees or class “E” retail alcohol licensees in quantities of less than one case of any wine brand in a twenty-four-hour period, but not more than one such purchase shall be made by the licensee in a twenty-four-hour period. (d) Beer from class “A” beer permittees. (e) Beer from class “B” retail alcohol licensees or class “E” retail alcohol licensees in quantities of not more than five cases of beer, high alcoholic content beer, and canned cocktails, but not more than one such purchase shall be made by the licensee in a twenty-four-hour period. A class “A” beer permittee shall be held harmless concerning any beer resold as authorized by this subparagraph division. 4. Notwithstanding any provision of this chapter to the contrary, a person holding a retail alcohol license to sell alcoholic beverages for consumption on the licensed premises may permit a customer to remove one unsealed bottle of wine for consumption off the premises if the customer has purchased and consumed a portion of the bottle of wine on the licensed premises. The licensee or the licensee’s agent shall securely reseal such bottle in a bag designed so that it is visibly apparent that the resealed bottle of wine has not been tampered with and provide a dated receipt for the resealed bottle of wine to the customer. A wine bottle resealed pursuant to the requirements of this subsection is subject to the requirements of sections 321.284 and 321.284A. A person holding a retail alcohol license to sell alcoholic beverages for consumption on the licensed premises may permit a customer to carry an open container of wine from the person’s licensed premises into another immediately adjacent licensed premises that is covered by a license or permit that authorizes the consumption of wine, a temporarily closed public right-of-way, or a private place. [C35, §1921-f27; C39, §1921.027; C46, 50, 54, 58, 62, 66, 71, §123.27; C73, 75, 77, 79, 81, §123.30] 85 Acts, ch 32, §22; 86 Acts, ch 1246, §741, 742; 87 Acts, ch 22, §4 – 6; 88 Acts, ch 1088, §2, 3; 88 Acts, ch 1241, §6, 7; 90 Acts, ch 1175, §6; 91 Acts, ch 203, §1; 93 Acts, ch 91, §7, 8; 2009 Acts, ch 41, §263; 2009 Acts, ch 74, §1; 2010 Acts, ch 1193, §111, 140; 2011 Acts, ch 17, §6; 2013 Acts, ch 30, §22; 2014 Acts, ch 1092, §28; 2016 Acts, ch 1008, §3; 2017 Acts, ch 29, §38, 39; 2017 Acts, ch 119, §5, 19, 40; 2018 Acts, ch 1060, §12; 2018 Acts, ch 1172, §54 – 60; 2019 Acts, ch 113, §11 – 13; 2020 Acts, ch 1114, §10, 11, 16; 2021 Acts, ch 155, §2; 2022 Acts, ch 1099, §1, 6; 2023 Acts, ch 19, §1875, 2380, 2381; 2023 Acts, ch 48, §1; 2023 Acts, ch 157, §2 – 4 Referred to in §12.43, 123.31, 123.33, 123.36, 123.43, 123.43A, 123.45, 123.95, 123.127, 123.138, 123.175, 123.176 See Code editor’s note on simple harmonization at the beginning of this Code volume Subsections 1 and 2 amended Subsection 3, paragraph a, subparagraph (1), subparagraph division (c) amended Subsection 3, paragraph b, subparagraph (2), NEW subparagraph division (d) and former subparagraph division (d) redesignated as (e) Subsection 3, paragraph b, NEW subparagraph (3) Subsection 3, paragraph d, subparagraphs (1), (4) and (5) amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.31 - Retail alcohol licenses — application.

123.31 Retail alcohol licenses — application. 1. A person applying for a retail alcohol license shall submit a completed application electronically, or in a manner prescribed by the director, which shall set forth under oath the following: a. The name and place of residence of the applicant. b. The names and addresses of all persons or, in the case of a corporation, limited liability company, or any other similar legal entity, the officers, directors, and persons owning or controlling ten percent or more of the capital stock thereof, having a financial interest, by way of loan, ownership, or otherwise, in the business. c. The location of the premises where the applicant intends to operate. d. The name of the owner of the premises and if the owner of the premises is not the applicant, whether the applicant is the actual lessee of the premises. e. When required by the director, and in such form and containing such information as the director may require, a description of the premises where the applicant intends to use the license, to include a sketch or drawing of the premises and, if applicable, the number of square feet of interior floor space which comprises the retail sales area of the premises. f. Whether any person specified in paragraph “b” has ever been convicted of any offense against the laws of the United States, or any state or territory thereof, or any political subdivision of any such state or territory. g. Any other information as required by the director. 2. The retail alcohol license shall only be issued to an applicant who establishes all of the following: a. That the applicant has submitted a completed application as required by subsection 1. b. That the applicant is a person of good moral character as provided in section 123.3, subsection 40. c. That the applicant is a citizen of the state of Iowa or, if a corporation, that the applicant is authorized to do business in the state. d. That the premises where the applicant intends to use the license conforms to all applicable laws, health regulations, and fire regulations, and constitutes a safe and proper place or building and that the applicant shall not have or maintain any interior access to residential or sleeping quarters unless permission is granted by the director in the form of a living quarters permit. e. That the applicant gives consent to a person, pursuant to section 123.30, subsection 1, to enter upon the premises without a warrant during the business hours of the applicant to inspect for violations of the provisions of this chapter or ordinances and regulations that local authorities may adopt. [C35, §1921-f27; C39, §1921.027; C46, 50, 54, 58, 62, 66, 71, §123.27; C73, 75, 77, 79, 81, §123.31] 93 Acts, ch 91, §9; 2000 Acts, ch 1201, §2; 2011 Acts, ch 17, §7; 2013 Acts, ch 35, §3; 2017 Acts, ch 119, §6; 2019 Acts, ch 113, §14; 2022 Acts, ch 1099, §2, 6; 2023 Acts, ch 19, §2382 – 2384 Referred to in §123.32, 123.35 Subsection 1, unnumbered paragraph 1 amended Subsection 1, paragraphs e and g amended Subsection 2, paragraph d amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.31A -

Authority under class “B”, class “C”, special class “C”, and class “E” retail alcohol license.

123.31A Authority under class “B”, class “C”, special class “C”, and class “E” retail alcohol license. 1. The holder of a class “B”, class “C”, special class “C”, or class “E” retail alcohol license shall be allowed to sell beer and wine to consumers at retail for consumption off the premises. The sales made pursuant to this section shall be made in original containers except as provided in subsection 3. 2. Every person holding a class “B”, class “C”, special class “C”, or class “E” retail alcohol license having more than one place of business where beer and wine is sold which places do not constitute a single premises within the meaning of section 123.3, subsection 29, shall be required to have a separate license for each separate place of business, except as otherwise provided by this chapter. 3. Subject to the rules of the department, sales made pursuant to this section may be made in a container other than the original container only if all of the following requirements are met: a. The beer or wine is transferred from the original container to the container to be sold on the licensed premises at the time of sale. b. The person transferring the beer or wine from the original container to the container to be sold shall be eighteen years of age or older. c. The container to be sold shall be no larger than seventy-two ounces. d. The container to be sold shall be securely sealed by a method authorized by the department that is designed so that if the sealed container is reopened or the seal tampered with, it is visibly apparent that the seal on the container of beer or wine has been tampered with or the sealed container has otherwise been reopened. 4. A container of beer or wine other than the original container that is sold and sealed in compliance with the requirements of subsection 3 and the department’s rules shall not be deemed an open container subject to the requirements of sections 321.284 and 321.284A if the sealed container is unopened and the seal has not been tampered with, and the contents of the container have not been partially removed. 5. a. The holder of a class “C” or special class “C” retail alcohol license, or the licensee’s agents or employees, shall not sell beer or wine to other retail alcohol license holders knowing or having reasonable cause to believe that the beer will be resold in another licensed establishment. b. A holder of any retail alcohol permit shall not sell wine except wine which is purchased from a person holding a class “A” wine permit and on which the tax imposed by section 123.183 has been paid. 2022 Acts, ch 1099, §3, 6; 2023 Acts, ch 19, §2385 – 2387 Subsection 3, unnumbered paragraph 1 amended Subsection 3, paragraph d amended Subsection 4 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.31B - Authority under special class “B” retail native wine license.

123.31B Authority under special class “B” retail native wine license. 1. A person holding a special class “B” retail native wine license may sell native wine only at retail for consumption off the premises. Native wine shall be sold for consumption off the premises in original containers. 2. A special class “B” retail native wine licensee having more than one place of business where wine is sold shall obtain a separate license for each place of business. 2022 Acts, ch 1099, §4, 6

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.31C - Authority under special class “C” retail native wine license.

123.31C Authority under special class “C” retail native wine license. 1. A person holding a special class “C” retail native wine license may sell beer and native wine only at retail for consumption on or off the premises. Sales of beer and native wine for consumption off the premises made pursuant to this section shall be made in original containers except as provided in subsection 5. 2. A special class “C” retail native wine licensee having more than one place of business where wine is sold and served shall obtain a separate permit for each place of business. 3. A person holding a special class “C” retail native wine license may purchase wine for resale only from a native winery holding a class “A” wine permit. 4. A person holding a special class “C” retail native wine license may purchase beer as follows: a. From class “A” beer permittees. b. From class “B” retail alcohol licensees or class “E” retail alcohol licensees in quantities of not more than five cases of beer, high alcoholic content beer, and canned cocktails, but not more than one such purchase shall be made by the licensee in a twenty-four-hour period. A class “A” beer permittee shall be held harmless concerning any beer resold as authorized by this subsection. 5. Subject to the rules of the department, sales made pursuant to this section may be made in a container other than the original container only if all of the following requirements are met: a. The beer or native wine is transferred from the original container to the container to be sold on the licensed premises at the time of sale or when sold by telephonic or other electronic means. b. The person transferring the beer or native wine from the original container to the container to be sold shall be eighteen years of age or more. c. The container to be sold shall be no larger than seventy-two ounces. d. The container to be sold shall be securely sealed by a method authorized by the department that is designed so that if the sealed container is reopened or the seal tampered with, it is visibly apparent that the seal on the container of beer or native wine has been tampered with or the sealed container has otherwise been reopened. 6. A container of beer or native wine other than the original container that is sold and sealed in compliance with the requirements of subsection 5 and the rules of the department shall not be deemed an open container subject to the requirements of sections 321.284 and 321.284A if the sealed container is unopened and the seal has not been tampered with, and the contents of the container have not been partially removed. 2023 Acts, ch 157, §5 Referred to in §123.30 NEW section

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.32 - Action by local authorities and department on applications for retail alcohol licenses, native distilled spirits licenses, and wine and beer permits.

123.32 Action by local authorities and department on applications for retail alcohol licenses, native distilled spirits licenses, and

wine and beer permits. 1. Filing of application. a. A completed application for a retail alcohol license as provided in section 123.31, except a class “D” retail alcohol license, shall be filed with the appropriate city council if the premises for which the license is sought are located within the corporate limits of a city, or with the board of supervisors if the premises for which the license is sought are located outside the corporate limits of a city. b. A completed application for a class “D” retail alcohol license and for any of the following certificates, licenses, or permits shall be submitted to the department electronically, or in a manner prescribed by the director, which shall proceed in the same manner as in the case of an application approved by local authorities: (1) A certificate of compliance as provided in sections 123.23, 123.135, and 123.180. (2) A class “D” retail alcohol license as provided in section 123.31. (3) A manufacturer’s license as provided in section 123.41. (4) A broker’s permit as provided in section 123.42. (5) A class “A” native distilled spirits license as provided in section 123.43. (6) A class “A” or special class “A” beer permit as provided in section 123.127. (7) A charity beer, spirits, and wine special event license as provided in section 123.173A. (8) A class “A” wine permit as provided in section 123.175. (9) A wine direct shipper’s permit as provided in section 123.187. (10) A wine carrier permit as provided in section 123.188. 2. Action by local authorities. The local authority shall either approve or disapprove the issuance of a retail alcohol license, shall endorse its approval or disapproval on the application, and shall forward the application with the necessary fee and bond, if required, to the department. There is no limit upon the number of retail alcohol licenses which may be approved for issuance by local authorities. 3. Licensed premises for local events. A local authority may define, by motion of the local authority, licensed premises which shall be used by holders of retail alcohol licenses at festivals, fairs, or celebrations which are sponsored or authorized by the local authority. The licensed premises defined by motion of the local authority shall be used by the holders of five-day or fourteen-day class “C”, special class “C”, class “D”, or class “F” retail alcohol licenses. 4. Security employee training. A local authority, as a condition of obtaining and holding a license for on-premises consumption, may require a designated security employee as defined in section 123.3 to be trained and certified in security methods. The training shall include but is not limited to de-escalation techniques, anger management techniques, civil rights or unfair practices awareness as provided in section 216.7, recognition of fake or altered identification, information on laws applicable to the serving of alcohol at a licensed premises, use of force and techniques for safely removing patrons, and instruction on the proper physical restraint methods used against a person who has become combative. 5. Occupancy rates. A local authority located in a county with a population that exceeds three hundred thousand persons, as a condition of obtaining and holding a license for on-premises consumption, shall require the applicant or licensee to provide, and update if necessary, the occupancy rate of the licensed premises. 6. Action by director. a. Upon receipt of an application having been disapproved by the local authority, the director shall notify the applicant that the applicant may appeal the disapproval of the application to the director. The applicant shall be notified by certified mail or personal service, and the application, the fee, and any bond shall be returned to the applicant. b. Upon receipt of an application having been approved by the local authority, the department shall make an investigation as the director deems necessary to determine that the applicant complies with all requirements for holding a license, and may require the applicant to appear to be examined under oath to demonstrate that the applicant complies with all of the requirements to hold a license. If the director requires the applicant to appear and to testify under oath, a record shall be made of all testimony or evidence and the record shall become a part of the application. The director may appoint a member of the department or may request an administrative law judge of the department of inspections, appeals, and licensing to receive the testimony under oath and evidence, and to issue a proposed decision to approve or disapprove the application for a license. The director may affirm, reverse, or modify the proposed decision to approve or disapprove the application for the license. If the application is approved by the director, the license shall be issued. If the application is disapproved by the director, the applicant shall be so notified by certified mail or personal service and the appropriate local authority shall be notified electronically, or in a manner prescribed by the director. 7. Appeal to director. An applicant for a retail alcohol license may appeal from the local authority’s disapproval of an application for a license to the director. In the appeal the applicant shall be allowed the opportunity to demonstrate in an evidentiary hearing conducted pursuant to chapter 17A that the applicant complies with all of the requirements for holding the license. The director may appoint a member of the department or may request an administrative law judge from the department of inspections, appeals, and licensing to conduct the evidentiary hearing and to render a proposed decision to approve or disapprove the issuance of the license. The director may affirm, reverse, or modify the proposed decision. If the director determines that the applicant complies with all of the requirements for holding a license, the director shall order the issuance of the license. If the director determines that the applicant does not comply with the requirements for holding a license, the director shall disapprove the issuance of the license. 8. Judicial review. The applicant or the local authority may seek judicial review of the action of the director in accordance with the terms of the Iowa administrative procedure Act, chapter 17A. Notwithstanding the terms of the Iowa administrative procedure Act, chapter 17A, petitions for judicial review may be filed in the district court of the county where the premises covered by the application are situated. 9. Suspension by local authority. A retail alcohol licensee whose license has been suspended or revoked or a civil penalty imposed by a local authority for a violation of this chapter or suspended by a local authority for violation of a local ordinance may appeal the suspension, revocation, or civil penalty to the director. The director may appoint a member of the department or may request an administrative law judge from the department of inspections, appeals, and licensing to hear the appeal which shall be conducted in accordance with chapter 17A and to issue a proposed decision. The director may review the proposed decision upon the motion of a party to the appeal or upon the director’s own motion in accordance with chapter 17A. Upon review of the proposed decision, the director may affirm, reverse, or modify the proposed decision. A retail alcohol licensee or a local authority aggrieved by a decision of the director may seek judicial review of the decision pursuant to chapter 17A. [C35, §1921-f27; C39, §1921.027; C46, 50, 54, 58, 62, 66, 71, §123.27; C73, 75, 77, 79, 81, §123.32] 85 Acts, ch 32, §23; 86 Acts, ch 1246, §743; 88 Acts, ch 1088, §4; 89 Acts, ch 161, §7; 90

Acts, ch 1177, §1; 91 Acts, ch 97, §22; 93 Acts, ch 91, §10 – 12; 2000 Acts, ch 1201, §3; 2003 Acts, ch 44, §114; 2003 Acts, ch 143, §3, 17; 2005 Acts, ch 13, §2; 2008 Acts, ch 1166, §1; 2009 Acts, ch 137, §1; 2010 Acts, ch 1031, §83; 2013 Acts, ch 35, §4; 2016 Acts, ch 1008, §4; 2017 Acts, ch 119, §7, 41; 2018 Acts, ch 1060, §13; 2019 Acts, ch 113, §15; 2020 Acts, ch 1114, §1; 2022 Acts, ch 1099, §28, 88; 2023 Acts, ch 19, §1876, 1877, 2388, 2389; 2023 Acts, ch 66, §24 Referred to in §123.39, 331.303 See Code editor's note on simple harmonization at the beginning of this Code volume Subsection 1, paragraph b, unnumbered paragraph 1 amended Subsections 2, 6, 7, 8, and 9 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.33 - Records.

123.33 Records. Every holder of a license or permit under this chapter shall maintain records, in printed or electronic format, which include income statements, balance sheets, purchase and sales invoices, purchase and sales ledgers, and any other records as the director may require. The records required and the premises of the licensee or permittee shall be accessible and open to inspection pursuant to section 123.30, subsection 1, during normal business hours of the licensee or permittee. [C35, §1921-f22; C39, §1921.022; C46, 50, 54, 58, 62, 66, 71, §123.22; C73, 75, 77, 79, 81, §123.33] 85 Acts, ch 196, §2; 88 Acts, ch 1241, §8; 2013 Acts, ch 35, §5; 2017 Acts, ch 119, §8; 2018 Acts, ch 1060, §14; 2023 Acts, ch 19, §2390 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.34 - Seasonal, fourteen-day, and five-day licenses — fees.

123.34 Seasonal, fourteen-day, and five-day licenses — fees. 1. a. The director may issue eight-month seasonal class “C”, special class “C”, class “D”, and class “F” retail alcohol licenses. b. The fee for an eight-month seasonal license issued pursuant to this subsection shall be fifty percent of the license fee for that class of license. 2. a. The director may issue fourteen-day class “C”, special class “C”, class “D”, and class “F” retail alcohol licenses. b. A fourteen-day retail alcohol license, if granted, is valid for fourteen consecutive days. c. The fee for a fourteen-day retail alcohol license is one-quarter of the annual fee for that class of retail alcohol license. 3. a. The director may issue five-day class “C”, special class “C”, class “D”, and class “F” retail alcohol licenses. b. A five-day retail alcohol license is valid for five consecutive days. c. The fee for the five-day retail alcohol license is one-eighth of the annual fee for that class of license. 4. A refund of fees paid shall not be made for seasonal licenses, or for fourteen-day or five-day retail alcohol licenses. In addition, a seasonal, fourteen-day, or five-day license shall not be renewed. [C35, §1921-f27, 1921-f100; C39, §1921.027, 1921.100; C46, 50, 54, 58, 62, 66, 71, §123.27, 124.6; C73, 75, 77, 79, 81, §123.34; 81 Acts, ch 55, §2] 85 Acts, ch 32, §24; 86 Acts, ch 1237, §7; 90 Acts, ch 1177, §2, 3; 91 Acts, ch 97, §23; 2016 Acts, ch 1008, §5; 2017 Acts, ch 119, §9; 2018 Acts, ch 1060, §15; 2019 Acts, ch 113, §16; 2022 Acts, ch 1099, §29, 88; 2023 Acts, ch 19, §2391 – 2393; 2023 Acts, ch 66, §25 Subsection 1, paragraph a amended Subsection 2, paragraph a amended Subsection 3, paragraphs a and c amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.35 - Expiration of licenses, permits, and certificates of compliance — automatic renewals.

123.35 Expiration of licenses, permits, and certificates of compliance — automatic renewals. 1. Except as otherwise provided by this chapter, all licenses, permits, and certificates of compliance, unless sooner suspended or revoked, expire one year from date of issuance. 2. Notwithstanding section 123.31 and any other provision of this chapter to the contrary, a class “E” retail alcohol license shall automatically renew without the endorsement of a local authority or approval by the director upon collection of the annual fee by the department, provided all of the following conditions are met since the preceding license was issued: a. The licensee has given written consent to the department to have the license automatically renewed as provided in this section. b. The license has not been suspended or revoked. c. A civil penalty has not been imposed against the licensee. d. An administrative proceeding is not pending against the licensee to suspend or revoke the license or to impose a civil penalty under this chapter. e. The licensee has not submitted payment for alcoholic liquor to the department that was subsequently dishonored. f. The licensee and all persons associated with the licensee as described in section 123.3, subsection 40, paragraph “e”, have not been convicted of a violation of this chapter. g. The licensed premises constitutes a safe and proper place or building and conforms with all applicable federal, state, and local laws, orders, ordinances, rules, resolutions, and health and fire regulations. h. A local authority has not notified the department, in a manner established by the department and made available to local authorities, that automatic renewal should not occur and that further review of the licensee by the department and the applicable local authority is warranted. 3. Notwithstanding sections 123.23, 123.135, 123.180, and any other provision of this chapter to the contrary, a distiller's, brewer's, or vintner's certificate of compliance shall automatically renew without approval by the director upon collection of the annual fee by the department, provided all of the following conditions are met since the preceding certificate was issued: a. The certificate holder has given written consent to the department to have the certificate automatically renewed as provided in this section. b. The certificate has not been suspended or revoked. c. A civil penalty has not been imposed against the certificate holder. d. An administrative proceeding is not pending against the certificate holder to suspend or revoke the certificate or to impose a civil penalty under this chapter. e. The certificate holder and all persons associated with the certificate holder as described in section 123.3, subsection 40, paragraph “e”, have not been convicted of a violation of this chapter. 4. Notwithstanding section 123.187 and any other provision of this chapter to the contrary, a wine direct shipper's permit shall automatically renew without approval by the director upon collection of the annual fee by the department, provided all of the following conditions are met since the preceding permit was issued: a. The permittee has given written consent to the department to have the permit automatically renewed as provided in this section. b. The permit has not

been suspended or revoked. c. A civil penalty has not been imposed against the permittee. d. An administrative proceeding is not pending against the permittee to suspend or revoke the permit or to impose a civil penalty under this chapter. e. The permittee has filed all required reports and remitted all wine gallonage tax owed pursuant to section 123.183. f. The permittee and all persons associated with the permittee as described in section 123.3, subsection 40, paragraph “e”, have not been convicted of a violation of this chapter. 2022 Acts, ch 1099, §30, 88; 2023 Acts, ch 19, §2394 – 2399 Subsection 2, unnumbered paragraph 1 amended Subsection 2, paragraphs a, e, and h amended Subsection 3, unnumbered paragraph 1 amended Subsection 3, paragraph a amended Subsection 4, unnumbered paragraph 1 amended Subsection 4, paragraph a amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.36 - Retail alcohol license fees.

123.36 Retail alcohol license fees. 1. The following fees shall be paid to the department annually for retail alcohol licenses issued under section 123.30: a. Class “B” retail alcohol license fees shall be determined as follows: (1) For premises located within the corporate limits of a city with a population of two thousand five hundred or less, a fee determined as follows: (a) For a premises with a square footage of one thousand five hundred or less, seventy-five dollars. (b) For a premises with a square footage of more than one thousand five hundred but not more than two thousand, one hundred fifty dollars. (c) For a premises with a square footage of more than two thousand but not more than five thousand, two hundred fifty dollars. (d) For a premises with a square footage over five thousand, three hundred fifty dollars. (2) For premises located within the corporate limits of a city with a population of more than two thousand five hundred but less than fifteen thousand, a fee determined as follows: (a) For a premises with a square footage of one thousand five hundred or less, one hundred fifty dollars. (b) For a premises with a square footage of more than one thousand five hundred but not more than two thousand, two hundred fifty dollars. (c) For a premises with a square footage of more than two thousand but not more than five thousand, three hundred fifty dollars. (d) For a premises with a square footage over five thousand, five hundred dollars. (3) For premises located within the corporate limits of a city with a population of fifteen thousand or more, a fee determined as follows: (a) For a premises with a square footage of one thousand five hundred or less, two hundred fifty dollars. (b) For a premises with a square footage of more than one thousand five hundred but not more than two thousand, three hundred fifty dollars. (c) For a premises with a square footage of more than two thousand but not more than five thousand, five hundred dollars. (d) For a premises with a square footage over five thousand, seven hundred fifty dollars. (4) For premises located outside the corporate limits of any city, a fee equal to that charged to a premises with the same square footage in the incorporated city located nearest the premises to be licensed. If there is doubt as to which of two or more differing corporate limits is the nearest, the license fee which is the largest shall prevail. However, if the premises is located in an unincorporated town, for purposes of this paragraph, the unincorporated town shall be treated as if it is a city. b. Special class “B” retail native wine license fees shall be one hundred twenty-five dollars. c. Class “C” retail alcohol license fees shall be determined as follows: (1) Commercial establishments located within the corporate limits of cities of two thousand five hundred population or less, five hundred fifty dollars. (2) Commercial establishments located within the corporate limits of cities of over two thousand five hundred and less than fifteen thousand population, nine hundred dollars. (3) Commercial establishments located within the corporate limits of cities of fifteen thousand population and over, one thousand two hundred fifty dollars. (4) Commercial establishments located outside the corporate limits of any city, a fee equal to that charged in the incorporated city located nearest the premises to be licensed, and in case there is doubt as to which of two or more differing corporate limits is the nearest, the license fee which is the largest shall prevail. However, if a commercial establishment is located in an unincorporated town, for purposes of this paragraph, the unincorporated town shall be treated as if it is a city. d. Special class “C” retail alcohol license fees shall be determined as follows: (1) Commercial establishments located within the corporate limits of cities of two thousand five hundred population or less, one hundred fifty dollars. (2) Commercial establishments located within the corporate limits of cities of over two thousand five hundred and less than fifteen thousand population, three hundred dollars. (3) Commercial establishments located within the corporate limits of cities of fifteen thousand population and over, four hundred fifty dollars. (4) Commercial establishments located outside the corporate limits of any city, a fee equal to that charged in the incorporated city located nearest the premises to be licensed, and in case there is doubt as to which of two or more differing corporate limits is the nearest, the license fee which is the largest shall prevail. However, if a commercial establishment is located in an unincorporated town, for purposes of this paragraph, the unincorporated town shall be treated as if it is a city. e. Special class “C” retail native wine license fees shall be one hundred twenty-five dollars. f. Class “D” retail alcohol license fees shall be determined as follows: (1) For watercraft, one hundred fifty dollars. (2) For trains, five hundred dollars. (3) For air common carriers, each company shall pay five hundred dollars. g. Class “E” retail alcohol license fees shall be determined as follows: (1) For premises located within the corporate limits of a city with a population of two thousand five hundred or less, a fee determined as follows: (a) For a premises with a square footage of one thousand five hundred or less, seven hundred fifty dollars. (b) For a premises with a square footage of more than one thousand five hundred but not more than two thousand, one thousand five hundred dollars. (c) For a premises with a square footage of more than two thousand but not more than five thousand, two thousand five hundred dollars. (d) For a premises with a square footage over five thousand, three thousand five hundred dollars. (2) For premises located within the corporate limits of a city with a population of more than two thousand five hundred but less than fifteen thousand, a fee determined as follows: (a) For a premises with a square footage of one thousand five hundred or less, one thousand five hundred dollars. (b) For a premises with a square footage of more than one thousand five hundred but not more than two thousand, two thousand five hundred dollars. (c) For a premises with a square footage of more than two thousand but not more than five thousand, three thousand five hundred dollars. (d) For a premises with a square footage over five thousand, five thousand

dollars. (3) For premises located within the corporate limits of a city with a population of fifteen thousand or more, a fee determined as follows: (a) For a premises with a square footage of one thousand five hundred or less, two thousand five hundred dollars. (b) For a premises with a square footage of more than one thousand five hundred but not more than two thousand, three thousand five hundred dollars. (c) For a premises with a square footage of more than two thousand but not more than five thousand, five thousand dollars. (d) For a premises with a square footage over five thousand, seven thousand five hundred dollars. (4) For premises located outside the corporate limits of any city, a fee equal to that charged to a premises with the same square footage in the incorporated city located nearest the premises to be licensed. If there is doubt as to which of two or more differing corporate limits is the nearest, the license fee which is the largest shall prevail. However, if the premises is located in an unincorporated town, for purposes of this paragraph, the unincorporated town shall be treated as if it is a city. h. Class “F” retail alcohol license fees shall be six hundred dollars, except that for class “F” licenses in cities of less than two thousand population, and for clubs of less than two hundred fifty members, the license fee shall be four hundred dollars; however, the fee shall be two hundred dollars for any club which is a post, branch, or chapter of a veterans organization chartered by the Congress of the United States, if the club does not sell or permit the consumption of alcoholic beverages on the premises more than one day in any week or more than a total of fifty-two days in a year, and if the application for a license states that the club does not and will not sell or permit the consumption of alcoholic beverages on the premises more than one day in any week or more than a total of fifty-two days in a year. 2. The department shall credit all fees to the beer and liquor control fund. The department shall remit to the appropriate local authority a sum equal to sixty-five percent of the fees collected for each class “B”, class “C”, or class “F” license except special class “C” licenses or class “E” licenses, covering premises located within the local authority’s jurisdiction. The department shall remit to the appropriate local authority a sum equal to seventy-five percent of the fees collected for each special class “C” license covering premises located within the local authority’s jurisdiction. Those fees collected for each class “E” retail alcohol license shall be credited to the beer and liquor control fund. 3. There is imposed a surcharge on the fee for each class “C”, special class “C”, or class “F” retail alcohol license equal to thirty percent of the scheduled license fee. The surcharges collected under this subsection shall be deposited in the beer and liquor control fund, and notwithstanding subsection 2, no portion of the surcharges collected under this subsection shall be remitted to the local authority. [C35, §1921-f28; C39, §1921.028; C46, 50, 54, 58, 62, 66, 71, §123.38; C73, 75, 77, 79, 81, §123.36] 83 Acts, ch 123, §59, 209; 84 Acts, ch 1275, §2; 84 Acts, ch 1312, §6; 85 Acts, ch 32, §26 – 29; 86 Acts, ch 1246, §744; 87 Acts, ch 22, §7, 8; 88 Acts, ch 1241, §9 – 11; 90 Acts, ch 1089, §1; 90 Acts, ch 1175, §7; 91 Acts, ch 245, §1; 93 Acts, ch 91, §14; 94 Acts, ch 1023, §85; 2011 Acts, ch 17, §8; 2017 Acts, ch 119, §42, 43; 2018 Acts, ch 1060, §16; 2019 Acts, ch 113, §17 – 19; 2020 Acts, ch 1063, §53; 2021 Acts, ch 155, §3; 2022 Acts, ch 1099, §8, 15; 2023 Acts, ch 19, §2400, 2401; 2023 Acts, ch 157, §6 Referred to in §331.427 Subsection 1, unnumbered paragraph 1 amended Subsection 1, NEW paragraph e and former paragraphs e – g redesignated as f – h Subsection 2 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.37 - Exclusive power to license and levy taxes — disputed taxes.

123.37 Exclusive power to license and levy taxes — disputed taxes. 1. The power to establish licenses and permits and levy taxes as imposed in this chapter is vested exclusively with the state. Unless specifically provided, a local authority shall not require the obtaining of a special license or permit for the sale of alcoholic beverages at any establishment, or require the obtaining of a license by any person as a condition precedent to the person’s employment in the sale, serving, or handling of alcoholic beverages within an establishment operating under a license or permit. 2. The director may compromise and settle doubtful and disputed claims for taxes imposed under this chapter or for taxes of doubtful collectibility, notwithstanding section 7D.9. The director may enter into informal settlements pursuant to section 17A.10 to compromise and settle doubtful and disputed claims for taxes imposed under this chapter. The director may make a claim under a licensee’s or permittee’s penal bond for taxes of doubtful collectibility. Whenever a compromise or settlement is made, the director shall make a complete record of the case showing the tax assessed, reports and audits, if any, the licensee’s or permittee’s grounds for dispute or contest, together with all evidence of the dispute or contest, and the amounts, conditions, and settlement or compromise of the dispute or contest. 3. A licensee or permittee who disputes the amount of tax imposed must pay all tax and penalty pertaining to the disputed tax liability prior to appealing the disputed tax liability to the director. 4. The director shall adopt rules establishing procedures for payment of disputed taxes imposed under this chapter. If it is determined that the tax is not due in whole or in part, the department shall promptly refund the part of the tax payment which is determined not to be due. [C73, 75, 77, 79, 81, §123.37] 85 Acts, ch 32, §30; 88 Acts, ch 1153, §2; 89 Acts, ch 252, §1; 93 Acts, ch 91, §15; 94 Acts, ch 1023, §9; 2007 Acts, ch 22, §35; 2018 Acts, ch 1060, §17; 2023 Acts, ch 19, §2402 Subsections 2 – 4 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.38 - Nature of permit or license — surrender — transfer.

123.38 Nature of permit or license — surrender — transfer. 1. A retail alcohol license, wine permit, or beer permit is a personal privilege and is revocable for cause. It is not property nor is it subject to attachment and execution nor alienable nor assignable, and it shall cease upon the death of the permittee or licensee. However, the director may in the director’s discretion allow the executor or administrator of the estate of a permittee or licensee to operate the business of the decedent for a reasonable time not to exceed the expiration date of the permit or license. Every permit or license shall be issued in the name of the applicant and no person holding a permit or license shall allow any other person to use it. 2. a. Any licensee or permittee, or the executor or administrator of the estate of a licensee or permittee, or any person duly appointed by the court to take charge of and administer the property or assets of the

licensee or permittee for the benefit of the licensee's or permittee's creditors, may voluntarily surrender a license or permit to the department. When a license or permit is surrendered, the department shall notify the local authority, and the department or the local authority shall refund to the person surrendering the license or permit, a proportionate amount of the fee received by the department or the local authority for the license or permit as follows: (1) If a license or permit is surrendered during the first three months of the period for which it was issued, the refund shall be three-fourths of the amount of the fee. (2) If surrendered more than three months but not more than six months after issuance, the refund shall be one-half of the amount of the fee. (3) If surrendered more than six months but not more than nine months after issuance, the refund shall be one-fourth of the amount of the fee. (4) No refund shall be made for any retail alcohol license, wine permit, or beer permit surrendered more than nine months after issuance. b. For purposes of this subsection, any portion of license or permit fees used for the purposes authorized in section 331.424, subsection 1, paragraph "a", subparagraphs (1) and (2), shall not be deemed received either by the department or by a local authority. c. No refund shall be made to any licensee or permittee upon the surrender of the license or permit if there is at the time of surrender a complaint filed with the department or local authority charging the licensee or permittee with a violation of this chapter. d. If upon a hearing on a complaint the license or permit is not revoked or suspended, then the licensee or permittee is eligible, upon surrender of the license or permit, to receive a refund as provided in this section. However, if the license or permit is revoked or suspended upon hearing, the licensee or permittee is not eligible for the refund of any portion of the license or permit fee. 3. The local authority may in its discretion authorize a licensee or permittee to transfer the license or permit from one location to another within the same incorporated city, or within a county outside the corporate limits of a city, provided that the premises to which the transfer is to be made would have been eligible for a license or permit in the first instance and such transfer will not result in the violation of any law. All transfers authorized, and the particulars of same, shall be reported to the director by the local authority. The director may by rule establish a uniform transfer fee to be assessed by all local authorities upon licensees or permittees to cover the administrative costs of such transfers, such fee to be retained by the local authority involved. [C35, §1921-f29, -f100; C39, §1921.029, 1921.100; C46, 50, 54, 58, 62, 66, 71, §123.29, 124.6; C73, 75, 77, 79, 81, §123.38] 85 Acts, ch 32, §31; 95 Acts, ch 206, §5, 12; 2010 Acts, ch 1061, §162; 2016 Acts, ch 1008, §6; 2018 Acts, ch 1041, §39; 2018 Acts, ch 1060, §18; 2019 Acts, ch 59, §42, 43; 2021 Acts, ch 177, §79, 108; 2022 Acts, ch 1099, §31, 32, 88; 2023 Acts, ch 19, §2403 – 2406 Subsection 1 amended Subsection 2, paragraph a, unnumbered paragraph 1 amended Subsection 2, paragraphs b and c amended Subsection 3 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.38A - Confidential investigative records.

123.38A Confidential investigative records. In order to assure a free flow of information for accomplishing the purposes of section 123.4 and section 123.9, subsection 6, all complaint information, investigation files, audit files, and inspection files, other investigation reports, and other investigative information in the possession of the department or employees acting under the authority of the director under this chapter are privileged and confidential, and are not subject to discovery, subpoena, or other means of legal compulsion for their release before administrative or criminal charges are filed. However, investigative information in the possession of department employees under this chapter may be disclosed to the licensing authorities of a city or county within this state, in another state, the District of Columbia, or territory or county in which the licensee or permittee is licensed or permitted or has applied for a license or permit. In addition, the investigative information can be shared with any law enforcement agency or other state agency that also has investigative, regulatory, or enforcement jurisdiction authorized by law. Records received by the department for purposes of this chapter from other agencies which would be confidential if created by the department are considered confidential. 2019 Acts, ch 113, §20; 2023 Acts, ch 19, §2407 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.39 - Suspension or revocation of license or permit — civil penalty.

123.39 Suspension or revocation of license or permit — civil penalty. 1. a. (1) The director or the local authority may suspend a class "B", special class "B" native wine, class "C", special class "C", class "E", or class "F" retail alcohol license, or charity beer, spirits, and wine special event license for a period not to exceed one year, revoke the license, or impose a civil penalty not to exceed one thousand dollars per violation. (2) The director may suspend a certificate of compliance, a class "D" retail alcohol license, a manufacturer's license, a broker's permit, a class "A" native distilled spirits license, a class "A" or special class "A" beer permit, a class "A" wine permit, a wine direct shipper's permit, or a wine carrier permit for a period not to exceed one year, revoke the license, permit, or certificate, or impose a civil penalty not to exceed one thousand dollars per violation. b. A license, permit, or certificate of compliance issued under this chapter may be suspended or revoked, or a civil penalty may be imposed for any of the following causes: (1) Misrepresentation of any material fact in the application for the license, permit, or certificate. (2) Violation of any of the provisions of this chapter. (3) Any change in the ownership or interest in the business operated under a retail alcohol license which change was not previously reported in a manner prescribed by the director within thirty days of the change and subsequently approved by the local authority, when applicable, and the department. (4) An event which would have resulted in disqualification from receiving the license, permit, or certificate when originally issued. (5) Any sale, hypothecation, or transfer of the license, permit, or certificate. (6) The failure or refusal on the part of any license, permit, or certificate holder to render any report or remit any taxes to the department under this chapter when due. c. A criminal conviction is not a prerequisite to suspension, revocation, or imposition of a civil penalty pursuant to this section. d. A local authority which acts pursuant to this section, section 123.32, or section 123.50 shall notify the department in writing of the action taken, and shall notify the license or permit holder of

the right to appeal a suspension, revocation, or imposition of a civil penalty to the department. e. Before suspension, revocation, or imposition of a civil penalty by the director, the license, permit, or certificate holder shall be given written notice and an opportunity for a hearing. The director may appoint a member of the department or may request an administrative law judge from the department of inspections, appeals, and licensing to conduct the hearing and issue a proposed decision. Upon the motion of a party to the hearing or upon the director's own motion, the director may review the proposed decision in accordance with chapter 17A. Upon review of the proposed decision, the director may affirm, reverse, or modify the proposed decision. A license, permit, or certificate holder aggrieved by a decision of the director may seek judicial review of the director's decision in accordance with chapter 17A. f. Civil penalties imposed and collected by the local authority under this section shall be retained by the local authority. Civil penalties imposed and collected by the department under this section shall be credited to the general fund of the state pursuant to section 123.17, subsection 10. 2. Local authorities may suspend any retail alcohol license for a violation of any ordinance or regulation adopted by the local authority. Local authorities may adopt ordinances or regulations for the location of the premises of retail alcohol licensed establishments and local authorities may adopt ordinances, not in conflict with this chapter and that do not diminish the hours during which alcoholic beverages may be sold or consumed at retail, governing any other activities or matters which may affect the retail sale and consumption of alcoholic beverages and the health, welfare and morals of the community involved. 3. When a retail alcohol license is suspended after a hearing as a result of violations of this chapter by the licensee or the licensee's agents or employees, the premises which were licensed by the license shall not be relicensed for a new applicant until the suspension has terminated or time of suspension has elapsed, or ninety days have elapsed since the commencement of the suspension, whichever occurs first. However, this section does not prohibit the premises from being relicensed to a new applicant before the suspension has terminated or before the time of suspension has elapsed or before ninety days have elapsed from the commencement of the suspension, if the premises prior to the time of the suspension had been purchased under contract, and the vendor under that contract had exercised the person's rights under chapter 656 and sold the property to a different person who is not related to the previous licensee by marriage or within the third degree of consanguinity or affinity and if the previous licensee does not have a financial interest in the business of the new applicant. 4. If the cause for suspension is a first offense violation of section 123.49, subsection 2, paragraph "h", the director or local authority shall impose a civil penalty in the amount of five hundred dollars in lieu of suspension of the license or permit. [C35, §1921-f32, 1921-f126; C39, §1921.032, 1921.129; C46, 50, 54, 58, 62, §123.32, 124.34; C66, 71, §123.32, 123.102, 124.34; C73, 75, 77, 79, 81, §123.39] 85 Acts, ch 32, §32; 88 Acts, ch 1241, §12; 93 Acts, ch 91, §16, 17; 94 Acts, ch 1017, §2; 2000 Acts, ch 1154, §12; 2002 Acts, ch 1119, §128; 2018 Acts, ch 1060, §19 – 21; 2019 Acts, ch 113, §21, 22; 2022 Acts, ch 1099, §33 – 35, 88; 2023 Acts, ch 19, §1878, 2408; 2023 Acts, ch 66, §26 Referred to in §123.23, 123.24, 123.41, 123.42, 123.43, 123.46A, 123.50, 123.135, 123.173A, 123.180, 123.186, 123.187, 123.188 See Code editor's note on simple harmonization at the beginning of this Code volume Subsections 1, 3, and 4 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.4 - Alcoholic beverage control.

123.4 Alcoholic beverage control. The department of revenue shall administer and enforce the laws of this state concerning alcoholic beverage control. [C35, §1921-f15; C39, §1921.015; C46, 50, 54, 58, 62, 66, 71, §123.15; C73, 75, 77, 79, 81, §123.4] 85 Acts, ch 32, §9; 86 Acts, ch 1245, §731; 2018 Acts, ch 1060, §4; 2023 Acts, ch 19, §2355 Referred to in §123.38A Section stricken and rewritten

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.40 - Effect of revocation.

123.40 Effect of revocation. Any retail alcohol licensee, wine permittee, or beer permittee whose license or permit is revoked under this chapter shall not thereafter be permitted to hold a retail alcohol license, wine permit, or beer permit in the state of Iowa for a period of two years from the date of revocation. A spouse or business associate holding ten percent or more of the capital stock or ownership interest in the business of a person whose license or permit has been revoked shall not be issued a retail alcohol license, wine permit, or beer permit, and no retail alcohol license, wine permit, or beer permit shall be issued which covers any business in which such person has a financial interest for a period of two years from the date of revocation. If a license or permit is revoked, the premises which had been covered by the license or permit shall not be relicensed for one year. [C35, §1921-f32, 1921-f123; C39, §1921.032, 1921.125; C46, 50, 54, 58, 62, 66, 71, §123.32, 124.30; C73, 75, 77, 79, 81, §123.40] 85 Acts, ch 32, §33; 2022 Acts, ch 1099, §36, 88 Referred to in §123.3, 123.50, 123.56

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.41 - Manufacturer's license — alcoholic liquor.

123.41 Manufacturer's license — alcoholic liquor. 1. Each completed application to obtain or renew a manufacturer's license shall be submitted to the department electronically, or in a manner prescribed by the director, and shall be accompanied by a fee of three hundred dollars payable to the department. The director may in accordance with this chapter grant and issue to a manufacturer a manufacturer's license, valid for a one-year period after date of issuance, which shall allow the manufacture, storage, and wholesale disposition and sale of alcoholic liquors to the department and to customers outside of the state. 2. As a condition precedent to the approval and granting of a manufacturer's license, an applicant shall file with the department a basic permit issued by the alcohol and tobacco tax and trade bureau of the United States department of the treasury, and a statement under oath that the applicant will

faithfully observe and comply with all laws, rules, and regulations governing the manufacture and sale of alcoholic liquor. 3. A person who holds an experimental distilled spirits plant permit or its equivalent issued by the alcohol and tobacco tax and trade bureau of the United States department of the treasury may produce alcohol for use as fuel without obtaining a manufacturer's license from the department. 4. A person who holds a manufacturer's license shall file with the department, on or before the fifteenth day of each calendar month, all documents filed by the manufacturer with the alcohol and tobacco tax and trade bureau of the United States department of the treasury, including all production, storage, and processing reports. 5. Any violation of the requirements of this chapter or rules adopted pursuant to this chapter shall subject the license holder to the general penalties provided in this chapter and shall constitute grounds for imposition of a civil penalty, suspension of the license, or revocation of the license after notice and opportunity for a hearing pursuant to section 123.39 and chapter 17A. [C35, §1921-f36; C39, §1921.036; C46, 50, 54, 58, 62, 66, 71, §123.36; C73, 75, 77, 79, 81, §123.41] 2011 Acts, ch 30, §3; 2013 Acts, ch 35, §6; 2014 Acts, ch 1026, §26; 2018 Acts, ch 1060, §22; 2019 Acts, ch 113, §23 – 25; 2022 Acts, ch 1099, §9, 15; 2023 Acts, ch 19, §2409 Referred to in §123.32 Subsections 1 – 4 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.42 - Broker's permit.

123.42 Broker's permit. 1. Prior to representing or promoting alcoholic liquor products in the state, the broker shall submit a completed application to the department electronically, or in a manner prescribed by the director, for a broker's permit. The director may in accordance with this chapter issue a broker's permit which shall be valid for one year from the date of issuance unless it is sooner suspended or revoked for a violation of this chapter. 2. At the time of applying for a broker's permit, each applicant shall submit to the department a list of names and addresses of all manufacturers, distillers, and importers whom the applicant has been appointed to represent in the state of Iowa for any purpose. The listing shall be amended by the broker as necessary to keep the listing current with the department. 3. A broker's permit is valid throughout the state, and a broker who represents more than one certificate or license holder is required to obtain only one broker's permit. 4. The annual fee for a broker's permit is twenty-five dollars. 5. An employee of a broker is not required to apply for or hold a broker's permit. 6. The holder of a distiller's certificate of compliance, a manufacturer's license, or a class "A" native distilled spirits license is not required to appoint a broker to represent its alcoholic liquor products in the state. 7. Any violation of the requirements of this chapter or the rules adopted pursuant to this chapter shall subject the permit holder to the general penalties provided in this chapter and shall constitute grounds for imposition of a civil penalty, suspension of the permit, or revocation of the permit after notice and opportunity for a hearing pursuant to section 123.39 and chapter 17A. [C35, §1921-f37; C39, §1921.037; C46, 50, 54, 58, 62, 66, 71, §123.37; C73, 75, 77, 79, 81, §123.42] 94 Acts, ch 1017, §3; 2013 Acts, ch 35, §7; 2018 Acts, ch 1060, §23 – 25; 2019 Acts, ch 113, §26, 27; 2023 Acts, ch 19, §2410 Referred to in §123.32 Subsections 1 and 2 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.43 - Class "A" native distilled spirits license — application and issuance — fees.

123.43 Class "A" native distilled spirits license — application and issuance — fees. 1. A person applying for a class "A" native distilled spirits license shall submit an application electronically, or in a manner prescribed by the director, which shall set forth under oath the following: a. The name and place of residence of the applicant. b. The names and addresses of all persons or, in the case of a corporation, limited liability company, or any other similar legal entity, the officers, directors, and persons owning or controlling ten percent or more of the capital stock thereof, having a financial interest, by way of loan, ownership, or otherwise, in the business. c. The location of the premises where the applicant intends to operate. d. The name of the owner of the premises and if the owner of the premises is not the applicant, whether the applicant is the actual lessee of the premises. e. When required by the director, and in such form and containing such information as the director may require, a description of the premises where the applicant intends to use the license, to include a sketch or drawing of the premises and, if applicable, the number of square feet of interior floor space which comprises the retail sales area of the premises. f. Whether any person specified in paragraph "b" has ever been convicted of any offense against the laws of the United States, or any state or territory thereof, or any political subdivision of any such state or territory. g. Any other information as required by the director. 2. Except as otherwise provided in this chapter, the director shall issue a class "A" native distilled spirits license to any applicant who establishes all of the following: a. That the applicant has submitted a completed application as required by subsection 1. b. That the applicant is a person of good moral character as provided in section 123.3, subsection 40. c. That the applicant is a citizen of the state of Iowa or, if a corporation, that the applicant is authorized to do business in the state. d. That the applicant has filed with the department a basic permit issued by the alcohol and tobacco tax and trade bureau of the United States department of the treasury, and that the applicant will faithfully observe and comply with all laws, rules, and regulations governing the manufacture and sale of alcoholic liquor. e. That the premises where the applicant intends to use the license conforms to all applicable laws, health regulations, and fire regulations, and constitutes a safe and proper place or building. f. That the applicant gives consent to a person, pursuant to section 123.30, subsection 1, to enter upon the premises without a warrant during the business hours of the applicant to inspect for violations of the provisions of this chapter or ordinances and regulations that local authorities may adopt. 3. A class "A" native distilled spirits license for a native distillery shall be issued and renewed annually upon payment of a fee of three hundred dollars. 4. A violation of the requirements of this chapter shall subject the licensee to the general penalties provided in this chapter and shall constitute grounds for imposition of a civil penalty or suspension or revocation of the license after notice and opportunity for a hearing pursuant to

section 123.39 and chapter 17A. 2017 Acts, ch 119, §44; 2018 Acts, ch 1060, §26; 2019 Acts, ch 113, §28; 2022 Acts, ch 1099, §10, 15; 2023 Acts, ch 19, §2411 – 2414 Referred to in §123.32, 123.43A Subsection 1, unnumbered paragraph 1 amended Subsection 1, paragraphs e and g amended Subsection 2, unnumbered paragraph 1 amended Subsection 2, paragraph d amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.43A - Native distilleries.

123.43A Native distilleries. 1. Subject to rules of the department, a native distillery holding a class “A” native distilled spirits license issued pursuant to section 123.43 may sell or offer for sale native distilled spirits. As provided in this section, sales of native distilled spirits manufactured on the premises may be made at retail for off-premises consumption when sold on the premises of the native distillery that manufactures native distilled spirits. All sales intended for resale in this state shall be made through the state’s wholesale distribution system. 2. A native distillery shall not sell more than nine liters per person per day, of native distilled spirits on the premises of the native distillery. However, a native distillery shall not directly ship native distilled spirits for sale at retail. The native distillery shall maintain records of individual purchases of native distilled spirits at the native distillery for three years. 3. A native distillery shall not sell native distilled spirits other than as permitted in this chapter and shall not allow native distilled spirits sold for consumption off the premises to be consumed upon the premises of the native distillery. However, native distilled spirits may be tasted pursuant to the rules of the department on the premises where fermented, distilled, or matured, when no charge is made for the tasting. 4. The sale of native distilled spirits to the department for wholesale disposition and sale by the department shall be subject to the requirements of this chapter regarding such disposition and sale. 5. A native distillery issued a class “A” native distilled spirits license shall file with the department, on or before the fifteenth day of each calendar month, all documents filed by the native distillery with the alcohol and tobacco tax and trade bureau of the United States department of the treasury, including all production, storage, and processing reports. 6. Notwithstanding any provision of this chapter to the contrary or the fact that a person is the holder of a class “A” native distilled spirits license, a native distillery may be granted a class “C” retail alcohol license as defined in section 123.30. A native distillery may be granted not more than two class “C” retail alcohol licenses. A manufacturer of native distilled spirits may be issued a class “C” retail alcohol license regardless of whether the manufacturer is also a manufacturer of beer pursuant to a class “A” beer permit or a manufacturer of native wine pursuant to a class “A” wine permit. 7. A native distillery may sell the native distilled spirits it manufactures to customers outside the state. 2010 Acts, ch 1031, §84; 2010 Acts, ch 1193, §40; 2011 Acts, ch 17, §9; 2011 Acts, ch 30, §4; 2015 Acts, ch 53, §1; 2016 Acts, ch 1008, §7; 2017 Acts, ch 119, §45; 2019 Acts, ch 113, §29; 2019 Acts, ch 160, §1; 2020 Acts, ch 1114, §12, 16; 2021 Acts, ch 133, §1; 2022 Acts, ch 1099, §37, 38, 88; 2023 Acts, ch 19, §2415 Subsections 1, 3, 4, and 5 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.44 - Gifts prohibited.

123.44 Gifts prohibited. A manufacturer or broker shall not give away alcoholic liquor at any time in connection with the manufacturer’s or broker’s business except for testing or sampling purposes only. A manufacturer, distiller, vintner, brewer, broker, wholesaler, or importer, organized as a corporation pursuant to the laws of this state or any other state, who deals in alcoholic beverages subject to regulation under this chapter shall not offer or give anything of value to a commission member, official or employee of the department under this chapter, or directly or indirectly contribute in any manner any money or thing of value to a person seeking a public or appointive office or a recognized political party or a group of persons seeking to become a recognized political party. [C35, §1921-139; C39, §1921.039; C46, 50, 54, 58, 62, 66, 71, §123.39; C73, 75, 77, 79, 81, §123.44] 85 Acts, ch 32, §34; 94 Acts, ch 1017, §5; 2018 Acts, ch 1060, §27; 2023 Acts, ch 19, §2416 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.45 - Limitations on business interests.

123.45 Limitations on business interests. 1. Subject to such exceptions as otherwise authorized under this chapter, a person engaged in the business of manufacturing, bottling, or wholesaling alcoholic beverages, excluding an institutional investor, or any broker, employee, or agent of such a person, shall not do any of the following: a. Directly or indirectly supply, furnish, give, or pay for any furnishings, fixtures, or equipment used in the storage, handling, serving, or dispensing of alcoholic beverages or food within the place of business of a licensee or permittee authorized under this chapter to sell at retail. b. Directly or indirectly extend any credit for alcoholic beverages or beer or pay for any such license or permit. c. Directly or indirectly be interested in the ownership, conduct, or operation of the business of another licensee or permittee authorized under this chapter to sell at retail, unless the licensee or permittee authorized under this chapter to sell at retail does not purchase or sell the alcoholic beverages of the person engaged in the business of manufacturing, bottling, or wholesaling alcoholic beverages. However, the licensee or permittee authorized under this chapter to sell at retail may purchase and sell the wine of the person engaged in the business of manufacturing wine that is not native wine provided the licensed premises is the principal office, as defined in section 490.140, of the person. d. Hold a retail alcohol license unless the licensee holding a retail alcohol license does not purchase or sell the alcoholic beverages of the person engaged in the business of manufacturing, bottling, or wholesaling alcoholic beverages. However, a person engaged in the business of manufacturing wine that is not native wine may purchase and sell the person’s wine under the authority of a special class “C” retail alcohol license and a class “B” retail alcohol license provided the licensed premises is the principal office, as defined in section 490.140, of the person. 2. Notwithstanding any provision of law to the contrary, a broker, employee, or agent of a person

engaged in the business of manufacturing, bottling, or wholesaling alcoholic beverages may be a broker, employee, or agent of another person engaged in the business of manufacturing, bottling, or wholesaling alcoholic beverages or a broker, employee, or agent of a business authorized under this chapter to sell alcoholic beverages at retail as long as the broker, employee, or agent is not an officer, owner, director, or employee in a position to exercise any control or influence over the types of sales or the purchasing of alcoholic beverages in either position of employment. 3. A person engaged in the wholesaling of beer or wine may sell only disposable glassware, which is constructed of paper, paper laminated, or plastic materials and designed primarily for personal consumption on a one-time usage basis, to retailers for use within the premises of licensed establishments, for an amount which is greater than or equal to an amount which represents the greater of either the amount paid for the disposable glassware by the supplier or the amount paid for the disposable glassware by the wholesaler. Also, notwithstanding any other provision of this chapter or the fact that a person is the holder of a class “A” beer permit, a native brewery may be granted not more than two class “C” retail alcohol licenses or not more than two special class “C” retail alcohol licenses, both as defined in section 123.30, regardless of whether that person is also a manufacturer of native distilled spirits pursuant to a class “A” native distilled spirits license or a manufacturer of native wine pursuant to a class “A” wine permit. 4. A licensee or permittee who permits or assents to or is a party in any way to a violation or infringement of this section is guilty of a violation of this section. 5. The exceptions established by subsection 1 to the general prohibition against tied interests shall be limited to their express terms so as not to undermine the general prohibition and shall therefore be construed accordingly, and shall not be construed to affect exceptions to the general prohibition against tied interests as otherwise authorized under this chapter. [C35, §1921-f40, 1921-f115; C39, §1921.040, 1921.117; C46, 50, 54, 58, 62, 66, 71, §123.40, 124.22; C73, 75, 77, 79, 81, §123.45; 81 Acts, ch 57, §1; 82 Acts, ch 1024, §2] 85 Acts, ch 32, §35; 88 Acts, ch 1241, §13; 91 Acts, ch 24, §1; 2015 Acts, ch 30, §42; 2019 Acts, ch 8, §2 – 4; 2019 Acts, ch 160, §2; 2020 Acts, ch 1063, §54, 55; 2021 Acts, ch 133, §2; 2022 Acts, ch 1099, §39, 40, 88; 2023 Acts, ch 157, §7 Referred to in §123.130 Subsection 3 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.46 - Consumption or intoxication in public places — notifications — chemical tests — expungement.

123.46 Consumption or intoxication in public places — notifications — chemical tests — expungement. 1. As used in this section unless the context otherwise requires: a. “Arrest” means the same as defined in section 804.5 and includes taking into custody pursuant to section 232.19. b. “Chemical test” means a test of a person’s blood, breath, or urine to determine the percentage of alcohol present by a qualified person using devices and methods approved by the commissioner of public safety. c. “Peace officer” means the same as defined in section 801.4. 2. A person shall not use or consume alcoholic liquor, wine, or beer upon the public streets or highways. A person shall not use or consume alcoholic liquor in any public place except premises covered by a retail alcohol license. A person shall not possess or consume alcoholic liquors, wine, or beer on public school property or while attending a public or private school-related function. A person shall not be intoxicated in a public place. A person violating this subsection is guilty of a simple misdemeanor. 3. A person shall not simulate intoxication in a public place. A person violating this subsection is guilty of a simple misdemeanor. 4. When a peace officer arrests a person on a charge of public intoxication under this section, the peace officer shall inform the person that the person may have a chemical test administered at the person’s own expense. If a device approved by the commissioner of public safety for testing a sample of a person’s breath to determine the person’s blood alcohol concentration is available, that is the only test that need be offered the person arrested. In a prosecution for public intoxication, evidence of the results of a chemical test performed under this subsection is admissible upon proof of a proper foundation. The percentage of alcohol present in a person’s blood, breath, or urine established by the results of a chemical test performed within two hours after the person’s arrest on a charge of public intoxication is presumed to be the percentage of alcohol present at the time of arrest. 5. a. A peace officer shall make a reasonable effort to identify a person under the age of eighteen who violates this section and refer the person to juvenile court. b. A juvenile court officer shall notify the person’s custodial parent, legal guardian, or custodian of the violation. In addition, the juvenile court officer shall make a reasonable effort to identify the elementary or secondary school the person attends, if any, and to notify the superintendent of the school district or the superintendent’s designee, or the authorities in charge of the nonpublic school, of the violation. A reasonable attempt to notify the person includes, but is not limited to, a telephone call or notice by first-class mail. 6. Upon the expiration of two years following conviction for a violation of this section or of a similar local ordinance, a person may petition the court to expunge the conviction, and if the person has had no other criminal convictions, other than local traffic violations or simple misdemeanor violations of chapter 321 during the two-year period, the conviction shall be expunged as a matter of law. The court shall enter an order that the record of the conviction be expunged by the clerk of the district court. Notwithstanding section 692.2, after receipt of notice from the clerk of the district court that a record of conviction has been expunged, the record of conviction shall be removed from the criminal history data files maintained by the department of public safety if such a record was maintained in the criminal history data files. 7. A person shall not be charged or prosecuted for a violation of this section if the person is immune from charge or prosecution pursuant to section 701.12. [C35, §1921-f42, 1921-f127; C39, §1921.042, 1921.132; C46, 50, 54, 58, 62, 66, 71, §123.42, 124.37; C73, 75, 77, 79, 81, §123.46] 85 Acts, ch 32, §36; 86 Acts, ch 1067, §1; 89 Acts, ch 225, §10; 92 Acts, ch 1231, §7; 2000 Acts, ch 1138, §1; 2010 Acts, ch 1044, §1, 2; 2010 Acts, ch 1071, §1; 2010 Acts, ch 1128, §1; 2011 Acts, ch 17, §10; 2016 Acts, ch 1058, §1; 2019 Acts, ch 140, §1; 2020 Acts, ch 1080, §1; 2022 Acts, ch 1099, §41, 88 Referred to in §123.91, 125.34, 232.22, 232.52, 701.12, 901C.3

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.46A -

Delivery of alcoholic beverages by retailers.

123.46A Delivery of alcoholic beverages by retailers. 1. Licensees authorized to sell alcoholic liquor, wine, or beer in original unopened containers for consumption off the licensed premises may deliver alcoholic liquor, wine, or beer to a home, another licensed premises if there is identical ownership of the premises by the licensee, or other designated location in this state. Deliveries shall be limited to alcoholic beverages authorized by the licensee's license. Orders delivered to another licensed premises shall contain only those alcoholic beverages authorized for sale by the retail alcohol license covering the premises to which the alcoholic beverages will be delivered. Orders delivered to another licensed premises shall be fulfilled using the alcoholic beverages inventory owned by the licensee who will receive the order for delivery. If the recipient refuses or fails to pick up the delivery, or is ineligible to receive the delivery, the alcoholic beverages shall be returned to the licensee who fulfilled the order. 2. Licensees authorized to sell wine, beer, or mixed drinks or cocktails for consumption off the licensed premises in a container other than the original container may deliver the wine, beer, or mixed drinks or cocktails to a home or other designated location in this state only if the container other than the original container has been sold and securely sealed in compliance with this chapter or the rules of the department. Deliveries shall be limited to alcoholic beverages authorized by the licensee's license. 3. All deliveries of alcoholic liquor, wine, beer, or mixed drinks or cocktails shall be subject to the following requirements and restrictions: a. Payment for the alcoholic liquor, wine, beer, or mixed drinks or cocktails shall be received by the licensee at the time of order. b. Orders for deliveries may be taken by the licensee between the hours of 2:00 a.m. and 6:00 a.m. on any day of the week, notwithstanding any provision of section 123.49, subsection 2, paragraph "b", to the contrary. c. Alcoholic liquor, wine, beer, or mixed drinks or cocktails delivered to a person shall be for personal use and not for resale. d. Deliveries shall only be made to persons in this state who are twenty-one years of age or older. e. Deliveries shall not be made to a person who is intoxicated or is simulating intoxication. f. Deliveries shall occur between 6:00 a.m. and 10:00 p.m. Monday through Sunday on the same day the order for alcoholic liquor, wine, beer, or mixed drinks or cocktails is removed from the licensed premises. g. Delivery of alcoholic liquor, wine, beer, or mixed drinks or cocktails shall be made by the licensee, the licensee's employee, or a third party, provided the licensee has entered into a written agreement with the third party that authorizes the third party to act as an agent of the licensee for the purpose of delivering alcoholic liquor, wine, beer, or mixed drinks or cocktails. Each licensee shall submit to the department electronically, or in a manner prescribed by the director, a list of names and addresses of all third parties it has authorized to act as its agent for the purpose of delivering alcoholic liquor, wine, beer, or mixed drinks or cocktails. The licensee shall provide the department with amendments to the list as necessary to ensure the department possesses an accurate, current list. h. Delivery personnel shall be twenty-one years of age or older. i. Valid proof of the recipient's identity and age shall be obtained at the time of delivery, and the signature of a person twenty-one years of age or older shall be obtained as a condition of delivery. j. Licensees shall maintain records of deliveries which include the quantity delivered, the recipient's name and address, and the signature of the recipient of the alcoholic liquor, wine, beer, or mixed drinks or cocktails. The records shall be maintained on the licensed premises for a period of three years. 4. A violation of this section or any other provision of this chapter shall subject the licensee to the penalty provisions of section 123.39. If the licensee, an employee of the licensee, or a person delivering alcoholic liquor, wine, beer, or mixed drinks or cocktails for a third party acting on behalf of the licensee pursuant to a written agreement violates this section, the licensee shall not be assessed a penalty under section 123.39 if the licensee establishes all of the following: a. The violation was committed off of the licensee's premises after the liquor, wine, beer, or mixed drinks or cocktails was removed from the licensee's premises in fulfillment of a delivery order. b. (1) If the person who committed the violation is an employee of the licensee, that no other violation of this section was committed by any employee of the licensee within the two-year period immediately preceding the date of violation. (2) If the person who committed the violation is a person delivering for a third party acting on behalf of the licensee, that no other violation of this section was committed by any person delivering for the same third party while the third party was acting on behalf of the licensee within the two-year period immediately preceding the date of violation. 5. Nothing in this section shall impact the direct shipment of wine as regulated by section 123.187. 2011 Acts, ch 30, §5; 2019 Acts, ch 113, §64 – 66, 68; 2021 Acts, ch 99, §1 – 3; 2021 Acts, ch 155, §4, 5; 2021 Acts, ch 174, §11, 12, 36; 2022 Acts, ch 1099, §42, 88; 2023 Acts, ch 19, §2417, 2418; 2023 Acts, ch 66, §27 Referred to in §123.49, 123.187 See Code editor's note on simple harmonization at the beginning of this Code volume Subsection 2 amended Subsection 3, paragraph g amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.47 - Persons under eighteen years of age, persons eighteen, nineteen, or twenty years of age, and persons twenty-one years of age and older.

123.47 Persons under eighteen years of age, persons eighteen, nineteen, or twenty years of age, and persons twenty-one years of age and older. 1. A person shall not sell, give, or otherwise supply any alcoholic beverage to any person knowing or having reasonable cause to believe that person to be under legal age. 2. a. Except for the purposes described in subsection 3, a person who is the owner or lessee of, or who otherwise has control over, property that is not a licensed premises, shall not knowingly permit any person, knowing or having reasonable cause to believe the person to be under the age of eighteen, to consume or possess on such property any alcoholic beverage. b. A person who violates this subsection commits the following: (1) For a first offense, a simple misdemeanor punishable as a scheduled violation under section 805.8C, subsection 8. (2) For a second or subsequent offense, a simple misdemeanor punishable by a fine of five hundred dollars. c. This subsection shall not apply to any of the following: (1) A landlord or manager of the property. (2) A person under legal age who consumes or possesses any alcoholic beverage in connection

with a religious observance, ceremony, or rite. 3. A person or persons under legal age shall not purchase or attempt to purchase, consume, or individually or jointly have alcoholic beverages in their possession or control; except in the case of any alcoholic beverage given or dispensed to a person under legal age within a private home and with the knowledge, presence, and consent of the parent or guardian, for beverage or medicinal purposes or as administered to the person by either a physician or dentist for medicinal purposes and except to the extent that a person under legal age may handle alcoholic beverages during the regular course of the person's employment by a retail alcohol licensee, or wine or beer permittee under this chapter. 4. a. A person who is eighteen, nineteen, or twenty years of age, other than a licensee or permittee, who violates this section regarding the purchase of, attempt to purchase, or consumption of any alcoholic beverage, or possessing or having control of any alcoholic beverage, commits the following: (1) A simple misdemeanor punishable as a scheduled violation under section 805.8C, subsection 7. (2) A second offense shall be a simple misdemeanor punishable by a fine of five hundred dollars. In addition to any other applicable penalty, the person in violation of this section shall choose between either completing a substance use disorder evaluation or the suspension of the person's motor vehicle operating privileges for a period not to exceed one year. (3) A third or subsequent offense shall be a simple misdemeanor punishable by a fine of five hundred dollars and the suspension of the person's motor vehicle operating privileges for a period not to exceed one year. b. The court may, in its discretion, order the person who is under legal age to perform community service work under section 909.3A, of an equivalent value to the fine imposed under this section. c. If the person who commits a violation of this section is under the age of eighteen, the matter shall be disposed of in the manner provided in chapter 232. 5. Except as otherwise provided in subsections 7 and 8, a person who is of legal age, other than a licensee or permittee, who sells, gives, or otherwise supplies any alcoholic beverage to a person who is under legal age in violation of this section commits a serious misdemeanor punishable by a minimum fine of five hundred dollars. 6. A person shall not be charged or prosecuted for a violation of subsection 3 or 4 if the person is immune from charge or prosecution pursuant to section 701.12. 7. A person who is of legal age, other than a licensee or permittee, who sells, gives, or otherwise supplies any alcoholic beverage to a person who is under legal age in violation of this section which results in serious injury to any person commits an aggravated misdemeanor. 8. A person who is of legal age, other than a licensee or permittee, who sells, gives, or otherwise supplies any alcoholic beverage to a person who is under legal age in violation of this section which results in the death of any person commits a class "D" felony. 9. Upon the expiration of two years following conviction for a violation of subsection 3 or of a similar local ordinance, a person may petition the court to expunge the conviction, and if the person has had no other criminal convictions, other than local traffic violations or simple misdemeanor violations of chapter 321 during the two-year period, the conviction shall be expunged as a matter of law. The court shall enter an order that the record of the conviction be expunged by the clerk of the district court. Notwithstanding section 692.2, after receipt of notice from the clerk of the district court that a record of conviction has been expunged for a violation of subsection 3, the record of conviction shall be removed from the criminal history data files maintained by the department of public safety. An expunged conviction shall not be considered a prior offense for purposes of enhancement under subsection 4 or under a local ordinance unless the new violation occurred prior to entry of the order of expungement. [C35, §1921-f43; C39, §1921.043; C46, 50, 54, 58, 62, §123.43; C66, 71, §123.43, 125.33; C73, 75, 77, 79, 81, §123.47] 85 Acts, ch 32, §37; 92 Acts, ch 1231, §8; 94 Acts, ch 1105, §1; 94 Acts, ch 1172, §2; 95 Acts, ch 191, §3; 97 Acts, ch 126, §2; 99 Acts, ch 153, §1; 2005 Acts, ch 105, §1; 2010 Acts, ch 1071, §2; 2010 Acts, ch 1128, §2; 2014 Acts, ch 1096, §1 – 3; 2014 Acts, ch 1141, §19; 2018 Acts, ch 1060, §28 – 33; 2020 Acts, ch 1080, §2; 2022 Acts, ch 1099, §43, 88; 2023 Acts, ch 19, §70 Referred to in §123.47B, 135B.34, 135C.33, 137C.25C, 232.2, 232.19, 232.22, 232.52, 321.216B, 321.284, 321.284A, 701.12, 805.8C(7), 805.8C(8), 901C.3 Subsection 4, paragraph a, subparagraph (2) amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.47B - Parental and school notification — persons under eighteen years of age.

123.47B Parental and school notification — persons under eighteen years of age. 1. A peace officer shall make a reasonable effort to identify a person under the age of eighteen discovered consuming or to be in possession of alcoholic liquor, wine, or beer in violation of section 123.47 and refer the person to juvenile court. 2. If a person under the age of eighteen is discovered consuming or to be in possession of alcoholic liquor, wine, or beer, but the person is immune from prosecution under section 701.12, a peace officer shall make a reasonable effort to identify the person and notify a juvenile court officer of such person's consumption or possession. 3. The juvenile court officer shall notify the person's custodial parent, legal guardian, or custodian of the violation. In addition, the juvenile court shall also make a reasonable effort to identify the elementary or secondary school which the person attends if the person is enrolled in elementary or secondary school and to notify the superintendent or the superintendent's designee of the school which the person attends, or the authorities in charge of the nonpublic school which the person attends, of the consumption or possession. A reasonable attempt to notify the person includes but is not limited to a telephone call or notice by first-class mail. 90 Acts, ch 1251, §4; 95 Acts, ch 191, §4; 97 Acts, ch 126, §3; 2010 Acts, ch 1128, §3; 2014 Acts, ch 1096, §4; 2020 Acts, ch 1080, §3 Referred to in §232.147

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.48 - Seizure of false or altered driver's license or nonoperator's identification card.

123.48 Seizure of false or altered driver's license or nonoperator's identification card. 1. If a retail alcohol licensee or an employee of the licensee has a reasonable belief based on factual evidence that a driver's license as defined in section 321.1, subsection 20A, or nonoperator's identification card issued pursuant to section 321.190 offered by a person who wishes to purchase an alcoholic

beverage at the licensed premises is altered or falsified or belongs to another person, the licensee or employee may retain the driver's license or nonoperator's identification card. Within twenty-four hours, the license or card shall be delivered to the appropriate city or county law enforcement agency of the jurisdiction in which the licensed premises is located. When the license or card is delivered to the appropriate law enforcement agency, the licensee shall file a written report of the circumstances under which the license or card was retained. The local law enforcement agency may investigate whether a violation of section 321.216, 321.216A, or 321.216B has occurred. If an investigation is not initiated or a probable cause is not established by the local law enforcement agency, the driver's license or nonoperator's identification card shall be delivered to the person to whom it was issued. The local law enforcement agency may forward the license or card with the report to the department of transportation for investigation, in which case, the department may investigate whether a violation of section 321.216, 321.216A, or 321.216B has occurred. The department of transportation shall return the license or card to the person to whom it was issued if an investigation is not initiated or a probable cause is not established. 2. Upon taking possession of a driver's license or nonoperator's identification card as provided in subsection 1, a receipt for the license or card with the date and hour of seizure noted shall be provided to the person from whom the license or card was seized. 3. A retail alcohol licensee or an employee of the licensee is not subject to criminal prosecution for, or to civil liability for damages alleged to have resulted from, the retention and delivery of a driver's license or a nonoperator's identification card which is taken pursuant to subsections 1 and 2. This section shall not be construed to relieve a licensee or employee of the licensee from civil liability for damages resulting from the use of unreasonable force in obtaining the altered or falsified driver's license or nonoperator's identification card or the driver's license or nonoperator's identification card believed to belong to another person. 94 Acts, ch 1105, §3; 96 Acts, ch 1090, §1; 98 Acts, ch 1073, §9, 12; 2016 Acts, ch 1073, §32; 2022 Acts, ch 1099, §44, 88

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.49 - Miscellaneous prohibitions.

123.49 Miscellaneous prohibitions. 1. A person shall not sell, dispense, or give to an intoxicated person, or one simulating intoxication, any alcoholic beverage. a. A person other than a person required to hold a license or permit under this chapter who dispenses or gives an alcoholic beverage in violation of this subsection is not civilly liable to an injured person or the estate of a person for injuries inflicted on that person as a result of intoxication by the consumer of the alcoholic beverage. b. The general assembly declares that this subsection shall be interpreted so that the holding of *Clark v. Mincks*, 364 N.W.2d 226 (Iowa 1985) is abrogated in favor of prior judicial interpretation finding the consumption of alcoholic beverages rather than the serving of alcoholic beverages as the proximate cause of injury inflicted upon another by an intoxicated person. 2. A person holding a retail alcohol license under this chapter, and the person's agents or employees, shall not do any of the following: a. Knowingly permit any gambling, except in accordance with chapter 99B, 99D, 99F, or 99G, or knowingly permit solicitation for immoral purposes, or immoral or disorderly conduct on the premises covered by the license. b. Sell or dispense any alcoholic beverage on the premises covered by the license, or permit its consumption thereon between the hours of 2:00 a.m. and 6:00 a.m. on any day of the week. c. Sell alcoholic beverages to any person on credit, except with a bona fide credit card. This provision does not apply to sales by a club to its members, to sales by a hotel or motel to bona fide registered guests, nor to retail sales by the managing entity of a convention center, civic center, or events center. d. (1) Keep on premises covered by a retail alcohol license any alcoholic liquor in any container except the original package purchased from the department, and except mixed drinks or cocktails mixed on the premises for immediate consumption on the licensed premises or as otherwise provided by this paragraph "d". This prohibition does not apply to holders of a class "D" retail alcohol license or to alcoholic liquor delivered in accordance with section 123.46A. (2) Mixed drinks or cocktails mixed on the premises that are not for immediate consumption may be consumed on the licensed premises subject to the requirements of this subparagraph pursuant to rules adopted by the department. The rules shall provide that the mixed drinks or cocktails be stored, for no longer than seventy-two hours, in a labeled container in a quantity that does not exceed three gallons. The rules shall also provide that added flavors and other nonbeverage ingredients included in the mixed drinks or cocktails shall not include hallucinogenic substances or added caffeine or other added stimulants including but not limited to guarana, ginseng, and taurine. The rules shall also require that the licensee keep records as to when the contents in a particular container were mixed and the recipe used for that mixture. In addition, mixed drinks or cocktails mixed on the premises pursuant to this subparagraph may be sold for consumption off the licensed premises as provided in and subject to the requirements of subparagraph (3). (3) Mixed drinks or cocktails mixed on premises covered by a class "C" retail alcohol license for consumption off the licensed premises may be sold if the mixed drink or cocktail is immediately filled in a sealed container and is promptly taken from the licensed premises prior to consumption of the mixed drink or cocktail. A mixed drink or cocktail that is sold in a sealed container in compliance with the requirements of this subparagraph and rules adopted by the department shall not be deemed an open container subject to the requirements of sections 321.284 and 321.284A if the sealed container is unopened and the seal has not been tampered with, and the contents of the container have not been partially removed. (4) For purposes of this paragraph: (a) "Sealed container" means a vessel containing a mixed drink or cocktail that is designed to prevent consumption without removal of a tamper-evident lid, cap, or seal. "Sealed container" does not include a container with a sipping hole or other opening for a straw, a cup made of plastic that is intended for one-time use, or a cup made of paper or polystyrene foam. (b) "Tamper-evident" means a lid, cap, or seal that visibly demonstrates when a container has been opened. e. Reuse for packaging alcoholic liquor or wine any container or receptacle used originally for packaging alcoholic liquor or wine; or adulterate, by the addition of any substance, the contents or remaining contents of an original package of an alcoholic liquor or wine; or knowingly possess any original package which has been so reused or

adulterated. f. (1) Employ a person under eighteen years of age in the sale or serving of alcoholic beverages for consumption on the premises where sold. (2) This paragraph shall not apply if the employer has on file written permission from the parent, guardian, or legal custodian of a person sixteen or seventeen years of age for the person to sell or serve alcoholic beverages for consumption on the premises where sold. However, a person sixteen or seventeen years of age shall not work in a bar as defined in section 142D.2. The employer shall keep a copy of the written permission on file until the person is either eighteen years of age or no longer engaged in the sale of or serving alcoholic beverages for consumption on the premises where sold. If written permission is on file in accordance with this paragraph, a person sixteen or seventeen years of age may sell or serve alcoholic beverages in a restaurant as defined in section 142D.2 during the hours in which the restaurant serves food. (3) A person sixteen or seventeen years of age shall not sell or serve alcoholic beverages under this paragraph unless at least two employees eighteen years of age or older are physically present in the area where alcoholic beverages are sold or served. (4) If a person employed under this paragraph reports an incident of workplace harassment to the employer or if the employer otherwise becomes aware of such an incident, the employer shall report the incident to the employee's parent, guardian, or legal custodian and to the Iowa civil rights commission, which shall determine if any action is necessary or appropriate under chapter 216. (5) An employer that employs a person under this paragraph shall require the person to attend training on prevention and response to sexual harassment upon commencing employment. (6) Prior to a person commencing employment under this paragraph, the employer shall notify the employer's dramshop liability insurer, in a form and time period prescribed by the director, that the employer is employing a person under this paragraph. g. Allow any person other than the licensee or employees of the licensee to use or keep on the licensed premises any alcoholic liquor in any bottle or other container which is designed for the transporting of such beverages, except as permitted in section 123.95. This paragraph does not apply to the lodging quarters of a hotel or motel holding a retail alcohol license, or to holders of a class "D" retail alcohol license. h. Sell, give, or otherwise supply any alcoholic beverage to any person, knowing or failing to exercise reasonable care to ascertain whether the person is under legal age, or permit any person, knowing or failing to exercise reasonable care to ascertain whether the person is under legal age, to consume any alcoholic beverage. i. In the case of a retail wine or beer permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to wine, beer, or any other beverage in or about the permittee's place of business. j. Knowingly permit or engage in any criminal activity on the premises covered by the license. However, the absence of security personnel on the licensed premises is insufficient, without additional evidence, to prove that criminal activity occurring on the licensed premises was knowingly permitted in violation of this paragraph "j". For purposes of this paragraph "j", "premises" includes parking lots and areas adjacent to the premises of a retail alcohol licensee authorized to sell alcoholic beverages for consumption on the licensed premises and used by patrons of the retail alcohol licensee. k. Sell, give, possess, or otherwise supply a machine which is used to vaporize an alcoholic beverage for the purpose of being consumed in a vaporized form. 3. A person under legal age shall not misrepresent the person's age for the purpose of purchasing or attempting to purchase any alcoholic beverage from any retail alcohol licensee. If any person under legal age misrepresents the person's age, and the licensee establishes that the licensee made reasonable inquiry to determine whether the prospective purchaser was over legal age, the licensee is not guilty of selling alcoholic beverages to a person under legal age. [C35, §1921-f46, 1921-f114, 1921-g3; C39, §1921.046, 1921.115, 1921.116; C46, 50, 54, 58, 62, 66, 71, §123.46, 124.20, 124.21; C73, 75, 77, 79, 81, §123.49] 84 Acts, ch 1275, §3; 85 Acts, ch 32, §38 – 42; 86 Acts, ch 1002, §5; 86 Acts, ch 1211, §11; 89 Acts, ch 67, §26; 90 Acts, ch 1175, §8; 91 Acts, ch 245, §2, 3; 94 Acts, ch 1172, §4; 97 Acts, ch 126, §4; 2003 Acts, ch 178, §108, 121; 2003 Acts, ch 179, §142; 2004 Acts, ch 1155, §1; 2006 Acts, ch 1033, §1; 2010 Acts, ch 1128, §4; 2012 Acts, ch 1138, §22; 2017 Acts, ch 119, §10, 11; 2018 Acts, ch 1060, §34 – 36; 2019 Acts, ch 113, §30, 31, 67, 68; 2020 Acts, ch 1114, §13, 16; 2021 Acts, ch 155, §6 – 8; 2022 Acts, ch 1099, §45 – 50, 88; 2023 Acts, ch 19, §2419; 2023 Acts, ch 44, §1, 2; 2023 Acts, ch 64, §106; 2023 Acts, ch 66, §28; 2023 Acts, ch 92, §21 Referred to in §123.3, 123.30, 123.39, 123.46A, 123.50, 123.50A, 123.92, 602.6405, 805.8C(2) Civil liability for dispensing or sale and service to intoxicated persons; see §123.92 For scheduled fines applicable to violations of subsection 2, paragraph h, see §805.8C(2) Subsection 2, paragraphs a, d, and f amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.5 - Alcoholic beverages commission created — appointment — removal — vacancies.

123.5 Alcoholic beverages commission created — appointment — removal — vacancies. 1. An alcoholic beverages commission is created within the department. The commission is composed of five members, not more than three of whom shall belong to the same political party. 2. Members shall be appointed by the governor, subject to confirmation by the senate. Appointments shall be for five-year staggered terms beginning and ending as provided by section 69.19. A member may be reappointed for one additional term. 3. Members of the commission shall be chosen on the basis of managerial ability and experience as business executives. Not more than two members of the commission may be the holder of or have an interest in a permit or license to manufacture alcoholic liquor, wine, or beer or to sell alcoholic liquor, wine, or beer at wholesale or retail. 4. Any commission member shall be subject to removal for any of the causes and in the manner provided by chapter 66 relating to removal from office. Removal shall not be in lieu of any other punishment that may be prescribed by the laws of this state. 5. Any vacancy on the commission shall be filled in the same manner as regular appointments are made for the unexpired portion of the regular term. [C35, §1921-f6; C39, §1921.006; C46, 50, 54, 58, 62, 66, 71, §123.6; C73, 75, 77, 79, 81, §123.5] 86 Acts, ch 1245, §732; 2015 Acts, ch 30, §39; 2023 Acts, ch 19, §2356 Referred to in §123.13 Confirmation, see §2.32 Subsection 1 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.50 -

Criminal and civil penalties.

123.50 Criminal and civil penalties. 1. Any person who violates any of the provisions of section 123.49, except section 123.49, subsection 2, paragraph “h”, or who fails to affix upon sale, defaces, or fails to record a keg identification label or produce a record of keg identification labels pursuant to section 123.138, shall be guilty of a simple misdemeanor. A person who violates section 123.49, subsection 2, paragraph “h”, commits a simple misdemeanor punishable as a scheduled violation under section 805.8C, subsection 2. 2. The conviction of any retail alcohol licensee for a violation of any of the provisions of section 123.49, subject to subsection 3 of this section, is grounds for the suspension or revocation of the license by the department or the local authority. However, if any retail alcohol licensee is convicted of any violation of section 123.49, subsection 2, paragraph “a” or “e”, or any retail alcohol licensee, excluding a special class “B” or class “D” retail alcohol licensee, is convicted of a violation of section 123.49, subsection 2, paragraph “d”, the retail alcohol license shall be revoked and shall immediately be surrendered by the holder, and the bond, if any, of the license holder shall be forfeited to the department. However, the department shall retain only that portion of the bond equal to the amount the department determines the license holder owes the department. 3. If any retail alcohol licensee or employee of a licensee is convicted or found in violation of section 123.49, subsection 2, paragraph “h”, the director or local authority shall, in addition to criminal penalties fixed for violations by this section, assess a civil penalty as follows: a. A first violation shall subject the licensee to a civil penalty in the amount of five hundred dollars. Failure to pay the civil penalty as ordered under section 123.39 shall result in automatic suspension of the license for a period of fourteen days. b. A second violation within two years shall subject the licensee to a thirty-day suspension and a civil penalty in the amount of one thousand five hundred dollars. c. A third violation within three years shall subject the licensee to a sixty-day suspension and a civil penalty in the amount of one thousand five hundred dollars. d. A fourth violation within three years shall result in revocation of the license. e. For purposes of this subsection: (1) The date of any violation shall be used in determining the period between violations. (2) Suspension shall be limited to the specific license for the premises found in violation. (3) Notwithstanding section 123.40, revocation shall be limited to the specific license found in violation and shall not disqualify a licensee from holding a license at a separate location. 4. In addition to any other penalties imposed under this chapter, the department shall assess a civil penalty up to the amount of five thousand dollars upon a class “E” retail alcohol licensee when the class “E” retail alcohol license is revoked for a violation of section 123.59. Failure to pay the civil penalty as required under this subsection shall result in forfeiture of the bond to the department. However, the department shall retain only that portion of the bond equal to the amount the department determines the license holder owes the department. 5. If an employee of a retail alcohol licensee violates section 123.49, subsection 2, paragraph “h”, the licensee shall not be assessed a penalty under subsection 3, and the violation shall be deemed not to be a violation of section 123.49, subsection 2, paragraph “h”, for the purpose of determining the number of violations for which a penalty may be assessed pursuant to subsection 3, if the employee holds a valid certificate of completion of the alcohol compliance employee training program pursuant to section 123.50A at the time of the violation, and if the violation involves selling, giving, or otherwise supplying any alcoholic beverage to a person between the ages of eighteen and twenty years of age. A violation involving a person under the age of eighteen years of age shall not qualify for the bar against assessment of a penalty pursuant to subsection 3, for a violation of section 123.49, subsection 2, paragraph “h”. A licensee may assert only once in a four-year period the bar under this subsection against assessment of a penalty pursuant to subsection 3, for a violation of section 123.49, subsection 2, paragraph “h”, that takes place at the same place of business location. [C35, §1921-f46, 1921-f127; C39, §1921.046, 1921.132; C46, 50, 54, 58, 62, 66, 71, §123.46, 124.37; C73, 75, 77, 79, 81, §123.50] 84 Acts, ch 1275, §4; 84 Acts, ch 1292, §1; 85 Acts, ch 32, §43; 86 Acts, ch 1246, §745; 88 Acts, ch 1088, §6; 88 Acts, ch 1241, §14; 89 Acts, ch 252, §2; 93 Acts, ch 91, §18; 94 Acts, ch 1172, §5; 97 Acts, ch 126, §5, 6; 98 Acts, ch 1204, §1, 2; 2001 Acts, ch 137, §5; 2004 Acts, ch 1008, §1; 2007 Acts, ch 46, §1; 2011 Acts, ch 30, §6; 2013 Acts, ch 30, §23; 2014 Acts, ch 1026, §27; 2018 Acts, ch 1060, §37 – 39; 2019 Acts, ch 113, §32; 2022 Acts, ch 1099, §51, 52, 88; 2023 Acts, ch 19, §2420 – 2422; 2023 Acts, ch 66, §29 – 32 Referred to in §99B.3, 99B.55, 123.39, 123.141 License suspension upon revocation of gambling license or amusement device registration; §99B.3 and §99B.55 See Code editor’s note on simple harmonization at the beginning of this Code volume Subsections 2 – 4 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.50A - Alcohol compliance employee training program.

123.50A Alcohol compliance employee training program. 1. If sufficient funding is appropriated, the department shall develop an alcohol compliance employee training program, not to exceed two hours in length for employees and prospective employees of licensees and permittees, to inform the employees about state laws and regulations regarding the sale of alcoholic beverages to persons under legal age, and compliance with and the importance of laws regarding the sale of alcoholic beverages to persons under legal age. In developing the alcohol compliance employee training program, the department may consult with stakeholders who have expertise in the laws and regulations regarding the sale of alcoholic beverages to persons under legal age. 2. The alcohol compliance employee training program shall be made available to employees and prospective employees of licensees and permittees at no cost to the employee, the prospective employee, or the licensee or permittee, and in a manner which is as convenient and accessible to the extent practicable throughout the state so as to encourage attendance. Contingent upon the availability of specified funds for provision of the program, the department shall schedule the program on at least a monthly basis and the program shall be available at a location in at least a majority of counties. 3. Upon completion of the alcohol compliance employee training program, an employee or prospective employee shall receive a certificate of completion, which shall be valid for a period of two years, unless

the employee or prospective employee is convicted of a violation of section 123.49, subsection 2, paragraph “h”, in which case the certificate shall be void. 4. The department shall also offer periodic continuing employee training and recertification for employees who have completed initial training and received an initial certificate of completion as part of the alcohol compliance employee training program. 2011 Acts, ch 30, §7; 2018 Acts, ch 1060, §40; 2023 Acts, ch 19, §2423 Referred to in §123.50 Subsections 1, 2, and 4 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.51 - Advertisements for alcoholic liquor, wine, or beer.

123.51 Advertisements for alcoholic liquor, wine, or beer. 1. No signs or other matter advertising any brand of alcoholic liquor, beer, or wine shall be erected or placed upon the outside of any premises occupied by a licensee or permittee authorized to sell alcoholic liquor, beer, or wine at retail. However, signs or other advertising matter may be erected or placed inside the premises, inside a fence or similar enclosure which wholly or partially surrounds the premises, or inside a window facing outward from the premises. 2. Violation of this section is a simple misdemeanor. [C35, §1921-f47; C39, §1921.047; C46, 50, 54, 58, 62, 66, 71, §123.47; C73, 75, 77, 79, 81, §123.51] 85 Acts, ch 32, §44; 86 Acts, ch 1246, §746; 87 Acts, ch 22, §9; 2017 Acts, ch 119, §12

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.52 - Prohibited sale.

123.52 Prohibited sale. No person not expressly authorized by this chapter to deal in alcoholic liquors shall within the state keep for sale or offer for sale anything which is capable of being mistaken for a package containing alcoholic liquor and is either labeled or branded with the name of any kind of alcoholic liquor, whether the same contains any alcoholic liquor or not. [C35, §1921-f48; C39, §1921.048; C46, 50, 54, 58, 62, 66, 71, §123.48; C73, 75, 77, 79, 81, §123.52]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.53 - Beer and liquor control fund — allocations to substance abuse — use of civil penalties.

123.53 Beer and liquor control fund — allocations to substance abuse — use of civil penalties. Transferred to §123.17; 2015 Acts, ch 30, §204 .

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.54 - Appropriations.

123.54 Appropriations. Transferred to §123.18; 2015 Acts, ch 30, §204 .

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.55 - Annual report.

123.55 Annual report. Transferred to §123.16; 2015 Acts, ch 30, §204 .

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.56 - Public safety nuisances — procedure.

123.56 Public safety nuisances — procedure. 1. A public safety nuisance exists at a licensed premises for purposes of this section when it is established by clear and convincing evidence that an owner, manager, employee, contemporaneous patron, or guest of the licensed premises commits any of the following acts on the licensed premises or in any parking lots or areas, including but not limited to public rights of way, adjacent to the licensed premises: a. Unlawfully discharges a firearm or uses an offensive weapon, as defined in section 724.1, regardless of whether it inflicts injury or death. b. Assaults another person with a dangerous weapon as defined in section 702.7 resulting in injury or death. c. Engages in a riot as defined in section 723.1 on at least three separate days within any twelve-month period in which a peace officer responded for purposes of dispersing the participants in the riot. A person who willingly joins in or remains a part of a riot need not be the same person for each riot incident. 2. If the county attorney or city attorney for the county or city where the licensed premises is located has reason to believe a public safety nuisance that constitutes a serious threat to the public safety exists, the county attorney or city attorney, or an attorney acting at the direction of the county attorney or city attorney, may file a suit in equity in district court without bond seeking abatement of a public safety nuisance occurring at a premises licensed under this chapter pursuant to the requirements of this section. 3. Upon filing a suit in equity in district court pursuant to subsection 2, the county attorney or city attorney shall notify the director of the action. Upon receiving notice, the director shall issue an order reducing the hours during which alcoholic beverages may be sold or consumed at retail on the licensed premises to between 6:00 a.m. and 10:00 p.m. each day of the week during the pendency of the action in equity. The county attorney or city attorney shall notify the director of any final action or judgment entered resulting from the action. 4. In an action seeking abatement of a public safety nuisance as provided in this section, evidence of other current violations of this chapter may be received by the court and considered in determining the remedial provisions of any abatement order. In addition, evidence of prior sanctions, violations of law, nuisance behavior, or general reputation relating to the licensed premises may be admissible in determining the reasonableness of remedial provisions of an abatement order. However, evidence of a prior conviction of the licensee, managers, employees, or contemporaneous patrons and guests is not necessary for purposes of considering or issuing an

abatement order under this section. In an action under this section, the director may submit to the court a report as evidence on behalf of the department regarding the compliance history of the licensee or permittee for consideration by the court. 5. If the district court finds that a public safety nuisance exists, the court may enter judgment declaring the existence of the nuisance and order such remedial action as the court determines reasonable to abate the nuisance. The abatement order may take the form of an injunction. The duration of an abatement order may be up to two years. Remedial action may include but is not limited to temporary closure of the licensed premises, revocation of the license for such period of time as is consistent with section 123.40, required change in business practice or operations, or posting of a bond. If a bond is ordered and posted, the bond shall be subject to forfeiture, in whole or in part, for any further actions contrary to the abatement order. 6. For purposes of this section, “licensed premises” means a premises where alcoholic beverages are authorized to be sold for consumption on the licensed premises and where the serving of food is only incidental to the consumption of alcoholic beverages on the premises. 2022 Acts, ch 1100, §1; 2023 Acts, ch 19, §2424; 2023 Acts, ch 66, §33 Subsections 2 – 4 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.57 - Examination of accounts.

123.57 Examination of accounts. The financial condition and transactions of all offices, departments, warehouses, and depots concerning the alcohol beverage control activities of the department shall be examined at least once each year by the state auditor and at shorter periods if requested by the director, governor, commission, or the general assembly’s standing committees on government oversight. [C35, §1921-f57; C39, §1921.057; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §123.57] 86 Acts, ch 1246, §749; 2011 Acts, ch 30, §9; 2023 Acts, ch 19, §2425 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.58 - Auditing.

123.58 Auditing. All provisions of sections 11.6, 11.11, 11.14, 11.21, 11.31, and 11.41, relating to auditing of financial records of governmental subdivisions which are not inconsistent with this chapter are applicable to the department and its offices, warehouses, and depots under this chapter. [C35, §1921-f58; C39, §1921.058; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §123.58] 86 Acts, ch 1246, §750; 89 Acts, ch 264, §4; 2011 Acts, ch 75, §34; 2023 Acts, ch 19, §2426 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.59 - Bootlegging — penalties.

123.59 Bootlegging — penalties. 1. Any person who, acting individually, or through another acting for the person, keeps or carries on the person, or in a vehicle, or leaves in a place for another to secure, any alcoholic liquor, wine, or beer, with intent to sell or dispense the liquor, wine, or beer, in violation of law, or who, within this state, in any manner, directly or indirectly, solicits, takes, or accepts an order for the purchase, sale, shipment, or delivery of alcoholic liquor, wine, or beer in violation of law, or aids in the delivery and distribution of alcoholic liquor, wine, or beer so ordered or shipped, or who in any manner procures for, sells, or gives alcoholic liquor, wine, or beer to a person under legal age, for any purpose except as authorized and permitted in this chapter, is a bootlegger. 2. A person who violates any of the provisions of this section commits the following: a. For a first offense, a simple misdemeanor. b. For a second or subsequent offense, a serious misdemeanor. [C51, §924 – 928; R60, §1559, 1562, 1563, 1583, 1587; C73, §1523, 1540 – 1542, 1555; C97, §2382; SS15, §2382, 2461-a; C24, 27, 31, §1927; C35, §1921-f59, 1927; C39, §1921.059, 1927; C46, 50, 54, 58, 62, 66, 71, §123.59, 125.7; C73, 75, 77, 79, 81, §123.59] 85 Acts, ch 32, §50; 85 Acts, ch 67, §16; 2018 Acts, ch 1096, §3, 6 Referred to in §123.50, 123.70

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.6 - Commission meetings.

123.6 Commission meetings. The commission shall meet on or before July 1 of each year for the purpose of selecting one of its members as chairperson for the succeeding year. The commission shall otherwise meet quarterly or at the call of the chairperson or director or when three members file a written request for a meeting. Written notice of the time and place of each meeting shall be given to each member of the commission. A majority of the commission members shall constitute a quorum. [C35, §1921-f10; C39, §1921.010; C46, 50, 54, 58, 62, 66, 71, §123.10; C73, 75, 77, 79, 81, §123.9] 2011 Acts, ch 17, §5; 2015 Acts, ch 30, §204 C2016, §123.6 2023 Acts, ch 19, §2357 Former §123.6 repealed by 2015 Acts, ch 30, §198 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.60 - Nuisances.

123.60 Nuisances. The premises where the unlawful manufacture or sale, or keeping with intent to sell, use or give away, of alcoholic liquors, wine, or beer is carried on, and any vehicle or other means of conveyance used in transporting liquor, wine, or beer in violation of law, and the furniture, fixtures, vessels and contents, kept or used in connection with such activities are nuisances and shall be abated as provided in this chapter. [C51, §935; R60, §1564; C73, §1543; C97, §2384; C24, 27, 31, §1929; C35, §1921-f60, 1929; C39, §1921.060, 1929; C46, 50, 54, 58, 62, 66, 71, §123.60, 125.9; C73, 75, 77, 79, 81, §123.60] 85 Acts, ch 32, §51 Referred to in §123.61, 123.88 Nuisances in general, chapter 657

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 123 - ALCOHOLIC BEVERAGE CONTROLSection 123.61 - Penalty.

123.61 Penalty. Any person who erects, establishes, or uses any premises for any of the purposes prohibited in section 123.60, is guilty of nuisance and shall be subject to the general penalties provided by this chapter. [C51, §935; R60, §1564; C73, §1543; C97, §2384; C24, 27, 31, §1930; C35, §1921-f61, 1930; C39, §1921.061, 1930; C46, 50, 54, 58, 62, 66, 71, §123.61, 125.10; C73, 75, 77, 79, 81, §123.61]

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 123 - ALCOHOLIC BEVERAGE CONTROLSection 123.62 - Injunction.

123.62 Injunction. Actions to enjoin nuisances shall be brought in equity in the name of the state by the county attorney who shall prosecute the same to judgment. [R60, §1564; C73, §1543; C97, §2405, 2406; S13, §2406; SS15, §2405; C24, 27, 31, §2017; C35, §1921-f62, 2017; C39, §1921.062, 2017; C46, 50, 54, 58, 62, 66, 71, §123.62, 128.1; C73, 75, 77, 79, 81, §123.62] Referred to in §331.756(24)

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 123 - ALCOHOLIC BEVERAGE CONTROLSection 123.63 - Temporary writ.

123.63 Temporary writ. In an action to enjoin a nuisance, the court shall, upon the presentation of a petition, allow a temporary writ of injunction without bond, if the petitioner provides evidence to the satisfaction of the court, in the form of affidavits, depositions, oral testimony, or otherwise, that the nuisance complained of exists. [R60, §1564; C73, §1543; C97, §2405; SS15, §2405; C24, 27, 31, §2018; C35, §1921-f63, 2018; C39, §1921.063, 2018; C46, 50, 54, 58, 62, 66, 71, §123.63, 128.2; C73, 75, 77, 79, 81, §123.63] 2021 Acts, ch 80, §58

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 123 - ALCOHOLIC BEVERAGE CONTROLSection 123.64 - Notice.

123.64 Notice. Three days' notice in writing shall be given the defendant of the hearing of the application, and if then continued at the defendant's instance the writ as petitioned for shall be granted as a matter of course. [C97, §2405; SS15, §2405; C24, 27, 31, §2019; C35, §1921-f64, 2019; C39, §1921.064, 2019; C46, 50, 54, 58, 62, 66, 71, §123.64, 128.3; C73, 75, 77, 79, 81, §123.64] 90 Acts, ch 1168, §26

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 123 - ALCOHOLIC BEVERAGE CONTROLSection 123.65 - Scope of injunction.

123.65 Scope of injunction. When an injunction has been granted, it shall be binding upon the defendant throughout the state and any violation of the provisions of this chapter anywhere within the state shall be punished as a contempt as provided in section 123.68. [C97, §2405; SS15, §2405; C24, 27, 31, §2020; C35, §1921-f65, 2020; C39, §1921.065, 2020; C46, 50, 54, 58, 62, 66, 71, §123.65, 128.4; C73, 75, 77, 79, 81, §123.65] 2021 Acts, ch 80, §59

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 123 - ALCOHOLIC BEVERAGE CONTROLSection 123.66 - Trial of action.

123.66 Trial of action. Any action brought to enjoin a nuisance or to establish a violation of the injunction shall be accorded priority over other business pending before the district court. [C97, §2406; S13, §2406; C24, 27, 31, §2021; C35, §1921-f66, 2021; C39, §1921.066, 2021; C46, 50, 54, 58, 62, 66, 71, §123.66, 128.5; C73, 75, 77, 79, 81, §123.66] 2021 Acts, ch 80, §60

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 123 - ALCOHOLIC BEVERAGE CONTROLSection 123.67 - General reputation.

123.67 General reputation. In all actions to enjoin a nuisance or to establish a violation of the injunction, evidence of the general reputation of the premises described in the petition or information shall be admissible for the purpose of proving the existence of the nuisance or the violation of the injunction. [C97, §2406; S13, §2406; C24, 27, 31, §2022; C35, §1921-f67, 2022; C39, §1921.067, 2022; C46, 50, 54, 58, 62, 66, 71, §123.67, 128.6; C73, 75, 77, 79, 81, §123.67]

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 123 - ALCOHOLIC BEVERAGE CONTROLSection 123.68 - Contempt.

123.68 Contempt. In the case of a violation of any injunction granted under the provisions of this chapter, the court may summarily try and punish the defendant pursuant to the general penalties provided by this chapter. The proceedings shall be commenced by filing with the clerk of the court an information under oath setting out the alleged facts constituting such violation, upon which the court shall cause a warrant to issue under which the defendant shall be arrested. [C97, §2407; SS15, §2407; C24, 27, 31, §2027; C35, §1921-f68, 2027; C39, §1921.068, 2027; C46, 50, 54, 58, 62, 66, 71, §123.68, 128.13; C73, 75, 77, 79, 81, §123.68] Referred to in §123.65

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 123 - ALCOHOLIC BEVERAGE CONTROLSection 123.69 - Trial of

contempt action.

123.69 Trial of contempt action. The trial shall be as in equity and may be had upon depositions, or either party may demand the production and oral examination of the witnesses. [C97, SS15, §2407; C24, 27, 31, §2028; C35, §1921-f69, 2028; C39, §1921.069, 2028; C46, 50, 54, 58, 62, 66, 71, §123.69, 128.14; C73, 75, 77, 79, 81, §123.69]

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 123 - ALCOHOLIC BEVERAGE CONTROLSection 123.7 - Duties of director.

123.7 Duties of director. The director shall supervise the daily operations of the department under this chapter and shall execute the alcoholic beverage control policies of the department. [C73, 75, 77, 79, 81, §123.10] 86 Acts, ch 1245, §735; 2013 Acts, ch 35, §20; 2015 Acts, ch 30, §204 C2016, §123.7 2023 Acts, ch 19, §2358 Former §123.7 repealed by 2015 Acts, ch 30, §198 Section stricken and rewritten

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 123 - ALCOHOLIC BEVERAGE CONTROLSection 123.70 - Injunction against bootlegger.

123.70 Injunction against bootlegger. A bootlegger as defined in section 123.59 may be restrained by injunction from doing or continuing to do any of the acts prohibited herein, and all the proceedings for injunctions, temporary and permanent, and for punishments for violation of the same as prescribed herein, shall be applicable to such person, and the fact that an offender has no known or permanent place of business, or base of supplies, or quits the business after the commencement of an action, shall not prevent a temporary or permanent injunction, as the case may be, from issuing. [S13, §2461-b; C24, 27, 31, §2031; C35, §1921-f71, 2031; C39, §1921.071, 2031; C46, 50, 54, 58, 62, 66, 71, §123.71, 128.17; C73, 75, 77, 79, 81, §123.70] 2015 Acts, ch 30, §43

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 123 - ALCOHOLIC BEVERAGE CONTROLSection 123.71 - Conditions on injunction proceeding.

123.71 Conditions on injunction proceeding. A bootlegger injunction proceeding, as provided in this chapter, shall not be maintained unless it is shown to the court that efforts in good faith have been made to discover the base of supplies or place where the defendant charged as a bootlegger conducts an unlawful business or receives or manufactures the alcoholic liquor, wine, or beer, which the defendant is charged with bootlegging. [C27, 31, §2031-a1; C35, §1921-f72, 2031-a1; C39, §1921.072, 2031.1; C46, 50, 54, 58, 62, 66, 71, §123.72, 128.18; C73, 75, 77, 79, 81, §123.71] 85 Acts, ch 32, §52

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 123 - ALCOHOLIC BEVERAGE CONTROLSection 123.72 - Order of abatement of nuisance.

123.72 Order of abatement of nuisance. If the existence of a nuisance is established in a civil or criminal action, an order of abatement shall be entered as a part of the judgment in the case. The order shall direct the confiscation of all alcoholic liquor, wine, or beer by the state; the removal from the premises involved of all fixtures, furniture, vessels, or movable property used in any way in conducting the unlawful business; the sale of all removed property as well as any vehicle or other means of conveyance which has been abated, the sale to be conducted in the manner provided for the sale of chattels under execution; and the effective closing of the premises against use for the purpose of manufacture, sale, or consumption of alcoholic liquor, wine, or beer for a period of one year, unless sooner released by the court. [C51, §935; R60, §1559; C73, §1523, 1543; C97, §2408; C24, 27, 31, §2032; C35, §1921-f73, 2032; C39, §1921.073, 2032; C46, 50, 54, 58, 62, 66, 71, §123.73, 128.19; C73, 75, 77, 79, 81, §123.72] 85 Acts, ch 32, §53

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 123 - ALCOHOLIC BEVERAGE CONTROLSection 123.73 - Use of abated premises.

123.73 Use of abated premises. If any person uses a premises closed pursuant to an abatement order in violation of such order the person shall be punished for contempt as provided in this chapter. [C97, §2408; C24, 27, 31, §2033; C35, §1921-f74, 2033; C39, §1921.074, 2033; C46, 50, 54, 58, 62, 66, 71, §123.74, 128.20; C73, 75, 77, 79, 81, §123.73]

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 123 - ALCOHOLIC BEVERAGE CONTROLSection 123.74 - Fees.

123.74 Fees. For removing and selling the movable property, the officer shall be entitled to charge and receive the same fees as the officer would for levying upon and selling like property on execution; and for closing the premises and keeping them closed a reasonable sum shall be allowed by the court. [C97, §2408; C24, 27, 31, §2034; C35, §1921-f75, 2034; C39, §1921.075, 2034; C46, 50, 54, 58, 62, 66, 71, §123.75, 128.21; C73, 75, 77, 79, 81, §123.74]

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 123 - ALCOHOLIC BEVERAGE CONTROLSection 123.75 - Proceeds of sale.

123.75 Proceeds of sale. The proceeds of the sale of personal property in abatement proceedings shall be applied first in payment of the costs of the action and abatement, and second to the satisfaction of any fine and costs adjudged against the proprietor of the premises and keeper of said nuisance, and the balance, if any, shall be paid to the defendant. [C97, §2409; C24, 27, 31, §2035; C35, §1921-f76, 2035; C39, §1921.076, 2035; C46, 50, 54, 58, 62, 66, 71, §123.76, 128.22; C73, 75, 77, 79, 81, §123.75]

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 123 - ALCOHOLIC BEVERAGE CONTROLSection 123.76 - Abatement of nuisance.

123.76 Abatement of nuisance. If the owner of the abated premises appears and pays all costs of the proceeding and files a bond with sureties to be approved by the clerk in the full value of the property, to be ascertained by the court, conditioned that the owner will immediately abate the nuisance and prevent the same from being established or kept on such premises within a period of one year thereafter, the court may order such premises to be delivered to the owner and cancel the order of abatement so far as it may relate to the property. [C97, §2410; S13, §2410; C24, 27, 31, §2036; C35, §1921-f77, 2036; C39, §1921.077, 2036; C46, 50, 54, 58, 62, 66, 71, §123.77, 128.23; C73, 75, 77, 79, 81, §123.76] Referred to in §123.78, 602.8102(30)

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 123 - ALCOHOLIC BEVERAGE CONTROLSection 123.77 - Abatement before judgment.

123.77 Abatement before judgment. If the action is in equity and the owner of the premises pays the costs of the action and files the bond prior to the entry of judgment and the abatement order, such action shall be abated as to the premises only. [C97, §2410; S13, §2410; C24, 27, 31, §2037; C35, §1921-f78, 2037; C39, §1921.078, 2037; C46, 50, 54, 58, 62, 66, 71, §123.78, 128.24; C73, 75, 77, 79, 81, §123.77] Referred to in §123.78

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 123 - ALCOHOLIC BEVERAGE CONTROLSection 123.78 - Existing liens.

123.78 Existing liens. The release of the property under the provisions of either section 123.76 or 123.77 shall not release it from any judgment lien, penalty, or liability, to which it may be subject by law. [C97, §2410; S13, §2410; C24, 27, 31, §2038; C35, §1921-f79, 2038; C39, §1921.079, 2038; C46, 50, 54, 58, 62, 66, 71, §123.79, 128.25; C73, 75, 77, 79, 81, §123.78]

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 123 - ALCOHOLIC BEVERAGE CONTROLSection 123.79 - Abatement bond a lien.

123.79 Abatement bond a lien. Undertakings of bonds for abatement shall immediately after filing by the clerk of the district court be docketed and entered upon the lien index as required for judgments in civil cases, and from the time of such entries shall be liens upon real estate of the persons executing the same, with like effect as judgments in civil actions. [C24, 27, 31, §2039; C35, §1921-f80, 2039; C39, §1921.080, 2039; C46, 50, 54, 58, 62, 66, 71, §123.80, 128.26; C73, 75, 77, 79, 81, §123.79] Referred to in §123.84, 602.8102(30)

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 123 - ALCOHOLIC BEVERAGE CONTROLSection 123.8 - Duties of commission.

123.8 Duties of commission. 1. The commission, in addition to the duties specifically enumerated in this chapter, shall act as a policy-making body under this chapter and serve in an advisory capacity to the director and department. 2. The commission may review and affirm, reverse, or amend all actions of the director under this chapter, including but not limited to the following instances: a. Purchases of alcoholic liquor for resale by the department. b. The establishment of wholesale prices of alcoholic liquor. [C73, 75, 77, 79, 81, §123.16] 85 Acts, ch 32, §13; 86 Acts, ch 1122, §5; 86 Acts, ch 1245, §737; 86 Acts, ch 1246, §726, 727; 93 Acts, ch 91, §2; 2015 Acts, ch 30, §204 C2016, §123.8 2023 Acts, ch 19, §2359 Section amended

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 123 - ALCOHOLIC BEVERAGE CONTROLSection 123.80 - Attested copies filed.

123.80 Attested copies filed. Attested copies of such undertakings may be filed in the office of the clerk of the district court of the county in which the real estate is situated in the same manner and with like effect as attested copies of judgments, and shall be immediately docketed and indexed in the same manner. [C24, 27, 31, §2040; C35, §1921-f81, 2040; C39, §1921.081, 2040; C46, 50, 54, 58, 62, 66, 71, §123.81, 128.27; C73, 75, 77, 79, 81, §123.80] Referred to in §602.8102(30)

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 123 - ALCOHOLIC BEVERAGE CONTROLSection 123.81 - Forfeiture of bond.

123.81 Forfeiture of bond. If the owner of a property who has filed an abatement bond as provided in this chapter fails to abate the alcoholic liquor, wine, or beer nuisance on the premises covered by the bond, or fails to prevent the maintenance of any alcoholic liquor, wine, or beer nuisance on the premises at any time within a period of one year after entry of the abatement order, the court shall, after a hearing in which such fact is established, direct an entry of the violation of the terms of the owner's bond to be made on the record and the undertaking of the owner's bond shall be forfeited. [C24, 27, 31, §2041; C35, §1921-f82, 2041; C39, §1921.082, 2041; C46, 50, 54, 58, 62, 66, 71, §123.82, 128.28; C73, 75, 77, 79, 81, §123.81] 85 Acts, ch 32, §54; 2018 Acts, ch 1060, §42

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 123 - ALCOHOLIC BEVERAGE CONTROLSection 123.82 - Procedure.

123.82 Procedure. A proceeding to forfeit an abatement bond shall be commenced by filing with the clerk of the court, by the county

attorney of the county where the bond is filed, an application under oath to forfeit such bond, setting out the alleged facts constituting the violation of the terms of the bond, upon which the court shall direct by order attached to such application that a notice be issued by the clerk of the district court directed to the principal and sureties on the bond to appear at a certain date fixed to show cause why such bond should not be forfeited and judgment entered for the penalty fixed therein. [C24, 27, 31, §2042; C35, §1921-f83, 2042; C39, §1921.083, 2042; C46, 50, 54, 58, 62, 66, 71, §123.83, 128.29; C73, 75, 77, 79, 81, §123.82] Referred to in §123.83, 123.84

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.83 - Method of trial.

123.83 Method of trial. The trial of an action filed pursuant to section 123.82 shall be to the court and as in equity, and be governed by the same rules of evidence as contempt proceedings. [C24, 27, 31, §2043; C35, §1921-f84, 2043; C39, §1921.084, 2043; C46, 50, 54, 58, 62, 66, 71, §123.84, 128.30; C73, 75, 77, 79, 81, §123.83] 2015 Acts, ch 30, §44

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.84 - Judgment.

123.84 Judgment. If the court after a hearing in an action filed pursuant to section 123.82 finds an alcoholic liquor, wine, or beer nuisance has been maintained on the premises covered by the abatement bond and that alcoholic liquor, wine, or beer has been sold or kept for sale on the premises contrary to law within one year from the date of the giving of the bond, then the court shall order the forfeiture of the bond and enter judgment for the full amount of the bond against the principal and sureties on the bond. The lien on the real estate created pursuant to section 123.79 shall be decreed foreclosed and the court shall provide for a special and general execution for the enforcement of the decree and judgment. [C24, 27, 31, §2044; C35, §1921-f85, 2044; C39, §1921.085, 2044; C46, 50, 54, 58, 62, 66, 71, §123.85, 128.31; C73, 75, 77, 79, 81, §123.84] 85 Acts, ch 32, §55; 2015 Acts, ch 30, §45; 2018 Acts, ch 1060, §43 Referred to in §123.85

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.85 - Appeal.

123.85 Appeal. Appeal from a judgment and decree entered pursuant to section 123.84 may be taken as in equity cases and the cause be triable de novo except that if the state appeals it need not file an appeal or supersedeas bond. [C24, 27, 31, §2045; C35, §1921-f86, 2045; C39, §1921.086, 2045; C46, 50, 54, 58, 62, 66, 71, §123.86, 128.32; C73, 75, 77, 79, 81, §123.85] 2015 Acts, ch 30, §46

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.86 - County attorney to prosecute.

123.86 County attorney to prosecute. It shall be the duty of the county attorney to prosecute in the name of the state all forfeitures of abatement bonds and the foreclosures of same. [C24, 27, 31, §2047; C35, §1921-f87, 2047; C39, §1921.087, 2047; C46, 50, 54, 58, 62, 66, 71, §123.87, 128.34; C73, 75, 77, 79, 81, §123.86] Referred to in §331.756(24)

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.87 - Prompt service.

123.87 Prompt service. It shall be a simple misdemeanor for any peace officer to delay service of original notices, writs of injunction, writs of abatement, or warrants for contempt in any equity case filed for injunction or abatement by the state. [C24, 27, 31, §2049; C35, §1921-f88, 2049; C39, §1921.088, 2049; C46, 50, 54, 58, 62, 66, 71, §123.88, 128.36; C73, 75, 77, 79, 81, §123.87]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.88 - Evidence.

123.88 Evidence. On the issue whether a party knew or ought to have known of a nuisance described under section 123.60, evidence of the general reputation of the place shall be admissible. [C24, 27, 31, §2053; C35, §1921-f89, 2053; C39, §1921.089, 2053; C46, 50, 54, 58, 62, 66, 71, §123.89, 128.40; C73, 75, 77, 79, 81, §123.88] 2015 Acts, ch 30, §47

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.89 - Counts.

123.89 Counts. Informations or indictments under this chapter may allege any number of violations of its provisions by the same party, but the several charges must be set out in separate counts, and the accused may be convicted and punished upon each one as on separate informations or indictments, and a separate judgment shall be rendered on each count under which there is a finding of guilty. [C51, §931; R60, §1562; C73, §1540; C97, §2425; C24, 27, 31, §1953; C35, §1921-f90, 1953; C39, §1921.090, 1953; C46, 50, 54, 58, 62, 66, 71, §123.90, 126.8; C73, 75, 77, 79, 81, §123.89]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.9 - Powers of director.

123.9 Powers of director. The director, in executing the alcoholic beverage control functions of the department, shall have the following duties and powers: 1. To receive alcoholic liquors on a bailment system for resale by the department in the manner set forth in this chapter. 2. To rent, lease, or equip any building or any land necessary to carry out the provisions of this chapter. 3. To lease all plants and lease or buy equipment necessary to carry out the provisions of this chapter. 4. To appoint clerks, agents, or other employees required for carrying out the provisions of this chapter; to dismiss employees for cause; to assign employees to divisions and bureaus as created by the director within the department; and to designate their title, duties, and powers. All employees of the department for purposes of this chapter are subject to chapter 8A, subchapter IV, unless exempt under section 8A.412. 5. To grant and issue beer permits, wine permits, retail alcohol licenses, and other licenses; and to suspend or revoke all such permits and licenses for cause under this chapter. 6. To license, inspect, and control the manufacture of alcoholic beverages and regulate the entire alcoholic beverage industry in the state. 7. To accept alcoholic liquors ordered delivered to the department pursuant to chapter 809A, and offer for sale and deliver the alcoholic liquors to class “E” retail alcohol licensees, unless the director determines that the alcoholic liquors may be adulterated or contaminated. If the director determines that the alcoholic liquors may be adulterated or contaminated, the director shall order their destruction. [C35, §1921-f16; C39, §1921.016; C46, 50, 54, 58, 62, 66, 71, §123.16; C73, 75, 77, 79, 81, §123.20] 83 Acts, ch 157, §1; 85 Acts, ch 90, §2; 86 Acts, ch 1122, §6; 86 Acts, ch 1245, §738; 86 Acts, ch 1246, §728 – 730; 87 Acts, ch 115, §20; 88 Acts, ch 1241, §3; 96 Acts, ch 1133, §40; 2003 Acts, ch 145, §185; 2015 Acts, ch 30, §204 C2016, §123.9 2016 Acts, ch 1008, §1; 2016 Acts, ch 1073, §31; 2018 Acts, ch 1060, §5; 2022 Acts, ch 1099, §20, 88; 2023 Acts, ch 19, §2360, 2361 Referred to in §123.38A Former §123.9 transferred to §123.6; 2015 Acts, ch 30, §204 Unnumbered paragraph 1 amended Subsections 1, 4, and 7 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.90 - Penalties generally.

123.90 Penalties generally. Unless other penalties are provided in this chapter, any person, except a person under legal age, who violates any of the provisions of this chapter, or who makes a false statement concerning any material fact in submitting an application for a permit or license, shall be guilty of a serious misdemeanor. Any person under legal age who violates any of the provisions of this chapter shall upon conviction be guilty of a simple misdemeanor. [C35, §1921-f91, 1921-f127; C39, §1921.091, 1921.132; C46, 50, 54, 58, 62, 66, 71, §123.91, 124.37; C73, 75, 77, 79, 81, §123.90] 2020 Acts, ch 1063, §56

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.91 - Second and subsequent conviction.

123.91 Second and subsequent conviction. Unless otherwise provided by law, a person who has been convicted in a criminal action in any court of record of a violation of a provision of this chapter, except for a violation of section 123.46, or a provision of the laws of the United States or of any other state relating to alcoholic liquors, wine, or beer, and who is thereafter convicted of a subsequent criminal offense against any provision of this chapter is guilty of the following offenses: 1. For the second conviction, a serious misdemeanor. 2. For the third and each subsequent conviction, an aggravated misdemeanor. [R60, §1561, 1563, 1577; C73, §1525, 1538, 1540, 1542, 1559; SS15, §2461-m; C24, 27, 31, 35, 39, §1964; C46, 50, 54, 58, 62, 66, 71, §126.19; C73, 75, 77, 79, 81, §123.91] 85 Acts, ch 32, §56; 2018 Acts, ch 1060, §44; 2019 Acts, ch 59, §44; 2019 Acts, ch 140, §42

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.92 - Civil liability for dispensing or sale and service of any alcoholic beverage (Dramshop Act) — liability insurance — underage persons.

123.92 Civil liability for dispensing or sale and service of any alcoholic beverage (Dramshop Act) — liability insurance — underage persons. 1. a. Subject to the limitation amount specified in paragraph “c”, if applicable, any third party who is not the intoxicated person who caused the injury at issue and who is injured in person or property or means of support by an intoxicated person or resulting from the intoxication of a person, has a right of action for damages actually sustained, severally or jointly against any licensee or permittee, whether or not the license or permit was issued by the department or by the licensing authority of any other state, who sold and served any alcoholic beverage directly to the intoxicated person, provided that the person was visibly intoxicated at the time of the sale or service. b. If the injury was proximately caused by an intoxicated person, a permittee or licensee may establish as an affirmative defense that the intoxication did not contribute to the injurious action of the person. c. The total amount recoverable by each plaintiff in any civil action for noneconomic damages for personal injury, whether in tort, contract, or otherwise, against a licensee or permittee, shall be limited to two hundred fifty thousand dollars for any injury or death of a person, unless the jury determines that there is a substantial or permanent loss or impairment of a bodily function, substantial disfigurement, or death, which warrants a finding that imposition of such a limitation would deprive the plaintiff of just compensation for the injuries sustained. 2. a. Every retail alcohol licensee, except a class “B”, special class “B”, or class “E” retail alcohol licensee, shall furnish proof of financial responsibility by the existence of a liability insurance policy in an amount determined by the department. If an insurer provides dramshop liability insurance at a new location to a licensee or permittee who has a positive loss experience at other locations for which such insurance is provided by the insurer, and the insurer bases premium rates at the new location on the negative loss history of the previous licensee at that location, the insurer shall examine and consider adjusting the premium for the new location not less than thirty months after the insurance is issued, based on the loss experience of the licensee at that location during that thirty-month period of time. b. A dramshop liability insurance policy may be written on an aggregate limit basis. c. The

purpose of dramshop liability insurance is to provide protection for members of the public who experience damages as a result of licensees serving patrons any alcoholic beverage to a point that reaches or exceeds the standard set forth in law for liability. Minimum coverage requirements for such insurance are not for the purpose of making the insurance affordable for all licensees regardless of claims experience. A dramshop liability insurance policy obtained by a licensee shall meet the minimum insurance coverage requirements as determined by the department and is a mandatory condition for holding a license. 3. a. Notwithstanding section 123.49, subsection 1, any person who is injured in person or property or means of support by an intoxicated person who is under legal age or resulting from the intoxication of a person who is under legal age, has a right of action for all damages actually sustained, severally or jointly, against a person who is not a licensee and who dispensed or gave any alcoholic beverage to the intoxicated underage person when the nonlicensee who dispensed or gave the alcoholic beverage to the underage person knew or should have known the underage person was intoxicated, or who dispensed or gave any alcoholic beverage to the underage person to a point where the nonlicensee knew or should have known that the underage person would become intoxicated. b. If the injury was caused by an intoxicated person who is under legal age, a person who is not a licensee and who dispensed or gave the alcoholic beverage to the underage person may establish as an affirmative defense that the intoxication did not contribute to the injurious action of the underage person. c. For purposes of this subsection, “dispensed” or “gave” means the act of physically presenting a receptacle containing any alcoholic beverage to the underage person whose actions or intoxication results in the sustaining of damages by another person. However, a person who dispenses or gives any alcoholic beverage to an underage person shall only be liable for any damages if the person knew or should have known that the underage person was under legal age. [C73, §1557; C97, §2418; C24, 27, 31, 35, 39, §2055; C46, 50, 54, 58, 62, §129.2; C66, 71, §123.95, 129.2; C73, 75, 77, 79, 81, §123.92] 85 Acts, ch 32, §57; 86 Acts, ch 1211, §12; 88 Acts, ch 1158, §30; 92 Acts, ch 1136, §1; 97 Acts, ch 126, §7; 2009 Acts, ch 128, §1; 2013 Acts, ch 124, §1; 2016 Acts, ch 1008, §9; 2018 Acts, ch 1060, §45 – 47; 2018 Acts, ch 1090, §1; 2018 Acts, ch 1172, §18, 51; 2022 Acts, ch 1099, §53, 54, 88; 2023 Acts, ch 19, §2427, 2428 Referred to in §123.3, 123.10, 123.95 Minimum coverage requirements evaluation, see §505.33 Subsection 1, paragraph a amended Subsection 2, paragraphs a and c amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.93 - Limitation of action.

123.93 Limitation of action. Within six months of the occurrence of an injury, the injured person shall give written notice to the licensee or permittee or such licensee’s or permittee’s insurance carrier of the person’s intention to bring an action under this section, indicating the time, place and circumstances causing the injury. Such six months’ period shall be extended if the injured party is incapacitated at the expiration thereof or unable, through reasonable diligence, to discover the name of the licensee, permittee, or person causing the injury or until such time as such incapacity is removed or such person has had a reasonable time to discover the name of the licensee, permittee or person causing the injury. [C73, 75, 77, 79, 81, §123.93]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.94 - Inurement of action prohibited.

123.94 Inurement of action prohibited. No right of action for contribution or indemnity shall accrue to any insurer, guarantor or indemnitor of any intoxicated person for any act of such intoxicated person against any licensee or permittee as defined in this chapter. [C73, 75, 77, 79, 81, §123.94]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.95 - Premises must be licensed — exception as to conventions and social gatherings.

123.95 Premises must be licensed — exception as to conventions and social gatherings. 1. A person shall not allow the dispensing or consumption of alcoholic liquor, except wines and beer, in any establishment unless the establishment is licensed under this chapter or except as otherwise provided in this section. 2. a. The holder of an annual class “C” retail alcohol license may act as the agent of a private social host for the purpose of providing and serving alcoholic beverages as part of a food catering service for a private social gathering in a private place, provided the licensee has applied for and been granted a catering privilege by the department. The holder of an annual special class “C” retail alcohol license shall not act as the agent of a private social host for the purpose of providing and serving wine and beer as part of a food catering service for a private social gathering in a private place. An applicant for a class “C” retail alcohol license shall state on the application for the license that the licensee intends to engage in catering food and alcoholic beverages for private social gatherings and the catering privilege shall be noted on the license. b. The private social host or the licensee shall not solicit payment of any kind, including donations, for the food or alcoholic beverages from the guests, and the alcoholic beverages and food shall be served without cost to the guests. c. Section 123.92 does not apply to a retail alcohol licensee who acts in accordance with this section when the retail alcohol licensee is providing and serving food and alcoholic beverages as an agent of a private social host at a private social gathering in a private place which is not on the licensed premises. d. A licensee who engages in catering food and alcoholic beverages for private social gatherings shall maintain a record on the licensed premises which includes the name and address of the host of the private social gathering, and the date for which catering was provided. The record maintained pursuant to this section shall be open to inspection pursuant to section 123.30, subsection 1, during normal business hours of the licensee. 3. However, bona fide conventions or meetings may bring their own legal liquor onto the licensed premises if the liquor is served to delegates or guests without cost. All other provisions of this chapter shall be applicable to such premises. The provisions of this section shall have no application to private social gatherings of friends or relatives in a private

home or private place which is not of a commercial nature nor where goods or services may be purchased or sold nor any charge or rent or other thing of value is exchanged for the use of such premises for any purpose other than for sleeping quarters. [C66, 71, §123.96; C73, 75, 77, 79, 81, §123.95] 85 Acts, ch 32, §58; 93 Acts, ch 91, §20; 2019 Acts, ch 113, §36; 2022 Acts, ch 1099, §55, 88; 2023 Acts, ch 19, §2429 Referred to in §7D.16, 123.49 Subsection 2, paragraph a amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.98 - Labeling shipments.

123.98 Labeling shipments. 1. It shall be unlawful for any common carrier or for any person to transport or convey by any means, whether for compensation or not, within this state, any alcoholic liquor, wine, or beer, unless the vessel or other package containing such alcoholic liquor, wine, or beer shall be plainly and correctly identified, showing the quantity and kind of alcoholic liquor, wine, or beer contained therein, the name of the party to whom they are to be delivered, and the name of the shipper, or unless such information is shown on a bill of lading or other document accompanying the shipment. No person shall be authorized to receive or keep such alcoholic liquor, wine, or beer unless the same be marked or labeled as required by this section. The violation of any provision of this section by any common carrier, or any agent or employee of any carrier, or by any person, shall be punished under the provisions of this chapter. 2. Any alcoholic liquor, wine, or beer conveyed, carried, transported, or delivered in violation of this section, whether in the hands of the carrier or someone to whom they shall have been delivered, shall be subject to seizure and condemnation, as alcoholic liquor, wine, or beer kept for illegal sale. [C97, §2421; C24, 27, 31, 35, 39, §1936, 1938; C46, 50, 54, 58, 62, 66, 71, §125.16, 125.18; C73, 75, 77, 79, 81, §123.98] 2018 Acts, ch 1060, §48

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123 - ALCOHOLIC BEVERAGE CONTROL Section 123.99 - False statements.

123.99 False statements. A person commits a simple misdemeanor if the person, for the purpose of procuring the shipment, transportation, or conveyance of any alcoholic liquor, wine, or beer within this state in violation of this chapter, does any of the following: 1. Makes to any person, company, corporation, or common carrier, or to any agent thereof, any false statements as to the character or contents of any box, barrel, or other vessel or package containing such alcoholic liquor, wine, or beer. 2. Refuses to give correct and truthful information as to the contents of any such box, barrel, or other vessel or package so sought to be transported or conveyed. 3. Falsely labels, brands, or marks a box, barrel, or other vessel or package in order to conceal the fact that the same contains alcoholic liquor, wine, or beer. 4. By any device or concealment procures or attempts to procure the conveyance or transportation of alcoholic liquor, wine, or beer. [C97, §2420; C24, 27, 31, 35, 39, §1934; C46, 50, 54, 58, 62, 66, 71, §125.14; C73, 75, 77, 79, 81, §123.99] 2013 Acts, ch 35, §25; 2018 Acts, ch 1060, §49; 2019 Acts, ch 59, §45

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123A - BEER BREWERS AND WHOLESALERS — CANNED COCKTAILS Section 123A.1 - Purposes and scope.

123A.1 Purposes and scope. This chapter is enacted pursuant to the authority of the state under the provisions of the twenty-first amendment to the Constitution of the United States to promote the public's interest in fair, efficient, and competitive distribution of beer products through regulation and encouragement of brewer and wholesaler vendors to conduct their business relations toward these ends by: 1. Assuring that the beer wholesaler is free to manage its business enterprise. 2. Assuring the brewer and the public of service from wholesalers who will devote reasonable efforts and resources to distribution and sales of all of the brewer's products which the wholesaler has been granted the right to sell and distribute and maintain satisfactory sales levels. 3. Promoting and maintaining a sound, stable, and viable three-tier system of distribution of beer to the public. 95 Acts, ch 101, §1

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123A - BEER BREWERS AND WHOLESALERS — CANNED COCKTAILS Section 123A.10 - Waiver — prohibited.

123A.10 Waiver — prohibited. A brewer shall not require a wholesaler to waive compliance with any provision of this chapter. This chapter shall not be construed to limit or prohibit a good faith settlement of a dispute voluntarily entered into between the parties. 95 Acts, ch 101, §10

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123A - BEER BREWERS AND WHOLESALERS — CANNED COCKTAILS Section 123A.11 - Indemnification.

123A.11 Indemnification. A brewer shall fully indemnify and hold harmless the brewer's wholesaler against any losses, including but not limited to court costs and reasonable attorney fees or damages arising out of complaints, claims, or lawsuits, including but not limited to strict liability, negligence, misrepresentation, or express or implied warranty where the complaint, claim, or lawsuit relates to the manufacture or packaging of beer or other functions by the brewer which are beyond the control of the wholesaler. 95 Acts, ch 101, §11

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123A - BEER BREWERS AND WHOLESALERS — CANNED COCKTAILS Section 123A.12 - Application to existing agreements.

123A.12 Application to existing agreements. 1. The provisions of this chapter apply to a valid agreement in effect immediately

before July 1, 1995, when the first of the following dates occurs: a. On the effective date of the next amendment, modification, or renewal of the existing valid agreement. b. On the next anniversary date of the execution of the original agreement between the wholesaler and the brewer. 2. If no written agreement exists, the provisions of the chapter apply to the implied or oral unwritten agreement of a brewer and a wholesaler of that brewery on July 1, 1995. 95 Acts, ch 101, §12

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123A - BEER BREWERS AND WHOLESALERS — CANNED COCKTAILS Section 123A.13 - Canned cocktails — applicability of chapter.

123A.13 Canned cocktails — applicability of chapter. The provisions of this chapter that apply to a brewer and wholesaler of beer shall apply to a manufacturer and wholesaler of canned cocktails. 2019 Acts, ch 107, §5, 6

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123A - BEER BREWERS AND WHOLESALERS — CANNED COCKTAILS Section 123A.2 - Definitions.

123A.2 Definitions. As used in this chapter, unless the context otherwise requires: 1. “Affected party” means a wholesaler, brewer, master distributor, successor brewer, or any person that is a party to an agreement. 2. “Agreement” means a contract or arrangement whether expressed or implied, oral or written, for a definite or indefinite period between a brewer and a wholesaler pursuant to which a wholesaler has been granted the right to purchase, resell, and distribute one or more brands of beer offered by a brewer, or a contract or arrangement in which a brewer grants to a wholesaler a license to use a trade name, trademark, service mark, or related characteristic and in which there is a community of interest in the marketing of the products of the brewer. An agreement exists when one or more of the following occur: a. A brewer has shipped beer to a wholesaler or accepted an order for beer from a wholesaler. b. A brewer purchases the right to manufacture a beer product, the right to use the trade name for the product, or the right to distribute a product from another brewer with whom the wholesaler has an agreement. 3. “Beer” means beer or high alcoholic content beer as defined in section 123.3. 4. “Brand” means a word, name, group of letters, symbol, or a combination of words, names, letters, or symbols adopted and used by a brewer to identify a specific beer product, and to distinguish that beer product from other beer products brewed or marketed by that brewery or other breweries. 5. “Brand extension” means a brand which incorporates all or a substantial part of the unique features of a preexisting brand of the same brewery and which relies to a significant extent on the goodwill associated with the preexisting brand. However, a general corporate logo or symbol or an advertising message, whether appearing on the product packaging or elsewhere, is not a brand, brand extension, or part of a brand or brand extension. 6. “Brewer” means a person who is engaged in the manufacture of beer for the purpose of sale, barter, exchange, or transportation, a master distributor, or a fermenter, processor, bottler, packager, or importer of beer, or a successor brewer. 7. “Canned cocktail” means as defined in section 123.3. 8. “Designated member” means a deceased wholesaler’s spouse, child, grandchild, parent, brother, or sister, who is entitled to inherit the deceased wholesaler’s ownership interest under the terms of the deceased wholesaler’s will, other testamentary device, or the laws of intestate succession. With respect to an incapacitated individual having an ownership interest in a wholesaler, “designated member” also means a person appointed by the court as the conservator of the individual’s property. “Designated member” also includes the appointed and qualified personal representative and the testamentary trustee of a deceased wholesaler. 9. “Good cause” exists if the wholesaler or affected party has failed to comply with reasonable requirements which are imposed upon the wholesaler or affected party through an agreement, which do not discriminate either by their terms or in the methods of their enforcement as compared with requirements imposed on other similarly situated wholesalers by the brewer, and which are not in violation of any law or administrative rule. 10. “Good faith” means honesty in fact and the observance of reasonable commercial standards of fair dealing in the trade and defined and interpreted under section 554.1201. 11. “Manager” means an individual named or designated by agreement between the brewer and wholesaler, who is principally responsible for the daily management of the wholesaler. 12. “Master distributor” means a wholesaler who acts in the role of or in a similar capacity as a brewer or outside seller of one or more brands of beer to other wholesalers on a regular basis in the normal course of business. 13. “Reasonable standards and qualifications” means those criteria applied by the brewer to similarly situated wholesalers during a period of twenty-four months before a proposed change in a successor manager of the wholesaler’s business. 14. “Similarly situated wholesalers” means wholesalers of a brewer that are of a generally comparable size, and operate in markets with similar demographic characteristics, including population size, density, distribution, and vital statistics, and reasonably similar economic and geographic conditions. 15. “Successor brewer” means a person who succeeds to the role of a brewer or master distributor to manufacture or distribute one or more brands of beer whether by merger, purchase of corporate shares, purchase of assets, or any other arrangement. 16. “Successor manager” means an individual named or designated by agreement between a brewer and wholesaler who succeeds to the role of manager who will be principally responsible for the daily management of the wholesaler. 17. “Territory” means the geographic area of primary sales responsibility designated by an agreement between a wholesaler and brewer for one or more brands of beer of the brewer. 18. “Wholesaler” means a person, other than a vintner, brewer, or bottler of beer, who sells, barter, exchanges, offers for sale, possesses with intent to sell, deals, or traffics in beer. 95 Acts, ch 101, §2; 2008 Acts, ch 1032, §23; 2015 Acts, ch 17, §1; 2019 Acts, ch 107, §4, 6

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123A - BEER BREWERS AND WHOLESALERS — CANNED COCKTAILS Section 123A.3 - Termination and notice of cancellation.

123A.3 Termination and notice of cancellation. 1. Except as provided in subsection 5, a brewer or wholesaler shall not amend, modify, cancel, fail to renew, or otherwise terminate an agreement unless the brewer or wholesaler furnishes prior notification to the

other party in accordance with subsection 2. 2. The notification required under subsection 1 shall be in writing and sent to the affected party by certified mail not less than ninety days before the date on which the agreement will be amended, modified, canceled, not renewed, or otherwise terminated. The notification shall contain all of the following: a. A statement of intention to amend, modify, cancel, fail to renew, or otherwise terminate the agreement. b. A statement enumerating the facts and reasons for the action, including documentation necessary to fully inform the wholesaler of the reasons for the action. c. The date on which the action will take effect. 3. For each cancellation, nonrenewal, or termination, the brewer shall have the burden of showing that it has acted in good faith, that the notice requirements under this section have been complied with, and that there was good cause for the cancellation, nonrenewal, or termination. 4. Notwithstanding the terms or conditions of any agreement, good cause exists for the purpose of a cancellation, nonrenewal, or termination if all of the following occur: a. The wholesaler fails to comply with a provision of the agreement which is both reasonable and of material significance to the business relationship between the wholesaler and the brewer. b. The brewer first acquired knowledge of the failure described in paragraph “a” not more than twenty-four months before the date notification was given pursuant to subsection 2. c. The wholesaler was given notice by the brewer of failure to comply with the agreement. d. The wholesaler has been given thirty days in which to submit a plan of corrective action to comply with the agreement and an additional ninety days to cure the noncompliance in accordance with the plan, and has failed to correct the failure to comply with the provisions of the agreement. 5. A brewer may cancel, fail to renew, or otherwise terminate an agreement without furnishing any prior notification and without good cause as required in subsection 4 for any of the following reasons: a. The wholesaler’s failure to pay any account when due and upon written demand by the brewer for the payment, in accordance with agreed upon payment terms. b. The wholesaler’s assignment for the benefit of creditors, or similar disposition, of substantially all of the assets of the party’s business. c. The insolvency of the wholesaler, or the institution of proceedings in bankruptcy by or against the wholesaler. d. The dissolution or liquidation of the wholesaler. e. The wholesaler’s conviction of, or plea of guilty or no contest to, a charge of violating a law or rule in this state which materially and adversely affects the ability of either party to continue to sell beer in this state, or the revocation or suspension of a license or permit to sell beer in this state for a period greater than thirty-one days. f. Any attempted transfer of business assets of the wholesaler, ten percent or more of the voting stock of the wholesaler or the voting stock of any parent corporation of the wholesaler, or any change in the beneficial ownership or control of any wholesaler without obtaining the prior consent or approval as provided for under section 123A.6. g. The wholesaler’s fraudulent conduct relating to a material matter on the part of the wholesaler in dealings with the brewer or its product. However, the brewer shall have the burden of proving fraudulent conduct relating to a material matter on the part of the wholesaler in any legal action challenging the termination. h. The wholesaler distributes, sells, or delivers beer to a retailer whose premises are situated outside the geographic territory agreed upon by the wholesaler and the brewer as the area in which the wholesaler will sell beer purchased from the brewer, without the consent of the brewer and the distributor who has been assigned the territory by the brewer. 95 Acts, ch 101, §3 Referred to in §123A.4

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123A - BEER BREWERS AND WHOLESALERS — CANNED COCKTAILS Section 123A.4 - Cancellation.

123A.4 Cancellation. A brewer or a wholesaler shall not cancel, fail to renew, or otherwise terminate an agreement unless the party intending that action has good cause for the cancellation, failure to renew, or termination, has made good faith efforts to resolve disagreements, and, in any case in which prior notification is required under section 123A.3, the party intending to act has furnished the prior notification and the other party has not eliminated the reasons specified in the notification for cancellation, failure to renew, or termination, within the periods provided in section 123A.3, subsection 4, paragraph “d”. 95 Acts, ch 101, §4

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123A - BEER BREWERS AND WHOLESALERS — CANNED COCKTAILS Section 123A.5 - Prohibited conduct.

123A.5 Prohibited conduct. 1. A brewer shall not commit any of the following actions: a. Induce or coerce, or attempt to induce or coerce, any wholesaler to engage in any illegal act or course of conduct. b. Require a wholesaler to assent to any unreasonable requirement, condition, understanding, or term of an agreement prohibiting a wholesaler from selling the product of another brewer. c. Fix, maintain, or establish the price at which a wholesaler may resell beer, or to change, by any means, the price charged to the wholesaler after beer has been ordered by the wholesaler from the brewer. d. Require any wholesaler to accept delivery of any beer or any other item or commodity which shall not have been ordered by the wholesaler. e. Require a wholesaler without the wholesaler’s approval to participate in an arrangement for the payment or crediting by an electronic fund transfer transaction for any item or commodity other than beer, or to access a wholesaler’s account for any item or commodity other than beer. f. Require or prohibit any change in the manager or successor manager of any wholesaler who has been approved by the brewer as of or subsequent to July 1, 1995, unless the brewer acts in good faith. If a wholesaler changes an approved manager or successor manager, a brewer shall not require or prohibit the change unless the person selected by the wholesaler fails to meet the nondiscriminatory, material, and reasonable standards and qualifications for managers or successor managers consistently applied to similarly situated wholesalers by the brewer. However, the brewer shall have the burden of proving that the person fails to meet the reasonable standards and qualifications. g. Discriminate among the brewer’s wholesalers in any business dealings including, but not limited to, the price of beer sold to the wholesaler or terms of sale offered to wholesalers, unless the difference among its wholesalers is based on reasonable grounds. h. Fail to provide each wholesaler of the brewer’s brand with a written agreement which contains in total the brewer’s agreement with each wholesaler, and designates a specific exclusive sales territory. The terms of written agreements

executed, amended, or renewed after July 1, 1995, shall be consistent with this chapter, and this chapter may be incorporated by reference in the agreement. i. Enter into an additional agreement with any other wholesaler for, or to sell to any other wholesaler, the same brand of beer or brand extension in the same territory or any portion of the territory, or to sell directly to any retailer in this state. j. Require a wholesaler to purchase one or more brands of beer in order for the wholesaler to purchase another brand of beer for any reason. k. Require a wholesaler, by any means, directly to participate in or contribute to any local or national advertising fund controlled directly or indirectly by a brewer. l. Require by a provision of an agreement or other instrument in connection with the agreement that any dispute arising out of or in connection with the agreement be determined through the application of any other state's laws, be determined in federal court sitting in a state other than Iowa, or be determined in a state court of a state other than this state. A provision contained in any agreement or other instrument in connection with the agreement which contravenes this section shall be null and void. 2. A wholesaler who, pursuant to an agreement, is granted a sales territory for which the wholesaler is primarily responsible or in which the wholesaler is required to concentrate the wholesaler's efforts, shall not make any sale or delivery of beer to any retail licensee whose place of business is not within the territory granted to the wholesaler unless agreed upon by all affected parties. 95 Acts, ch 101, §5

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123A - BEER BREWERS AND WHOLESALERS — CANNED COCKTAILS Section 123A.6 - Transfer of business assets or stock.

123A.6 Transfer of business assets or stock. 1. A brewer shall not unreasonably withhold or delay its approval of any assignment, sale, or transfer of the stock or other indicia of ownership of a wholesaler or all or any portion of a wholesaler's assets, wholesaler's voting stock, the voting stock of any parent corporation, or the beneficial ownership or control of any other entity owning or controlling the wholesaler, including the wholesaler's rights and obligations under the terms of an agreement when the person to be substituted meets reasonable standards. Upon the death of one of the partners of a partnership operating the business of a wholesaler, a brewer shall not deny the surviving partner of the partnership the right to become a successor-in-interest to the agreement between the brewer and the partnership, if the survivor has been active in the management of the partnership and is otherwise capable of carrying on the business of the partnership. 2. Notwithstanding subsection 1, upon the death of a wholesaler, a brewer shall not deny approval for any transfer of ownership or management to a designated member, including the rights under the agreement with the brewer. The transfer or assignment shall not be effective until written notice is given to the brewer, but the brewer's consent to the transfer or assignment shall not be required. 95 Acts, ch 101, §6 Referred to in §123A.3

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123A - BEER BREWERS AND WHOLESALERS — CANNED COCKTAILS Section 123A.7 - Reasonable compensation.

123A.7 Reasonable compensation. 1. A brewer who cancels, fails to renew, or terminates any agreement, or unlawfully denies approval of, or unreasonably withholds consent to any assignment, transfer, or sale of a wholesaler's business assets or voting stock or other equity securities, except as provided in this chapter, shall pay the wholesaler with which the brewer has an agreement pursuant to this chapter, reasonable compensation for the fair market value of the wholesaler's business with relation to the affected brand of beer. The fair market value of the wholesaler's business shall include, but not be limited to, its goodwill, if any. 2. If a brewer and a wholesaler are unable to mutually agree on the reasonable compensation to be paid for the value of the wholesaler's business, either party may maintain a civil action as provided in section 123A.9, or the matter may, by mutual agreement of the parties, be submitted to a three-member arbitration panel consisting of one representative selected by the brewer but unassociated with the brewer; one representative selected by the wholesaler but unassociated with the wholesaler; and an impartial arbitrator selected by the other two members from a list provided by the American arbitration association, and the claim settled in accordance with the rules provided by the American arbitration association. Arbitration costs shall be paid one-half by the wholesaler and one-half by the brewer. Arbitration shall be conducted in accordance with the commercial arbitration rules of the American arbitration association and the laws of this state, and judgment upon the award rendered by the arbitrator may be entered in any court having jurisdiction. The award of the arbitrator shall be final and binding on the parties. 95 Acts, ch 101, §7

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123A - BEER BREWERS AND WHOLESALERS — CANNED COCKTAILS Section 123A.8 - Right of free association.

123A.8 Right of free association. A brewer or wholesaler shall not restrict or inhibit, directly or indirectly, the right of free association among brewers or wholesalers for any lawful purpose. 95 Acts, ch 101, §8

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 123A - BEER BREWERS AND WHOLESALERS — CANNED COCKTAILS Section 123A.9 - Judicial remedies.

123A.9 Judicial remedies. 1. If a brewer or a wholesaler who is a party to an agreement pursuant to this chapter fails to comply with this chapter or otherwise engages in conduct prohibited under this chapter, the aggrieved party may maintain a civil action in district court if the cause of action directly relates to or stems from the relationship of the individual parties under the agreement. 2. A brewer or wholesaler may bring an action for declaratory judgment for determination of any controversy arising under this chapter or out of the brewer and wholesaler agreement. 3. Upon proper petition to the district court, a brewer or wholesaler may obtain injunctive relief against a violation of this chapter. 4. In an action under subsection 1, the district court may grant the relief as the

court determines is necessary or appropriate considering the purposes of this chapter. The district court may, if it finds that a brewer has acted in bad faith in invoking the amendment, modification, cancellation, nonrenewal, or termination provision of the agreement between the brewer and wholesaler, or has unreasonably withheld its consent to any assignment, transfer, or sale of the wholesaler's business, award equitable relief, actual damages, court costs, and attorney's fees. 5. The prevailing party in an action under subsection 1 shall be entitled to actual damages, court costs, and attorney's fees at the court's discretion. 6. With respect to a dispute arising under this chapter or out of the agreement between a brewer and wholesaler, the wholesaler and brewer each has the absolute right, before the wholesaler or brewer has agreed to arbitrate a particular dispute, to refuse to arbitrate that particular dispute. A brewer shall not, as a condition of entering into or renewing an agreement, require the wholesaler to agree to arbitration in lieu of judicial remedies. 7. A brewer shall not take retaliatory action against a wholesaler who files or manifests an intention to file a complaint of alleged violation of state or federal law or regulation by the brewer with the appropriate state or federal regulatory authority. Retaliatory action shall include, but shall not be limited to, refusal without good cause to continue the agreement, or a material reduction in the quality of service or quantity of products available to the wholesaler under the agreement, or impede the normal business operations of the wholesaler. 95 Acts, ch 101, §9 Referred to in §123A.7

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.101 - Definitions.

124.101 Definitions. As used in this chapter: 1. "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by: a. A practitioner, or in the practitioner's presence, by the practitioner's authorized agent; or b. The patient or research subject at the direction and in the presence of the practitioner. 2. "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouse, or employee of the carrier or warehouse. 3. "Board" means the board of pharmacy. 4. "Bureau" means the bureau of narcotics and dangerous drugs, United States department of justice, or its successor agency. 5. "Controlled substance" means a drug, substance, or immediate precursor in schedules I through V of subchapter II of this chapter. 6. "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance. 7. "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship. 8. "Department" means the department of public safety of the state of Iowa. 9. "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery. 10. "Dispenser" means a practitioner who dispenses. 11. "Distribute" means to deliver other than by administering or dispensing a controlled substance. 12. "Distributor" means a person who distributes. 13. "Drug" means: a. Substances recognized as drugs in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; b. Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals; c. Substances, other than food, intended to affect the structure or any function of the human body or animals; and d. Substances intended for use as a component of any article specified in paragraph "a", "b", or "c" of this subsection. It does not include devices or their components, parts, or accessories. 14. "Electronic prescription" means a prescription which is transmitted by a computer device in a secure manner, including computer-to-computer transmission and computer-to-facsimile transmission. 15. "Facsimile prescription" means a prescription which is transmitted by a device which sends an exact image to the receiver. 16. "Imitation controlled substance" means a substance which is not a controlled substance but which by color, shape, size, markings, and other aspects of dosage unit appearance, and packaging or other factors, appears to be or resembles a controlled substance. The board may designate a substance as an imitation controlled substance pursuant to the board's rulemaking authority and in accordance with chapter 17A. "Imitation controlled substance" also means any substance determined to be an imitation controlled substance pursuant to section 124.101B. 17. "Immediate precursor" means a substance which the board has found to be and by rule designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture. 18. "Isomer" means the optical isomer, except as used in section 124.204, subsection 4, and section 124.206, subsection 2, paragraph "d". As used in section 124.204, subsection 4, "isomer" means the optical, positional, or geometric isomer. As used in section 124.206, subsection 2, paragraph "d", "isomer" means the optical or geometric isomer. 19. "Manufacture" means the production, preparation, propagation, compounding, conversion, or processing of a controlled substance, either directly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation, compounding, packaging, or labeling of a controlled substance: a. By a practitioner as an incident to administering or dispensing of a controlled substance in the course of the practitioner's professional practice, or b. By a practitioner, or by an authorized agent under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale. 20. "Marijuana" means all parts of the plants of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin, including tetrahydrocannabinols. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture,

or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake or the sterilized seed of the plant which is incapable of germination. 21. “Narcotic drug” means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis: a. Opium, opiates, derivatives of opium and opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation. Such term does not include the isoquinoline alkaloids of opium. b. Poppy straw and concentrate of poppy straw. c. Opium poppy. d. Any compound, mixture, or preparation which contains any quantity of any of the substances referred to in paragraphs “a” through “c”. 22. “Office” means the office of drug control policy, as referred to in section 80E.1. 23. “Opiate” means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under section 124.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms. 24. “Opium poppy” means the plant of the species *Papaver somniferum* L., except its seeds. 25. “Person” means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity. 26. “Poppy straw” means all parts, except the seeds, of the opium poppy, after mowing. 27. “Practitioner” means either: a. A physician, dentist, podiatric physician, prescribing psychologist, veterinarian, scientific investigator or other person licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a controlled substance in the course of professional practice or research in this state. b. A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state. 28. “Production” includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance. 29. “Simulated controlled substance” means a substance which is not a controlled substance but which is expressly represented to be a controlled substance, or a substance which is not a controlled substance but which is impliedly represented to be a controlled substance and which because of its nature, packaging, or appearance would lead a reasonable person to believe it to be a controlled substance. 30. “State”, when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession, and any area subject to the legal authority of the United States of America. 31. “Ultimate user” means a person who lawfully possesses a controlled substance for the person’s own use or for the use of a member of the person’s household or for administering to an animal owned by the person or by a member of the person’s household. [C51, §2728; R60, §4374; C73, §4038; C97, §2593; S13, §2593, 2596-a; C24, 27, 31, 35, §3151; C39, §3169.01, 3169.07; C46, 50, 54, 58, 62, 66, §204.1, 204.7; C71, §204.1, 204.7, 204A.1; C73, 75, 77, 79, 81, §204.101; 82 Acts, ch 1147, §1] 84 Acts, ch 1013, §1 – 3; 91 Acts, ch 8, §1 C93, §124.101 94 Acts, ch 1009, §1; 95 Acts, ch 108, §1; 99 Acts, ch 89, §1, 2; 2001 Acts, ch 24, §28; 2004 Acts, ch 1036, §1; 2007 Acts, ch 8, §1; 2007 Acts, ch 10, §8; 2009 Acts, ch 25, §1; 2009 Acts, ch 133, §194; 2016 Acts, ch 1112, §2; 2017 Acts, ch 54, §76; 2017 Acts, ch 145, §2; 2023 Acts, ch 19, §2191 Referred to in §80.1A, 96.5, 124.308, 124.410, 124B.1, 125.2, 155A.27, 204.2, 279.9, 321.208, 453B.1, 657.2, 668.15A, 717F.4, 808B.3, 808B.5, 901D.2 Subsection 22 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.101A - Administration of controlled substances — delegation.

124.101A Administration of controlled substances — delegation. Nothing contained in this chapter shall be construed to prevent a physician, dentist, podiatric physician, or veterinarian from delegating the administration of controlled substances under this chapter to a nurse, intern, or other qualified individual or, as to veterinarians, to an orderly or assistant, under the veterinarian’s direction and supervision; all pursuant to rules adopted by the board. 2009 Acts, ch 133, §195

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.101B - Factors indicating an imitation controlled substance.

124.101B Factors indicating an imitation controlled substance. If a substance has not been designated as an imitation controlled substance by the board and if dosage unit appearance alone does not establish that a substance is an imitation controlled substance, the following factors may be considered in determining whether the substance is an imitation controlled substance: 1. The person in control of the substance expressly or impliedly represents that the substance has the effect of a controlled substance. 2. The person in control of the substance expressly or impliedly represents that the substance because of its nature or appearance can be sold or delivered as a controlled substance or as a substitute for a controlled substance. 3. The person in control of the substance either demands or receives money or other property having a value substantially greater than the actual value of the substance as consideration for delivery of the substance. 2017 Acts, ch 145, §3 Referred to in §124.101

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.201 - Duty to recommend changes in schedules — temporary amendments to schedules.

124.201 Duty to recommend changes in schedules — temporary amendments to schedules. 1. The board shall administer the regulatory provisions of this chapter. Annually, within thirty days after the convening of each regular session of the general assembly, the board shall recommend to the general assembly any deletions from, or revisions in the schedules of substances, enumerated in section 124.204, 124.206, 124.208, 124.210, or 124.212, which it deems necessary or advisable. In making a recommendation to the general assembly regarding a substance, the board shall consider the following: a. The actual or relative

potential for abuse; b. The scientific evidence of its pharmacological effect, if known; c. State of current scientific knowledge regarding the substance; d. The history and current pattern of abuse; e. The scope, duration, and significance of abuse; f. The risk to the public health; g. The potential of the substance to produce psychic or physiological dependence liability; and h. Whether the substance is an immediate precursor of a substance already controlled under this subchapter. 2. After considering the factors described in subsection 1, the board shall make a recommendation to the general assembly, specifying the change which should be made in existing schedules, if it finds that the potential for abuse or lack thereof of the substance is not properly reflected by the existing schedules. 3. If the board designates a substance as an immediate precursor, substances which are precursors of the controlled precursor shall not be subject to control solely because they are precursors of the controlled precursor. Such designations shall be made pursuant to the procedures of chapter 17A. 4. If any new substance is designated as a controlled substance under federal law and notice of the designation is given to the board, the board shall similarly designate as controlled the new substance under this chapter after the expiration of thirty days from publication in the federal register of a final order designating a new substance as a controlled substance, unless within that thirty-day period the board objects to the new designation. In that case the board shall publish the reasons for objection and afford all interested parties an opportunity to be heard. At the conclusion of the hearing the board shall announce its decision. Upon publication of objection to a new substance being designated as a controlled substance under this chapter by the board, control under this chapter is stayed until the board publishes its decision. If a substance is designated as controlled by the board under this subsection the control shall be considered a temporary amendment to the schedules of controlled substances in this chapter. If the board so designates a substance as controlled, which is considered a temporary amendment to the schedules of controlled substances in this chapter, and if the general assembly does not amend this chapter to enact the temporary amendment and make the enactment effective within two years from the date the temporary amendment first became effective, the temporary amendment is repealed by operation of law two years from the effective date of the temporary amendment. A temporary amendment repealed by operation of law is subject to section 4.13 relating to the construction of statutes and the application of a general savings provision. [C73, 75, 77, 79, 81, §204.201] C93, §124.201 2012 Acts, ch 1122, §7, 11; 2013 Acts, ch 90, §24; 2014 Acts, ch 1026, §28; 2017 Acts, ch 54, §76; 2017 Acts, ch 145, §1; 2020 Acts, ch 1063, §58 Referred to in §124.101

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.201A - Cannabis-derived products — rules.

124.201A Cannabis-derived products — rules. 1. If a cannabis-derived investigational product approved as a prescription drug medication by the United States food and drug administration is added to the federal schedule of controlled substances by the federal drug enforcement administration and notice of the addition is given to the board, the board shall similarly add the prescription drug medication in the schedule of controlled substances under this chapter. 2. If a cannabis-derived product approved as a prescription drug medication by the United States food and drug administration is eliminated from or revised in the federal schedule of controlled substances by the federal drug enforcement administration and notice of the elimination or revision is given to the board, the board shall similarly eliminate or revise the prescription drug medication in the schedule of controlled substances under this chapter. 3. The board shall adopt rules pursuant to chapter 17A to administer this section. The board may adopt rules on an emergency basis as provided in section 17A.4, subsection 3, and section 17A.5, subsection 2, to administer this section, and the rules shall be effective immediately upon filing unless a later date is specified in the rules. Any emergency rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4, subsection 1. 4. Any cannabis-derived investigational product or cannabis-derived product approved as a prescription drug medication by the United States food and drug administration shall not be considered marijuana or cannabimimetic agents, both as defined in section 124.204, tetrahydrocannabinols as used in section 124.204, subsection 4, paragraph “u”, unnumbered paragraph 1, or hemp as defined in section 204.2. 2017 Acts, ch 162, §1, 25; 2020 Acts, ch 1023, §1, 13

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.202 - Controlled substances — listed regardless of name.

124.202 Controlled substances — listed regardless of name. The controlled substances listed in the schedules in sections 124.204, 124.206, 124.208, 124.210 and 124.212 are included by whatever official name, common or usual name, chemical name, or trade name is designated. [C73, 75, 77, 79, 81, §204.202] C93, §124.202

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.203 - Substances listed in schedule I — criteria.

124.203 Substances listed in schedule I — criteria. 1. The board shall recommend to the general assembly that the general assembly place a substance in schedule I if the substance is not already included therein and the board finds that the substance: a. Has high potential for abuse; and b. Has no accepted medical use in treatment in the United States; or lacks accepted safety for use in treatment under medical supervision. 2. If the board finds that any substance included in schedule I does not meet these criteria, the board shall recommend that the general assembly place the substance in a different schedule or remove the substance from the list of controlled substances, as appropriate. [C73, 75, 77, 79, 81, §204.203] C93, §124.203 2009 Acts, ch 41, §34, 263

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.205 - Substances

listed in schedule II — criteria.

124.205 Substances listed in schedule II — criteria. 1. The board shall recommend to the general assembly that the general assembly place a substance in schedule II if the substance is not already included therein and the board finds that: a. The substance has high potential for abuse; b. The substance has currently accepted medical use in treatment in the United States, or currently accepted medical use with severe restrictions; and c. Abuse of the substance may lead to severe psychic or physical dependence. 2. If the board finds that any substance included in schedule II does not meet these criteria, the board shall recommend that the general assembly place the substance in a different schedule or remove the substance from the list of controlled substances, as appropriate. [C73, 75, 77, 79, 81, §204.205] C93, §124.205 2009 Acts, ch 41, §35

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.206 - Schedule II — substances included.

124.206 Schedule II — substances included. 1. Schedule II consists of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. 2. Substances, vegetable origin or chemical synthesis. Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis: a. Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate excluding apomorphine, thebaine-derived butorphanol, dextrophan, nalbuphine, naldemedine, nalmefene, naloxegol, naloxone, 6beta-naltrexol, naltrexone, and samidorphan, and their respective salts, but including the following: (1) Raw opium. (2) Opium extracts. (3) Opium fluid. (4) Powdered opium. (5) Granulated opium. (6) Tincture of opium. (7) Codeine. (8) Ethylmorphine. (9) Etorphine hydrochloride. (10) Hydrocodone, also known as dihydrocodeinone. (11) Hydromorphone, also known as dihydromorphinone. (12) Metopon. (13) Morphine. (14) Oxycodone. (15) Oxymorphone. (16) Thebaine. (17) Dihydroetorphine. (18) Oripavine. (19) Noroxymorphone. b. Any salt, compound, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph “a”, except that these substances shall not include the isoquinoline alkaloids of opium. c. Opium poppy and poppy straw. d. Coca leaves and any salt, compound, derivative, or preparation of coca leaves, including cocaine and ecgonine and their salts, isomers, derivatives and salts of isomers and derivatives, and any salt, compound, derivative, or preparation thereof that is chemically equivalent or identical to any of such substances, except that the substances shall not include: (1) Decocainized coca leaves or extractions of coca leaves, which extractions do not contain cocaine or ecgonine. (2) [123I]ioflupane. e. Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrene alkaloids of the opium poppy). 3. Opiates. Unless specifically excepted or unless listed in another schedule any of the following opiates, including its isomers, esters, ethers, salts and salts of isomers, esters and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation, dextrophan and levopropoxyphene excepted: a. Alphaprodine. b. Alfentanil. c. Anileridine. d. Bezitramide. e. Bulk dextropropoxyphene (nondosage forms). f. Carfentanil. g. Dihydrocodeine. h. Diphenoxylate. i. Fentanyl. j. Isomethadone. k. Levomethorphan. l. Levorphanol. m. Metazocine. n. Methadone. o. Methadone-Intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl butane. p. Moraide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid. q. Pethidine (meperidine). r. Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine. s. Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate. t. Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid. u. Phenazocine. v. Piminodine. w. Racemethorphan. x. Racemorphan. y. Sufentanil. z. Levo-alpha-acetylmethadol. Some other names: levo-alpha-acetylmethadol, levomethadyl acetate, LAAM. aa. Remifentanil. ab. Tapentadol. ac. Thiafentanil. ad. Oliceridine. 4. Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system: a. Amphetamine, its salts, optical isomers, and salts of its optical isomers. b. Methamphetamine, its salts, isomers, and salts of its isomers. c. Phenmetrazine and its salts. d. Methylphenidate and its salts. e. Lisdexamfetamine, its salts, isomers, and salts of its isomers. 5. Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation: a. Amobarbital. b. Glutethimide. c. Pentobarbital. d. Phencyclidine. e. Secobarbital. 6. Immediate precursors. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances: a. Phenylacetone, an immediate precursor to amphetamine and methamphetamine. Some trade or other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone. b. Immediate precursors to phencyclidine (PCP): (1) 1-phenylcyclohexylamine. (2) 1-piperidinocyclohexanecarbonitrile (PCC). c. Immediate precursors to fentanyl: (1) 4-anilino-N-phenethylpiperidine. Other name: ANPP. (2) N-phenyl-N-(piperidin-4-yl)propionamide. Other name: norfentanyl. 7. Hallucinogenic substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances: a. Nabilone. Other name: (+-)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1- hydroxy-6, 6-dimethyl-9H-dibenzo[b,d]pyran-9-one. b. Dronabinol [(–)-delta-9-trans tetrahydrocannabinol] in an oral solution in a drug product approved for marketing by the United States food and drug administration. 8. The board, by rule, may except any compound, mixture, or preparation containing any stimulant listed in subsection 4 from the application of all or any part of this chapter if the compound, mixture, or preparation contains one or more

active medicinal ingredients not having a stimulant effect on the central nervous system, and if the admixtures are included in such combinations, quantity, proportion, or concentration as to vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system. [C73, 75, 77, 79, 81, §204.206; 82 Acts, ch 1044, §3, 4] 84 Acts, ch 1013, §9; 85 Acts, ch 86, §3, 4; 86 Acts, ch 1037, §3 – 5; 87 Acts, ch 122, §2; 90 Acts, ch 1059, §1, 2; 91 Acts, ch 8, §3 C93, §124.206 94 Acts, ch 1009, §9, 10; 2000 Acts, ch 1140, §5 – 7; 2003 Acts, ch 53, §4, 5; 2007 Acts, ch 8, §8, 9; 2007 Acts, ch 10, §12, 13; 2008 Acts, ch 1010, §1, 2; 2010 Acts, ch 1046, §1; 2012 Acts, ch 1122, §2; 2017 Acts, ch 27, §3 – 5, 11; 2018 Acts, ch 1041, §40; 2018 Acts, ch 1138, §29, 31; 2020 Acts, ch 1023, §8, 13; 2021 Acts, ch 93, §20 – 26, 38; 2022 Acts, ch 1049, §7, 11; 2022 Acts, ch 1153, §16, 20, 21 Referred to in §124.101, 124.201, 124.202, 124.303, 321J.1, 411.6

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.207 - Substances listed in schedule III — criteria.

124.207 Substances listed in schedule III — criteria. 1. The board shall recommend to the general assembly that the general assembly place a substance in schedule III if the substance is not already included therein and the board finds that: a. The substance has a potential for abuse which is less than that of the substances listed in schedules I and II; b. The substance has currently accepted medical use in treatment in the United States; and c. Abuse of the substance may lead to moderate or low physical dependence or high psychological dependence. 2. If the board finds that any substance included in schedule III does not meet these criteria, the board shall recommend that the general assembly place the substance in a different schedule or remove the substance from the list of controlled substances, as appropriate. [C73, 75, 77, 79, 81, §204.207] C93, §124.207 2009 Acts, ch 41, §36

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.209 - Substances listed in schedule IV — criteria.

124.209 Substances listed in schedule IV — criteria. 1. The board shall recommend to the general assembly that the general assembly place a substance in schedule IV if the substance is not already included therein and the board finds that: a. The substance has a low potential for abuse when compared with the substances listed in schedule III; b. The substance has currently accepted medical use in treatment in the United States; and c. Abuse of the substance may lead to limited physical dependence or psychological dependence when compared with the substances listed in schedule III. 2. If the board finds that any substance included in schedule IV does not meet these criteria, the board shall recommend that the general assembly place the substance in a different schedule or remove the substance from the list of controlled substances, as appropriate. [C73, 75, 77, 79, 81, §204.209] C93, §124.209 2009 Acts, ch 41, §37

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.210 - Schedule IV — substances included.

124.210 Schedule IV — substances included. 1. Schedule IV shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. 2. Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below: a. Not more than one milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit. b. Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2- propionoxybutane). c. 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and geometric isomers and salts of these isomers (including tramadol). 3. Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation: a. Alprazolam. b. Barbitol. c. Bromazepam. d. Camazepam. e. Carisoprodol. f. Chloral betaine. g. Chloral hydrate. h. Chlordiazepoxide. i. Clobazam. j. Clonazepam. k. Clorazepate. l. Clotiazepam. m. Cloxazolam. n. Delorazepam. o. Diazepam. p. Dichloralphenazone. q. Estazolam. r. Ethchlorvynol. s. Ethinamate. t. Ethyl Loflazepate. u. Fludiazepam. v. Flunitrazepam. w. Flurazepam. x. Halazepam. y. Haloxazolam. z. Ketazolam. aa. Loprazolam. ab. Lorazepam. ac. Lormetazepam. ad. Mebutamate. ae. Medazepam. af. Meprobamate. ag. Methohexital. ah. Methylphenobarbital (mephobarbital). ai. Midazolam. aj. Nimetazepam. ak. Nitrazepam. al. Nordiazepam. am. Oxazepam. an. Oxazolam. ao. Paraldehyde. ap. Petrichloral. aq. Phenobarbital. ar. Pinazepam. as. Prazepam. at. Quazepam. au. Temazepam. av. Tetrazepam. aw. Triazolam. ax. Zaleplon. ay. Zolpidem. az. Zopiclone. ba. Fospropofol. bb. Alfaxalone. bc. Suvorexant. bd. Brexanolone. be. Lemborexant. bf. Remimazolam. bg. Daridorexant. 4. Fenfluramine. Any material, compound, mixture, or preparation which contains any quantity of fenfluramine, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible. 5. Lorcaserin. Any material, compound, mixture, or preparation which contains any quantity of lorcaserin, including its salts, isomers, and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible. 6. Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers: a. Cathine [(+)-norpseudoephedrine]. b. Diethylpropion. c. Fencamfamin. d. Fenproporex. e. Mazindol. f. Mefenorex. g. Pemoline (including organometallic complexes and chelates thereof). h. Phentermine. i. Pipradrol. j. SPA ((-)-1-dimethylamino-1,2-diphenylethane). k. Modafinil. l. Sibutramine. m. Solriamfetol (2-amino-3-phenylpropyl carbamate;

benzenepropanol, beta-amino-, carbamate (ester). n. Serdexmethylphenidate. 7. Other substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances, including its salts: a. Pentazocine. b. Butorphanol (including its optical isomers). c. Eluxadoline (5-[[[(2S)-2-amino-3-[4-aminocarbonyl]-2,6-dimethylphenyl]-1-oxopropyl][(1S)-1-(4-phenyl-1H-imidazol-2-yl)ethyl]amino]methyl]-2-methoxybenzoic acid) (including its optical isomers) and its salts, isomers, and salts of isomers. [C73, 75, §204.210; C77, 79, 81, §204.208(6c), 204.210; 82 Acts, ch 1044, §6 – 10] 84 Acts, ch 1013, §11; 85 Acts, ch 86, §5; 87 Acts, ch 122, §3; 89 Acts, ch 109, §3 C93, §124.210 94 Acts, ch 1009, §14, 15; 2000 Acts, ch 1140, §11 – 14; 2002 Acts, ch 1108, §1; 2007 Acts, ch 8, §13, 14; 2010 Acts, ch 1046, §2; 2012 Acts, ch 1122, §4; 2014 Acts, ch 1056, §5; 2017 Acts, ch 27, §7 – 9, 11; 2020 Acts, ch 1023, §10, 11, 13; 2021 Acts, ch 93, §31, 38; 2022 Acts, ch 1049, §8, 11; 2023 Acts, ch 61, §3, 6 Referred to in §124.201, 124.202, 124.303 Subsection 3, NEW paragraph bg

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.211 - Schedule V — criteria.

124.211 Schedule V — criteria. 1. The board shall recommend to the general assembly that the general assembly place a substance in schedule V if any substance is not already included therein and the board finds that: a. The substance has a low potential for abuse when compared with the substances listed in schedule IV; b. The substance has currently accepted medical use in treatment in the United States; and c. The substance has limited physical dependence or psychological dependence liability when compared with the controlled substances listed in schedule IV. 2. If the board finds that any substance included in schedule V does not meet these criteria, the board shall recommend that the general assembly place the substance in a different schedule or remove the substance from the list of controlled substances, as appropriate. [C73, 75, 77, 79, 81, §204.211] C93, §124.211 2009 Acts, ch 41, §38

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.212 - Schedule V — substances included.

124.212 Schedule V — substances included. 1. Schedule V shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section. 2. Narcotic drugs containing nonnarcotic active medicinal ingredients. Any compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by narcotic drugs alone: a. Not more than two hundred milligrams of codeine per one hundred milliliters or per one hundred grams. b. Not more than one hundred milligrams of dihydrocodeine per one hundred milliliters or per one hundred grams. c. Not more than one hundred milligrams of ethylmorphine per one hundred milliliters or per one hundred grams. d. Not more than two point five milligrams of diphenoxylate and not less than twenty-five micrograms of atropine sulfate per dosage unit. e. Not more than one hundred milligrams of opium per one hundred milliliters or per one hundred grams. f. Not more than point five milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit. 3. Stimulants. Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of pyrovalerone, including its salts, isomers, and salts of isomers. 4. Precursors to amphetamine and methamphetamine. Unless specifically excepted in paragraph “d” or “e” or listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following precursors to amphetamine or methamphetamine, including their salts, optical isomers, and salts of their optical isomers: a. Ephedrine. b. Phenylpropanolamine. c. Pseudoephedrine. A person shall present a government-issued photo identification card when purchasing a pseudoephedrine product from a pharmacy. A person shall not purchase a quantity of pseudoephedrine in violation of section 124.213 from a pharmacy, unless the person has a prescription for a pseudoephedrine product in excess of that quantity. A pseudoephedrine product not excepted from this schedule shall be sold by a pharmacy as provided in section 124.212A. d. Any product that contains three hundred sixty milligrams or less of pseudoephedrine, its salts, optical isomers, and salts of its optical isomers, which is in liquid, liquid capsule, or liquid-filled gel capsule form, is excepted from this schedule and may be warehoused, distributed, and sold over the counter pursuant to section 126.23A. e. A pseudoephedrine product warehoused by a distributor located in this state which is warehoused for export to a retailer outside this state is excepted from this schedule. A distributor warehousing and exporting a pseudoephedrine product shall register with the board and comply with any rules adopted by the board and relating to the diversion of pseudoephedrine products from legitimate commerce. 5. Depressants. Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of any of the following substances having a depressant effect on the central nervous system, including salts of such substances: a. Ezogabine [N-[2-amino-4(4-fluorobenzylamino)-phenyl]-carbamic acid ethyl ester]. b. Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxy-propionamide]. c. Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid]. d. Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl] butanamide), including its salts. Other names: BRV, UCB-34714, Briviact. e. Cenobamate. Other names: [(1R)-1-(2-chlorophenyl)-2-(tetrazol- 2-yl)ethyl] carbamate; 2H-tetrazole-2-ethanol, alpha-(2-chlorophenyl)-, carbamate (ester), (alphaR)-; carbamic acid (R)-(+)-1-(2-chlorophenyl)-2-(2H-tetrazol-2-yl)ethyl ester. f. Lasmiditan [2,4,6-trifluoro-N-(6-(1-methylpiperine-4-carbonyl)pyridine-2-yl)- benzamide]. g. Ganaxolone (3alpha-hydroxy-3beta-methyl-5alpha-pregnan-20-one). [C73, 75, 77, 79, 81, §204.212] 84 Acts, ch 1013, §12; 85 Acts, ch 86, §6; 89 Acts, ch 109, §4 C93, §124.212 94 Acts, ch 1009, §16, 17; 97 Acts, ch 77, §1; 2000 Acts, ch 1140, §15, 16; 2003 Acts, ch 53, §8;

2005 Acts, ch 15, §1, 14; 2005 Acts, ch 179, §56; 2007 Acts, ch 8, §15, 16; 2009 Acts, ch 25, §2; 2010 Acts, ch 1046, §3; 2012 Acts, ch 1122, §5; 2017 Acts, ch 27, §10, 11; 2020 Acts, ch 1023, §12, 13; 2021 Acts, ch 93, §32 – 34, 38; 2022 Acts, ch 1049, §9, 11; 2023 Acts, ch 61, §4, 6 Referred to in §124.201, 124.202, 124.303, 126.23A Subsection 5, NEW paragraph g

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.212A - Pharmacy pseudoephedrine sale — restrictions — records — contingent applicability.

124.212A Pharmacy pseudoephedrine sale — restrictions — records — contingent applicability. A pharmacy, an employee of a pharmacy, or a licensed pharmacist shall do the following: 1. Provide for the sale of a pseudoephedrine product from a locked cabinet or behind the sales counter where the public is unable to reach the product and where the public is not permitted. 2. Require the purchaser to present a government-issued photo identification card identifying the purchaser prior to purchasing a pseudoephedrine product. 3. Provide an electronic logbook for purchasers of pseudoephedrine products to sign. 4. Require the purchaser to sign the electronic logbook. If the electronic logbook is not available, require a signature that is associated with a transaction number. 5. Enter the purchaser's name, address, date of purchase, time of purchase, name of the pseudoephedrine product purchased, and the quantity sold in the electronic logbook. If the electronic logbook is unavailable, an alternative record shall be kept that complies with the rules adopted by both the office and the board. 6. Determine that the signature in the electronic logbook corresponds with the name on the government-issued photo identification card. 7. Provide notice that a purchaser entering a false statement or misrepresentation in the electronic logbook may subject the purchaser to criminal penalties under 18 U.S.C. §1001. 8. Keep electronic logbook records and any other records obtained from pseudoephedrine purchases if the electronic logbook is unavailable for twenty-four months from the date of the last entry. 9. Disclose electronic logbook information and any other pseudoephedrine purchase records as provided by state and federal law. 10. Comply with training requirements pursuant to federal law. 2009 Acts, ch 25, §3, 9; 2010 Acts, ch 1061, §23 Referred to in §124.212

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.212B - Pseudoephedrine sales — tracking — penalty.

124.212B Pseudoephedrine sales — tracking — penalty. 1. The office shall establish a real-time electronic repository to monitor and control the sale of schedule V products containing any detectable amount of pseudoephedrine, its salts, or optical isomers, or salts of optical isomers; ephedrine; or phenylpropanolamine. A pharmacy dispensing such products shall report all such sales electronically to a central repository under the control of the office. 2. The information collected in the central repository is confidential unless otherwise ordered by a court, or released by the lawful custodian of the records pursuant to state or federal law. 3. A pharmacy, an employee of a pharmacy, or a licensed pharmacist shall not be provided access to the stored information in the electronic central repository. However, a pharmacy, an employee of a pharmacy, or a licensed pharmacist shall be provided access to the stored information for the limited purpose of determining what sales have been made by the pharmacy. A pharmacy, an employee of a pharmacy, or a licensed pharmacist shall not be given the obligation or duty to view the stored information. 4. A pharmacy, or an employee of a pharmacy, or a licensed pharmacist shall not be given the obligation or duty to seek information from the central repository if the real-time electronic logbook becomes unavailable for use. 5. If the electronic logbook is unavailable for use, a paper record for each sale shall be maintained including the purchaser's signature. Any paper record maintained by the pharmacy shall be provided to the office for inclusion in the electronic real-time central repository as soon as practicable. 6. A pharmacy, or an employee of a pharmacy, or a licensed pharmacist shall not be liable, if acting reasonably and in good faith, to any person for any claim which may arise when reporting sales of products enumerated in subsection 1 to the central repository. 7. A person who discloses information stored in the central repository in violation of this section commits a simple misdemeanor. 8. Both the office and the board shall adopt rules to administer this section. 9. The office shall report to the board on an annual basis, beginning January 1, 2010, regarding the repository, including the effectiveness of the repository in discovering unlawful sales of pseudoephedrine products. 2009 Acts, ch 25, §4, 9; 2010 Acts, ch 1069, §13

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.213 - Pseudoephedrine purchase restrictions from pharmacy or retailer — penalty.

124.213 Pseudoephedrine purchase restrictions from pharmacy or retailer — penalty. 1. A person shall not purchase more than three thousand six hundred milligrams of pseudoephedrine, either separately or collectively, within a twenty-four-hour period from a pharmacy, or more than one package of a product containing pseudoephedrine within a twenty-four-hour period from a retailer in violation of section 126.23A. 2. A person shall not purchase more than seven thousand five hundred milligrams of pseudoephedrine, either separately or collectively, within a thirty-day period from a pharmacy or from a retailer in violation of section 126.23A. 3. A person who violates this section commits a serious misdemeanor. 2005 Acts, ch 15, §2, 14; 2009 Acts, ch 25, §6 Referred to in §124.212

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.301 - Rules.

124.301 Rules. The board may, subject to chapter 17A, promulgate rules and charge reasonable fees relating to the registration and control of the manufacture, distribution, and dispensing of controlled substances within this state. [C73, 75, 77, 79, 81, §204.301] C93, §124.301 Referred to in §147.82, 155A.43

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.302 - Registration requirements.

124.302 Registration requirements. 1. Every person who manufactures, distributes, dispenses, or conducts research with any controlled substance in this state or who proposes to engage in the manufacture, distribution, or dispensing of or conducting research with any controlled substance within this state, shall obtain and maintain a registration issued by the board in accordance with the board's rules. 2. Persons registered by the board under this chapter to manufacture, distribute, dispense, or conduct research with controlled substances may possess, manufacture, distribute, dispense, or conduct research with those substances to the extent authorized by their registration and in conformity with the other provisions of this subchapter. 3. The following persons need not register and may lawfully possess controlled substances under this chapter: a. An agent or employee of any registered manufacturer, distributor, or dispenser of any controlled substance if the agent or employee is acting in the usual course of the agent's or employee's business or employment. b. A common or contract carrier or warehouse operator, or an employee thereof, whose possession of any controlled substance is in the usual course of business or employment. c. An ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a practitioner or in possession of a schedule V substance. 4. A separate registration is required for each principal place of business or professional practice where the applicant manufactures, distributes, dispenses, or conducts research with controlled substances. 5. The board may inspect the establishment of a registrant or applicant for registration in accordance with the board's rules. [C24, 27, 31, 35, §3155; C39, §3169.03, 3169.12; C46, 50, 54, 58, 62, 66, 71, §204.03, 204.12; C73, 75, 77, 79, 81, §204.302] 91 Acts, ch 233, §5 C93, §124.302 2017 Acts, ch 54, §76; 2018 Acts, ch 1138, §24; 2019 Acts, ch 59, §47 Referred to in §124.417, 124.557

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.303 - Registration.

124.303 Registration. 1. The board shall register an applicant to manufacture or distribute controlled substances included in sections 124.204, 124.206, 124.208, 124.210 and 124.212 unless it determines that the issuance of that registration would be inconsistent with the public interest. In determining the public interest, the board shall consider all of the following factors: a. Maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels. b. Compliance with applicable state and local law. c. Any convictions of the applicant under any federal and state laws relating to any controlled substance. d. Past experience in the manufacture or distribution of controlled substances, and the existence in the applicant's establishment of effective controls against diversion. e. Furnishing by the applicant of false or fraudulent material in any application filed under this chapter. f. Suspension or revocation of the applicant's federal registration to manufacture, distribute, or dispense controlled substances as authorized by federal law. g. Any other factors relevant to and consistent with the public health and safety. 2. Registration under subsection 1 of this section does not entitle a registrant to manufacture and distribute controlled substances in schedule I or II other than those specified in the registration. 3. Practitioners shall be registered to dispense any controlled substances or to conduct research with controlled substances in schedules II through V if they are authorized to dispense or conduct research under the law of this state. The board need not require separate registration under this subchapter for practitioners engaging in research with nonnarcotic controlled substances in schedules II through V where the registrant is already registered under this subchapter in another capacity. Practitioners registered under federal law to conduct research with schedule I substances may conduct research in schedule I substances within this state upon furnishing the board evidence of the federal registration. 4. Compliance by manufacturers and distributors with the provisions of the federal law respecting registration, excluding fees, entitles them to be registered under this chapter. [C73, 75, 77, 79, 81, §204.303] C93, §124.303 2017 Acts, ch 54, §76 Referred to in §124.304

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.304 - Revocation, suspension, or restriction of registration.

124.304 Revocation, suspension, or restriction of registration. 1. The board may suspend, revoke, or restrict a registration under section 124.303, or otherwise discipline a registrant, upon a finding that any of the following apply to the registrant: a. The registrant has furnished false or fraudulent material information in any application filed under this chapter or any other chapter which applies to the registrant or the registrant's practice. b. The registrant has had the registrant's federal registration to manufacture, distribute, dispense, or conduct research with controlled substances suspended, revoked, or restricted. c. The registrant has been convicted of a public offense under any state or federal law relating to any controlled substance. For the purpose of this section only, a conviction shall include a plea of guilty, a forfeiture of bail or collateral deposited to secure a defendant's appearance in court which forfeiture has not been vacated, or a finding of guilt in a criminal action even though the entry of the judgment or sentence has been withheld and the individual placed on probation. d. The registrant has committed such acts as would render the registrant's registration under section 124.303 inconsistent with the public interest as determined under that section. e. If the registrant is a licensed health care professional, the registrant has had the registrant's professional license revoked or suspended or has been otherwise disciplined in a way that restricts the registrant's authority to handle or prescribe controlled substances. 2. The board may limit revocation, suspension, or restriction of a registration or discipline of a registrant to the particular controlled substance with respect to which grounds for revocation, suspension, restriction, or discipline exist. 3. If the board suspends, revokes, or restricts a registration, or otherwise disciplines a registrant, all controlled substances owned or possessed by the registrant at the time of the suspension, revocation, restriction, or discipline, or at the time of the effective date of the order, may be placed under seal. No disposition may

be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon an order becoming final, all such controlled substances may be forfeited to the state. 4. The board shall promptly notify the bureau and the department of all orders suspending, revoking, or restricting a registration, or otherwise disciplining a registrant. [C39, §3169.04; C46, 50, 54, 58, 62, 66, 71, §204.4; C73, 75, 77, 79, 81, §204.304] 91 Acts, ch 233, §6 C93, §124.304 2003 Acts, ch 53, §9; 2018 Acts, ch 1138, §25, 26

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.305 - Contested case proceedings.

124.305 Contested case proceedings. 1. Prior to suspending, restricting, or revoking a registration, refusing a renewal of registration, or otherwise disciplining a registrant, the board shall serve upon the registrant a notice in accordance with section 17A.12, subsection 1. The proceedings shall comply with the contested case procedures in accordance with chapter 17A. The proceedings shall also be conducted without regard to any criminal prosecution or other proceeding. Proceedings to refuse renewal of registration shall not abate the existing registration which shall remain in effect pending the outcome of the administrative hearing. 2. The board may suspend any registration while simultaneously pursuing emergency adjudicative proceedings in accordance with section 17A.18A, if it finds that there is an imminent danger to the public health or safety which warrants this action. The suspension shall continue in effect until the conclusion of the proceedings, including judicial review thereof, under the provisions of the Iowa administrative procedure Act, chapter 17A, unless sooner withdrawn by the board or dissolved by the order of the district court or an appellate court. [C73, 75, 77, 79, 81, §204.305] C93, §124.305 2003 Acts, ch 44, §114; 2018 Acts, ch 1138, §27

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.306 - Records of registrants.

124.306 Records of registrants. 1. a. Persons registered to manufacture, distribute, dispense, or administer controlled substances under this chapter shall keep records and maintain inventories in conformance with the recordkeeping and inventory requirements of federal law and with such additional rules as may be issued by the board. A practitioner who engages in dispensing any controlled substance to the practitioner's patients shall keep records of receipt and disbursements of such drugs, including dispensing or other disposition, and information as to controlled substances stolen, lost, or destroyed. In every such case the records of controlled substance received shall show the date of receipt, the name and address of the person from whom received, and the kind and quantity of drugs received. The record of all controlled substances dispensed or otherwise disposed of shall show the date of dispensing, the name and address of the person to whom or for whose use, or the owner and species of animal for which the drugs were dispensed and the kind and quantity of drugs dispensed. b. Every such record shall be kept for a period of two years from the date of the transaction recorded. Records of controlled substances lost, destroyed, or stolen, shall contain a detailed list of the kind and quantity of such drugs and the date of the discovery of such loss, destruction, or theft. 2. No person shall distribute complimentary packages of controlled substances to a practitioner unless that person prepares and leaves with the practitioner a specific written list of the items so distributed. This list shall be prepared on a form prescribed by rules promulgated by the board, and the person who distributes the items listed shall send a copy of the list to the board as soon as practicable after distribution of the complimentary packages to the practitioner. [C39, §3169.09; C46, 50, 54, 58, 62, 66, §204.9; C71, §204.9, 204A.4; C73, 75, 77, 79, 81, §204.306] C93, §124.306 2017 Acts, ch 54, §28

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.307 - Order forms.

124.307 Order forms. Controlled substances in schedules I and II shall be distributed by a registrant to another registrant only pursuant to an order form. Compliance with the provisions of federal law respecting order forms shall be deemed compliance with this section. [C24, 27, 31, 35, §3154, 3155; C39, §3169.05; C46, 50, 54, 58, 62, 66, 71, §204.5; C73, 75, 77, 79, 81, §204.307] C93, §124.307 Referred to in §124.403

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.308 - Prescriptions.

124.308 Prescriptions. 1. Except when dispensed directly by a practitioner to an ultimate user, a prescription drug as defined in section 155A.3 that is a controlled substance shall not be dispensed without a prescription. The prescription must be authorized by a practitioner and must comply with this section, section 155A.27, applicable federal law and regulation, and rules of the board. 2. a. Beginning January 1, 2020, every prescription issued for a controlled substance shall be transmitted electronically as an electronic prescription pursuant to the requirements in subsection 2, paragraph "b", unless exempt under subsection 2, paragraph "c". b. Except for prescriptions identified in paragraph "c", a prescription that is transmitted pursuant to paragraph "a" shall be transmitted to a pharmacy by a practitioner or the practitioner's authorized agent in compliance with federal law and regulation for electronic prescriptions of controlled substances. The practitioner's electronic prescription system and the receiving pharmacy's dispensing system shall comply with federal law and regulation for electronic prescriptions of controlled substances. c. Paragraph "b" shall not apply to any of the following: (1) A prescription for a patient residing in a nursing home, long-term care facility, correctional facility, or jail. (2) A prescription authorized by a licensed veterinarian. (3) A prescription dispensed by a department of veterans affairs pharmacy. (4) A prescription requiring information that makes electronic submission impractical, such as complicated or

lengthy directions for use or attachments. (5) A prescription for a compounded preparation containing two or more components. (6) A prescription issued in response to a public health emergency in a situation where a non-patient specific prescription would be permitted. (7) A prescription issued pursuant to an established and valid collaborative practice agreement, standing order, or drug research protocol. (8) A prescription issued during a temporary technical or electronic failure at the practitioner's or pharmacy's location, provided that a prescription issued pursuant to this subparagraph shall indicate on the prescription that the practitioner or pharmacy is experiencing a temporary technical or electronic failure. (9) A prescription issued in an emergency situation pursuant to federal law and regulation rules of the board. d. A practitioner, as defined in section 124.101, subsection 27, paragraph "a", who violates paragraph "a" is subject to an administrative penalty of two hundred fifty dollars per violation, up to a maximum of five thousand dollars per calendar year. The assessment of an administrative penalty pursuant to this paragraph by the appropriate licensing board of the practitioner alleged to have violated paragraph "a" shall not be considered a disciplinary action or reported as discipline. A practitioner may appeal the assessment of an administrative penalty pursuant to this paragraph, which shall initiate a contested case proceeding under chapter 17A. A penalty collected pursuant to this paragraph shall be deposited into the drug information program fund established pursuant to section 124.557. The board shall be notified of any administrative penalties assessed by the appropriate professional licensing board and deposited into the drug information program fund under this paragraph. e. A pharmacist who receives a written, oral, or facsimile prescription shall not be required to verify that the prescription is subject to an exception under paragraph "c" and may dispense a prescription drug pursuant to an otherwise valid written, oral, or facsimile prescription. However, a pharmacist shall exercise professional judgment in identifying and reporting suspected violations of this section to the board or the appropriate professional licensing board of the practitioner. 3. A prescription issued prior to January 1, 2020, or a prescription that is exempt from the electronic prescription requirement in subsection 2, paragraph "c", may be transmitted by a practitioner or the practitioner's authorized agent to a pharmacy in any of the following ways: a. Electronically, if transmitted in accordance with the requirements for electronic prescriptions pursuant to subsection 2. b. By facsimile for a schedule III, IV, or V controlled substance, or for a schedule II controlled substance only pursuant to federal law and regulation and rules of the board. c. Orally for a schedule III, IV, or V controlled substance, or for a schedule II controlled substance only in an emergency situation pursuant to federal regulation and rules of the board. d. By providing an original signed prescription to a patient or a patient's authorized representative. 4. If permitted by federal law and in accordance with federal requirements, an electronic or facsimile prescription shall serve as the original signed prescription and the practitioner shall not provide a patient, a patient's authorized representative, or the dispensing pharmacy with a signed, written prescription. An original signed prescription shall be retained for a minimum of two years from the date of the latest dispensing or refill of the prescription. 5. A prescription for a schedule II controlled substance shall not be filled more than six months after the date of issuance. A prescription for a schedule II controlled substance shall not be refilled. 6. A prescription for a schedule III, IV, or V controlled substance shall not be filled or refilled more than six months after the date on which the prescription was issued or be refilled more than five times. 7. A controlled substance shall not be distributed or dispensed other than for a medical purpose. 8. A practitioner, medical group, or pharmacy that is unable to timely comply with the electronic prescribing requirements in subsection 2, paragraph "b", may petition the board for an exemption from the requirements based upon economic hardship, technical limitations that the practitioner, medical group, or pharmacy cannot control, or other exceptional circumstances. The board shall adopt rules establishing the form and specific information to be included in a request for an exemption and the specific criteria to be considered by the board in determining whether to approve a request for an exemption. The board may approve an exemption for a period of time determined by the board not to exceed one year from the date of approval, and may be renewed annually upon request subject to board approval. [C39, §3169.06; C46, 50, 54, 58, 62, 66, §204.6; C71, §204.6, 204A.7; C73, 75, 77, 79, 81, §204.308] 87 Acts, ch 215, §44 C93, §124.308 2004 Acts, ch 1036, §2, 3; 2005 Acts, ch 3, §29; 2007 Acts, ch 8, §17; 2018 Acts, ch 1138, §10; 2019 Acts, ch 59, §48 Referred to in §124.402, 155A.29 Drug dispensing and prescriptions, see §147.107, 205.3

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.401 - Prohibited acts — manufacture, delivery, possession — counterfeit substances, simulated controlled substances, imitation controlled substances — penalties.

124.401 Prohibited acts — manufacture, delivery, possession — counterfeit substances, simulated controlled substances, imitation controlled substances — penalties. 1. Except as authorized by this chapter, it is unlawful for any person to manufacture, deliver, or possess with the intent to manufacture or deliver, a controlled substance, a counterfeit substance, a simulated controlled substance, or an imitation controlled substance, or to act with, enter into a common scheme or design with, or conspire with one or more other persons to manufacture, deliver, or possess with the intent to manufacture or deliver a controlled substance, a counterfeit substance, a simulated controlled substance, or an imitation controlled substance. a. Violation of this subsection, with respect to the following controlled substances, counterfeit substances, simulated controlled substances, or imitation controlled substances, is a class "B" felony, and notwithstanding section 902.9, subsection 1, paragraph "b", shall be punished by confinement for no more than fifty years and a fine of not more than one million dollars: (1) More than one hundred grams of a mixture or substance containing a detectable amount of heroin. (2) More than five hundred grams of a mixture or substance containing a detectable amount of any of the following: (a) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine and their salts have been removed. (b) Cocaine, its salts, optical and geometric isomers, or salts of isomers. (c) Ecgonine, its derivatives, their salts, isomers, or salts of isomers. (d) Any compound, mixture, or preparation which contains any quantity of any of the substances referred to in subparagraph divisions (a) through (c). (3) More than two hundred grams of a mixture or

substance described in subparagraph (2) which contains cocaine base. (4) More than one hundred grams of phencyclidine (PCP) or one kilogram or more of a mixture or substance containing a detectable amount of phencyclidine (PCP). (5) More than ten grams of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD). (6) More than one thousand kilograms of a mixture or substance containing a detectable amount of marijuana. (7) More than five kilograms of a mixture or substance containing a detectable amount of any of the following: (a) Methamphetamine, its salts, isomers, or salts of isomers. (b) Amphetamine, its salts, isomers, and salts of isomers. (c) Any compound, mixture, or preparation which contains any quantity of any of the substances referred to in subparagraph divisions (a) and (b). (8) More than ten kilograms of a mixture or substance containing any detectable amount of those substances identified in section 124.204, subsection 9, except for a mixture or substance containing any detectable amount of fentanyl or any fentanyl-related substance identified in section 124.204, subsection 9. (9) More than fifty grams of a mixture or substance containing a detectable amount of fentanyl or any fentanyl-related substance identified in section 124.204, subsection 9. b. Violation of this subsection with respect to the following controlled substances, counterfeit substances, simulated controlled substances, or imitation controlled substances is a class “B” felony, and in addition to the provisions of section 902.9, subsection 1, paragraph “b”, shall be punished by a fine of not less than five thousand dollars nor more than one hundred thousand dollars: (1) More than five grams but not more than one hundred grams of a mixture or substance containing a detectable amount of heroin. (2) More than one hundred grams but not more than five hundred grams of any of the following: (a) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine and their salts have been removed. (b) Cocaine, its salts, optical and geometric isomers, or salts of isomers. (c) Ecgonine, its derivatives, their salts, isomers, or salts of isomers. (d) Any compound, mixture, or preparation which contains any quantity of any of the substances referred to in subparagraph divisions (a) through (c). (3) More than forty grams but not more than two hundred grams of a mixture or substance described in subparagraph (2) which contains cocaine base. (4) More than ten grams but not more than one hundred grams of phencyclidine (PCP) or more than one hundred grams but not more than one kilogram of a mixture or substance containing a detectable amount of phencyclidine (PCP). (5) Not more than ten grams of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD). (6) More than one hundred kilograms but not more than one thousand kilograms of marijuana. (7) More than five grams but not more than five kilograms of methamphetamine, its salts, isomers, or salts of isomers, or analogs of methamphetamine, or any compound, mixture, or preparation which contains any quantity or detectable amount of methamphetamine, its salts, isomers, or salts of isomers, or analogs of methamphetamine. (8) More than five grams but not more than five kilograms of amphetamine, its salts, isomers, or salts of isomers, or any compound, mixture, or preparation which contains any quantity or detectable amount of amphetamine, its salts, isomers, or salts of isomers. (9) More than five kilograms but not more than ten kilograms of a mixture or substance containing any detectable amount of those substances identified in section 124.204, subsection 9. (10) More than five grams but not more than fifty grams of a mixture or substance containing a detectable amount of fentanyl or any fentanyl-related substance identified in section 124.204, subsection 9. c. Violation of this subsection with respect to the following controlled substances, counterfeit substances, simulated controlled substances, or imitation controlled substances is a class “C” felony, and in addition to the provisions of section 902.9, subsection 1, paragraph “d”, shall be punished by a fine of not less than one thousand dollars nor more than fifty thousand dollars: (1) Five grams or less of a mixture or substance containing a detectable amount of heroin. (2) One hundred grams or less of any of the following: (a) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine and their salts have been removed. (b) Cocaine, its salts, optical and geometric isomers, or salts of isomers. (c) Ecgonine, its derivatives, their salts, isomers, or salts of isomers. (d) Any compound, mixture, or preparation which contains any quantity of any of the substances referred to in subparagraph divisions (a) through (c). (3) Forty grams or less of a mixture or substance described in subparagraph (2) which contains cocaine base. (4) Ten grams or less of phencyclidine (PCP) or one hundred grams or less of a mixture or substance containing a detectable amount of phencyclidine (PCP). (5) More than fifty kilograms but not more than one hundred kilograms of marijuana. (6) Five grams or less of methamphetamine, its salts, isomers, or salts of isomers, or analogs of methamphetamine, or any compound, mixture, or preparation which contains any quantity or detectable amount of methamphetamine, its salts, isomers, or salts of isomers, or analogs of methamphetamine. (7) Five grams or less of amphetamine, its salts, isomers, or salts of isomers, or any compound, mixture, or preparation which contains any quantity or detectable amount of amphetamine, its salts, isomers, or salts of isomers. (8) Five kilograms or less of a mixture or substance containing any detectable amount of those substances identified in section 124.204, subsection 9. (9) Any other controlled substance, counterfeit substance, simulated controlled substance, or imitation controlled substance classified in schedule I, II, or III, except as provided in paragraph “d”. (10) Five grams or less of a mixture or substance containing a detectable amount of fentanyl or any fentanyl-related substance identified in section 124.204, subsection 9. d. Violation of this subsection, with respect to any other controlled substances, counterfeit substances, simulated controlled substances, or imitation controlled substances classified in schedule IV or V is an aggravated misdemeanor. However, violation of this subsection involving fifty kilograms or less of marijuana or involving flunitrazepam is a class “D” felony. e. A person in the immediate possession or control of a firearm while participating in a violation of this subsection shall be sentenced to two times the term otherwise imposed by law, and no such judgment, sentence, or part thereof shall be deferred or suspended. f. A person in the immediate possession or control of an offensive weapon, as defined in section 724.1, while participating in a violation of this subsection, shall be sentenced to three times the term otherwise imposed by law, and no such judgment, sentence, or part thereof shall be deferred or suspended. g. A person who causes the death of another person while participating in a violation of this subsection and who is not entitled to protection under section 124.418, shall be sentenced to three times the term otherwise imposed by law, and no such judgment, sentence, or part thereof shall be deferred or suspended. h. A person who causes serious bodily injury

to another person while participating in a violation of this subsection and who is not entitled to protection under section 124.418, shall be sentenced to two times the term otherwise imposed by law, and no such judgment, sentence, or part thereof shall be deferred or suspended. i. For purposes of this subsection, a person causes the death or serious injury of another person when the controlled substance contributes to the other person's death or serious injury. 2. If the same person commits two or more acts which are in violation of subsection 1 and the acts occur in approximately the same location or time period so that the acts can be attributed to a single scheme, plan, or conspiracy, the acts may be considered a single violation and the weight of the controlled substances, counterfeit substances, simulated controlled substances, or imitation controlled substances involved may be combined for purposes of charging the offender. 3. It is unlawful for any person to sell, distribute, or make available any product containing ephedrine, its salts, optical isomers, salts of optical isomers, or analogs of ephedrine, or pseudoephedrine, its salts, optical isomers, salts of optical isomers, or analogs of pseudoephedrine, if the person knows, or should know, that the product may be used as a precursor to any illegal substance or an intermediary to any controlled substance. A person who violates this subsection commits a serious misdemeanor. 4. A person who possesses any product containing any of the following commits a class "D" felony, if the person possesses with the intent that the product be used to manufacture any controlled substance: a. Ephedrine, its salts, optical isomers, salts of optical isomers, or analogs of ephedrine. b. Pseudoephedrine, its salts, optical isomers, salts of optical isomers, or analogs of pseudoephedrine. c. Ethyl ether. d. Anhydrous ammonia. e. Red phosphorus. f. Lithium. g. Iodine. h. Thionyl chloride. i. Chloroform. j. Palladium. k. Perchloric acid. l. Tetrahydrofuran. m. Ammonium chloride. n. Magnesium sulfate. o. Sodium hydroxide. p. Ammonia nitrate. q. Ammonia sulfate. r. Light or medium petroleum distillates. 5. a. It is unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice, or except as otherwise authorized by this chapter. Any person who violates this subsection is guilty of a serious misdemeanor for a first offense. A person who commits a violation of this subsection and who has previously been convicted of violating this chapter or chapter 124B or 453B, or chapter 124A as it existed prior to July 1, 2017, is guilty of an aggravated misdemeanor. A person who commits a violation of this subsection and has previously been convicted two or more times of violating this chapter or chapter 124B or 453B, or chapter 124A as it existed prior to July 1, 2017, is guilty of a class "D" felony. b. If the controlled substance is marijuana, the punishment shall be by imprisonment in the county jail for not more than six months or by a fine of not more than one thousand dollars, or by both such fine and imprisonment for a first offense. If the controlled substance is marijuana and the person has been previously convicted of a violation of this subsection in which the controlled substance was marijuana, the punishment shall be as provided in section 903.1, subsection 1, paragraph "b". If the controlled substance is marijuana and the person has been previously convicted two or more times of a violation of this subsection in which the controlled substance was marijuana, the person is guilty of an aggravated misdemeanor. c. A person may knowingly or intentionally recommend, possess, use, dispense, deliver, transport, or administer cannabidiol if the recommendation, possession, use, dispensing, delivery, transporting, or administering is in accordance with the provisions of chapter 124E. For purposes of this paragraph, "cannabidiol" means the same as defined in section 124E.2. d. All or any part of a sentence imposed pursuant to this subsection may be suspended and the person placed upon probation upon such terms and conditions as the court may impose including the active participation by such person in a drug treatment, rehabilitation or education program approved by the court. e. If a person commits a violation of this subsection, the court shall order the person to serve a term of imprisonment of not less than forty-eight hours. Any sentence imposed may be suspended, and the court shall place the person on probation upon such terms and conditions as the court may impose. If the person is not sentenced to confinement under the custody of the director of the department of corrections, the terms and conditions of probation shall require submission to random drug testing. If the person fails a drug test, the court may transfer the person's placement to any appropriate placement permissible under the court order. f. If the controlled substance is amphetamine, its salts, isomers, or salts of its isomers, or methamphetamine, its salts, isomers, or salts of its isomers, the court shall order the person to serve a term of imprisonment of not less than forty-eight hours. Any sentence imposed may be suspended, and the court shall place the person on probation upon such terms and conditions as the court may impose. The court may place the person on intensive probation. However, the terms and conditions of probation shall require submission to random drug testing. If the person fails a drug test, the court may transfer the person's placement to any appropriate placement permissible under the court order. 6. Notwithstanding any other provision in this section to the contrary, a person may produce, possess, use, harvest, handle, manufacture, market, transport, deliver, or distribute any of the following: a. Hemp that is hemp seed delivered for planting at a licensed crop site, or hemp that is or was produced at the site, by a person operating under a hemp license issued by the department of agriculture and land stewardship in accordance with the provisions of chapter 204. b. Hemp that was produced in another state in accordance with the federal hemp law and other applicable law. c. A hemp product as provided in chapter 204. [C51, §2728; R60, §4374; C73, §4038; C97, §2593, 5003; S13, §2593, 2596-a; C24, 27, 31, 35, §3152, 3168, 3169; C39, §3169.02, 3169.21; C46, 50, 54, 58, 62, §204.2, 204.22; C66, §204.2, 204.20; C71, §204.2, 204.20, 204A.3, 204A.10; C73, 75, 77, 79, 81, §204.401; 82 Acts, ch 1147, §2] 84 Acts, ch 1013, §13, 14; 84 Acts, ch 1105, §2, 3; 89 Acts, ch 225, §11; 90 Acts, ch 1233, §7 C93, §124.401 94 Acts, ch 1107, §7; 96 Acts, ch 1164, §1 – 4; 97 Acts, ch 122, §1 – 3; 98 Acts, ch 1138, §24, 25; 99 Acts, ch 12, §2, 3; 99 Acts, ch 65, §1; 2000 Acts, ch 1144, §1; 2000 Acts, ch 1201, §4; 2003 Acts, ch 16, §1; 2003 Acts, ch 156, §1 – 7; 2004 Acts, ch 1057, §1; 2004 Acts, ch 1086, §32; 2006 Acts, ch 1030, §12; 2007 Acts, ch 8, §18; 2007 Acts, ch 126, §24; 2009 Acts, ch 41, §263; 2011 Acts, ch 134, §19, 20, 47; 2012 Acts, ch 1023, §23; 2012 Acts, ch 1122, §10, 11; 2013 Acts, ch 30, §25, 236 – 238; 2014 Acts, ch 1082, §1; 2014 Acts, ch 1125, §1; 2015 Acts, ch 30, §53, 207; 2017 Acts, ch 122, §7 – 9; 2017 Acts, ch 145, §4 – 10, 24 – 27; 2017 Acts, ch 162, §2, 25; 2018 Acts, ch 1026, §39, 182; 2019 Acts, ch 130, §24, 33; 2022 Acts, ch 1021, §41; 2022 Acts, ch 1057, §1 – 3; 2023 Acts, ch 86, §1 – 5 Referred to in §124.401C, 124.401D,

124.401E, 124.401G, 124.409, 124.410, 124.411, 124.413, 124.416, 124.418, 155A.24, 232.8, 232.22, 232.52, 462A.34B, 712.1, 723A.1, 726.6, 809A.4, 811.1, 901.10, 901.11, 901.12, 907.3 Sale, transfer, furnishing, or receipt of precursor for unlawful purpose, see §124B.9 Subsection 1, paragraph a, subparagraph (8) amended Subsection 1, paragraph a, NEW subparagraph (9) Subsection 1, paragraph b, NEW subparagraph (10) Subsection 1, paragraph c, NEW subparagraph (10) Subsection 1, NEW paragraphs g, h, and i

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.401A - Enhanced penalty for manufacture or distribution to persons on certain real property.

124.401A Enhanced penalty for manufacture or distribution to persons on certain real property. In addition to any other penalties provided in this chapter, a person who is eighteen years of age or older who unlawfully manufactures with intent to distribute, distributes, or possesses with intent to distribute a substance or counterfeit substance listed in schedule I, II, or III, or a simulated or imitation controlled substance represented to be a controlled substance classified in schedule I, II, or III, to another person who is eighteen years of age or older in or on, or within one thousand feet of the real property comprising a public or private elementary or secondary school, public park, public swimming pool, public recreation center, or on a marked school bus, may be sentenced up to an additional term of confinement of five years. 90 Acts, ch 1251, §5 C91, §204.401A C93, §124.401A 94 Acts, ch 1172, §6; 96 Acts, ch 1164, §5; 2002 Acts, ch 1175, §25 ; 2002 Acts, 2nd Ex, ch 1003, §236, 262 ; 2017 Acts, ch 145, §11 Referred to in §671A.2

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.401B - Possession of controlled substances on certain real property — additional penalty.

124.401B Possession of controlled substances on certain real property — additional penalty. In addition to any other penalties provided in this chapter or another chapter, a person who unlawfully possesses a substance listed in schedule I, II, or III, or a simulated or imitation controlled substance represented to be a controlled substance classified in schedule I, II, or III, in or on, or within one thousand feet of the real property comprising a public or private elementary or secondary school, public park, public swimming pool, public recreation center, or on a marked school bus, may be sentenced to one hundred hours of community service work for a public agency or a nonprofit charitable organization. The court shall provide the offender with a written statement of the terms and monitoring provisions of the community service. 94 Acts, ch 1172, §7; 96 Acts, ch 1164, §6; 2017 Acts, ch 145, §12 Referred to in §671A.2

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.401C - Manufacturing methamphetamine in presence of minors.

124.401C Manufacturing methamphetamine in presence of minors. 1. In addition to any other penalties provided in this chapter, a person who is eighteen years of age or older and who either directly or by extraction from natural substances, or independently by means of chemical processes, or both, unlawfully manufactures a controlled substance, counterfeit substance, simulated controlled substance, or imitation controlled substance in violation of section 124.401, subsection 1, paragraph “a”, “b”, or “c”, in the presence of a minor shall be sentenced to two times the term otherwise imposed by law, and no such judgment, sentence, or part thereof shall be deferred or suspended. However, the additional term of confinement shall not be imposed on a person who has been convicted and sentenced for a child endangerment offense under section 726.6, subsection 1, paragraph “g”, arising from the same facts. 2. For purposes of this section, the term “in the presence of a minor” shall mean, but is not limited to, any of the following: a. When a minor is physically present during the activity. b. When the activity is conducted in the residence of a minor. c. When the activity is conducted in a building where minors can reasonably be expected to be present. d. When the activity is conducted in a room offered to the public for overnight accommodation. e. When the activity is conducted in any multiple-unit residential building. 97 Acts, ch 125, §1; 2004 Acts, ch 1151, §1; 2006 Acts, ch 1030, §13; 2023 Acts, ch 86, §6 Subsection 1 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.401D - Conspiracy to manufacture for delivery or delivery or intent or conspiracy to deliver to a minor.

124.401D Conspiracy to manufacture for delivery or delivery or intent or conspiracy to deliver to a minor. 1. a. It is unlawful for a person eighteen years of age or older to act with, or enter into a common scheme or design with, or conspire with one or more persons to manufacture for delivery to a person under eighteen years of age a controlled substance, counterfeit substance, simulated controlled substance, or imitation controlled substance in violation of section 124.401, subsection 1, paragraph “a”, “b”, or “c”. b. A person violating this subsection shall be sentenced to two times the term otherwise imposed under section 124.401, subsection 1, and no such judgment, sentence, or part thereof shall be deferred or suspended. c. A second or subsequent violation of this subsection is a class “A” felony. 2. a. It is unlawful for a person eighteen years of age or older to deliver, or possess with the intent to deliver to a person under eighteen years of age, a controlled substance, counterfeit substance, simulated controlled substance, or imitation controlled substance in violation of section 124.401, subsection 1, paragraph “a”, “b”, or “c”, or to act with, or enter into a common scheme or design with, or conspire with one or more persons to deliver or possess with the intent to deliver to a person under eighteen years of age a controlled substance, counterfeit substance, simulated controlled substance, or imitation controlled substance in violation of section 124.401, subsection 1, paragraph “a”, “b”, or “c”. b. A person violating this subsection shall be sentenced to two times the term otherwise imposed under section 124.401, subsection 1, and no such judgment, sentence, or part

thereof shall be deferred or suspended. c. A second or subsequent violation of this subsection is a class “A” felony. 3. Delivery to a minor or possession with intent to deliver to a minor a controlled substance, counterfeit substance, simulated controlled substance, or imitation controlled substance in violation of section 124.401, subsection 1, paragraph “a”, “b”, or “c”, shall include the following products if the person knew or had reasonable cause to believe the controlled, counterfeit, simulated, or imitation controlled substance would be delivered to a person under eighteen years of age: a. Combining a controlled substance listed in section 124.401, subsection 1, paragraph “a”, “b”, or “c”, with a food or beverage product. b. Marketing or packaging a controlled substance listed in section 124.401, subsection 1, paragraph “a”, “b”, or “c”, to appear similar to a food or beverage product. c. Modifying the flavor or color of a controlled substance listed in section 124.401, subsection 1, paragraph “a”, “b”, or “c”, to appear similar to a food or beverage product. 99 Acts, ch 12, §4; 2000 Acts, ch 1144, §2; 2009 Acts, ch 41, §181; 2013 Acts, ch 30, §239, 240; 2023 Acts, ch 86, §7 Referred to in §901.10, 902.8A Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.401E - Certain penalties for manufacturing or delivery of amphetamine or methamphetamine.

124.401E Certain penalties for manufacturing or delivery of amphetamine or methamphetamine. 1. If a court sentences a person for the person’s first conviction for delivery or possession with intent to deliver a controlled substance under section 124.401, subsection 1, paragraph “c”, and if the controlled substance is amphetamine, its salts, isomers, or salts of its isomers, or methamphetamine, its salts, isomers, or salts of its isomers, the court may suspend the sentence, and the court may order the person to complete a drug court program if a drug court has been established in the county in which the person is sentenced or order the person to be assigned to a community-based correctional facility for a period of one year or until maximum benefits are achieved, whichever is earlier. 2. If a court sentences a person for a conviction of manufacturing of a controlled substance under section 124.401, subsection 1, paragraph “c”, and if the controlled substance is amphetamine, its salts, isomers, or salts of its isomers, or methamphetamine, its salts, isomers, or salts of its isomers, the court may suspend the sentence, and the court may order the person to complete a drug court program if a drug court has been established in the county in which the person is sentenced, or order the person to be assigned to a community-based correctional facility for a period of one year or until maximum benefits are achieved, whichever is earlier. 3. If a court sentences a person for the person’s second or subsequent conviction for delivery or possession with intent to deliver a controlled substance under section 124.401, subsection 1, and the controlled substance is amphetamine, its salts, isomers, or salts of its isomers, or methamphetamine, its salts, isomers, or salts of its isomers, the court, in addition to any other authorized penalties, shall sentence the person to imprisonment in accordance with section 124.401, subsection 1, and the person shall serve the minimum period of confinement as required by section 124.413. 99 Acts, ch 12, §5; 2000 Acts, ch 1144, §3

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.401F - Prohibitions on tampering with, possessing, or transporting anhydrous ammonia or anhydrous ammonia equipment.

124.401F Prohibitions on tampering with, possessing, or transporting anhydrous ammonia or anhydrous ammonia equipment. 1. A person shall not intentionally tamper with anhydrous ammonia equipment. Tampering occurs when a person who is not authorized by the owner of anhydrous ammonia equipment uses the equipment in violation of a provision of this section. A person shall not in any manner or for any purpose sell, fill, refill, deliver, permit to be delivered, or use an anhydrous ammonia container or receptacle, including for the storage of any gas or compound, unless the person owns the container or receptacle or is authorized to do so by the owner. A person shall not possess or transport anhydrous ammonia in a container or receptacle which is not authorized by the secretary of agriculture to hold anhydrous ammonia. 2. A person violating this section commits a serious misdemeanor. In addition to the imposition of the serious misdemeanor penalty, a person shall be subject to a civil penalty of not more than one thousand five hundred dollars, if the person does any of the following: a. Intentionally tampers with anhydrous ammonia equipment. b. Possesses or transports anhydrous ammonia in a container or receptacle which is not authorized to hold anhydrous ammonia according to rules adopted by the secretary of agriculture. 3. A person tampering with anhydrous ammonia equipment in violation of this section shall not have a cause of action against the owner of the equipment, any person responsible for the installation and maintenance of the equipment, or the person lawfully selling the anhydrous ammonia for damages arising out of the tampering. 99 Acts, ch 12, §6; 99 Acts, ch 208, §48; 2000 Acts, ch 1058, §13 Referred to in §200.18

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.401G - Iowa hemp Act — negligent violation program.

124.401G Iowa hemp Act — negligent violation program. Notwithstanding any provision of this chapter to the contrary, a person shall not be guilty of an offense under this chapter, including under section 124.401 or 124.410, for producing, possessing, using, harvesting, handling, manufacturing, marketing, transporting, delivering, or distributing the plant cannabis, if all of the following apply: 1. The person holds a valid hemp license issued by the department of agriculture and land stewardship as provided in chapter 204. 2. The plant is or was produced on the licensee’s crop site as provided in chapter 204. 3. The offense arises out of a test of a sample of plants that are part of a crop produced on the licensee’s crop site and the test indicates that the sample does not qualify as hemp under section 204.8 and does not exceed a maximum concentration of two percent delta-9 tetrahydrocannabinol on a dry weight basis. 4. The licensee is participating in or has successfully completed the negligent violation program that applies to the licensee’s crop site described in subsection 3 if such program is established by the department of agriculture and land stewardship pursuant to section 204.15. 2019 Acts, ch 130, §25, 33

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.402 - Prohibited acts — distributors — registrants — proprietors — penalties.

124.402 Prohibited acts — distributors — registrants — proprietors — penalties. 1. It is unlawful for any person: a. Who is subject to subchapter III to distribute or dispense a controlled substance in violation of section 124.308; b. Who is a registrant, to manufacture a controlled substance not authorized by the registration, or to distribute or dispense a controlled substance not authorized by the registration to another registrant or other authorized person; c. To refuse or fail to make, keep or furnish any record, notification, order form, statement, invoice or information required under this chapter; d. To refuse an entry into any premises during reasonable business hours for any inspection authorized by this chapter; or e. Knowingly to keep or permit the keeping or to maintain any premises, store, shop, warehouse, dwelling, temporary, or permanent building, vehicle, boat, aircraft, or other temporary or permanent structure or place, which is resorted to by persons using controlled substances in violation of this chapter for the purpose of using these substances, or which is used for keeping, possessing or selling them in violation of this chapter. 2. Any person who violates subsection 1 of this section, or who acts with, enters into a common scheme or design with, or conspires with one or more other persons to violate subsection 1 of this section, is guilty of a public offense and upon conviction: a. Of a violation of paragraphs “a”, “b”, “d”, or “e” shall be an aggravated misdemeanor. b. Of a violation of paragraph “c” shall be a serious misdemeanor. [C73, 75, 77, 79, 81, §204.402] C93, §124.402 2017 Acts, ch 54, §76

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.403 - Prohibited acts — controlled substances, distribution, use, possession — records and information — penalties.

124.403 Prohibited acts — controlled substances, distribution, use, possession — records and information — penalties. 1. It is unlawful for any person knowingly or intentionally: a. To distribute as a registrant a controlled substance classified in schedules I or II, except pursuant to an order form as required by section 124.307; b. To use in the course of the manufacture or distribution of a controlled substance a registration number which is fictitious, revoked, suspended, or issued to another person; c. To acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge; d. To furnish false or fraudulent material information in, or omit any material information from, any application, report, or other document required to be kept or filed under this chapter, or any record required to be kept by this chapter; or e. To make, distribute, or possess any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render the drug a counterfeit substance. 2. Any person who violates this section, or who acts with, enters into a common scheme or design with, or conspires with one or more other persons to violate this section, is guilty of a serious misdemeanor. [C39, §3169.17; C46, 50, 54, 58, 62, §204.18; C66, §204.17; C71, §204.17, 204A.3; C73, 75, 77, 79, 81, §204.403] C93, §124.403

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.404 - Penalties under other laws.

124.404 Penalties under other laws. Any penalty imposed for violation of this subchapter shall be in addition to, and not in lieu of, any civil or administrative penalty or sanction otherwise authorized by law. [C73, 75, 77, 79, 81, §204.404] C93, §124.404 2017 Acts, ch 54, §76

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.405 - Bar to prosecution.

124.405 Bar to prosecution. If a violation of this chapter is a violation of a federal law or the law of another state, the conviction or acquittal under federal law or the law of another state for the same act is a bar to prosecution in this state. [C39, §3169.22; C46, 50, 54, 58, 62, §204.23; C66, 71, §204.21; C73, 75, 77, 79, 81, §204.405] C93, §124.405

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.406 - Distribution to person under age eighteen.

124.406 Distribution to person under age eighteen. 1. A person who is eighteen years of age or older who: a. Unlawfully distributes or possesses with intent to distribute a substance listed in schedule I or II to a person under eighteen years of age commits a class “B” felony and shall serve a minimum term of confinement of five years. However, if the substance was distributed in or on, or within one thousand feet of, the real property comprising a public or private elementary or secondary school, public park, public swimming pool, public recreation center, or on a marked school bus, the person shall serve a minimum term of confinement of ten years. b. Unlawfully distributes or possesses with the intent to distribute a controlled substance listed in schedule III to a person under eighteen years of age who is at least three years younger than the violator commits a class “C” felony. c. Unlawfully distributes a controlled substance listed in schedule IV or V to a person under eighteen years of age who is at least three years younger than the violator commits an aggravated misdemeanor. 2. A person who is eighteen years of age or older who: a. Unlawfully distributes or possesses with the intent to distribute a counterfeit substance listed in schedule I or II, or a simulated or imitation controlled substance represented to be a substance classified in schedule I or II, to a person under eighteen years of age commits a class “B” felony. b. Unlawfully distributes or possesses with intent to distribute a counterfeit substance listed in schedule III, or a simulated or imitation controlled substance represented to be any substance listed in schedule III, to a person under eighteen

years of age who is at least three years younger than the violator commits a class “C” felony. c. Unlawfully distributes a counterfeit substance listed in schedule IV or V, or a simulated or imitation controlled substance represented to be a substance listed in schedule IV or V, to a person under eighteen years of age who is at least three years younger than the violator commits an aggravated misdemeanor. 3. It is unlawful for a person to deliver a controlled substance to another person in order to act with, enter into a common scheme or design with, conspire with, or recruit the other person for the purpose of delivering a controlled substance to one or more persons under eighteen years of age. A person who violates this subsection with respect to a controlled substance classified in schedule I, II, III, IV, or V is guilty of a class “D” felony. [C97, §5003; C24, 27, 31, 35, §3168, 3169; C39, §3169.21; C46, 50, 54, 58, 62, §204.22; C66, §204.20; C71, §204.20, 204A.11; C73, 75, 77, 79, 81, §204.406; 82 Acts, ch 1147, §3] 84 Acts, ch 1013, §15; 89 Acts, ch 225, §12; 90 Acts, ch 1251, §6, 7 C93, §124.406 94 Acts, ch 1172, §8, 9; 97 Acts, ch 33, §2, 3; 2017 Acts, ch 145, §13 Referred to in §124.416, 901.10, 903A.5

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.406A - Use of persons under age eighteen in the drug trade.

124.406A Use of persons under age eighteen in the drug trade. It is unlawful for a person who is eighteen years of age or older to conspire with or recruit a person under the age of eighteen for the purpose of delivering or manufacturing a controlled substance classified in schedules I through IV. A person violating this section commits a class “C” felony. 94 Acts, ch 1172, §10

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.407 - Gatherings where controlled substances unlawfully used — penalties.

124.407 Gatherings where controlled substances unlawfully used — penalties. 1. It is unlawful for any person to sponsor, promote, or aid, or assist in the sponsoring or promoting of a meeting, gathering, or assemblage with the knowledge or intent that a controlled substance be there distributed, used, or possessed, in violation of this chapter. 2. a. Any person who violates this section and where the controlled substance is any one other than marijuana is guilty of a class “D” felony. b. Any person who violates this section, and where the controlled substance is marijuana only, is guilty of a serious misdemeanor. 3. The district court shall grant an injunction barring a meeting, gathering, or assemblage if upon hearing the court finds that the sponsors or promoters of the meeting, gathering, or assemblage have not taken reasonable means to prevent the unlawful distribution, use, or possession of a controlled substance. Further injunctive relief may be granted against all persons furnishing goods or services to such meeting, gathering, or assemblage. 4. The district court may, upon application and a showing of one or more of the grounds provided in section 639.3, grant to the state or governmental subdivision thereof a writ of attachment, ex parte, without bond, in an amount necessary to secure the payment of any fine that may be imposed and the payment of costs. The reasonable expense to the state and governmental subdivisions thereof to provide the necessary law enforcement resulting from a meeting, gathering, or assemblage held in violation of this section may be taxed as costs in the criminal action. [C73, 75, 77, 79, 81, §204.407] C93, §124.407 99 Acts, ch 135, §13; 2017 Acts, ch 54, §29 Referred to in §124.418

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.408 - Joint criminal trials.

124.408 Joint criminal trials. Information, indictments, trial, and sentencing for violations of this chapter may allege any number of violations of their provisions against one person and join one or more persons as defendants who it is alleged violated the same provisions in the same transaction or series of transactions and which involve common questions of law and fact. The several charges shall be set out in separate counts and each accused person shall be convicted or acquitted upon each count by separate verdict. Each accused person shall thereafter be sentenced upon each verdict of guilty. The court may consider such separate verdicts of guilty returned at the same time as one offense for the purpose of sentencing as provided in this chapter. The court may grant a severance and separate trial to any accused person jointly charged or indicted if it appears that substantial injustice would result to such accused person unless a separate trial was granted. [C73, 75, 77, 79, 81, §204.408] C93, §124.408

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.409 - Conditional discharge, commitment for treatment, and probation.

124.409 Conditional discharge, commitment for treatment, and probation. 1. Whenever the court finds that a person who is charged with a violation of section 124.401 and who consents thereto, or who has entered a plea of guilty to or been found guilty of a violation of that section, is addicted to, dependent upon, or a chronic user of any controlled substance and that such person will be aided by proper medical treatment and rehabilitative services, the court may order that the person be committed as an in-patient or out-patient to a facility licensed by the department of health and human services for medical treatment and rehabilitative services. 2. A person committed under this section who is not possessed of sufficient income or estate to enable the person to make payment of the costs of such treatment in whole or in part shall be considered a state patient and the costs of treatment shall be paid as provided in section 125.44. The determination of ability to pay shall be made by the court. The court shall require the patient, or the patient’s parent, guardian, or custodian to complete under oath a detailed financial statement. The court may enter appropriate orders requiring the patient or those legally liable for the patient’s support to reimburse the state with the costs, or any part thereof. 3. In order to obtain the most effective results from such medical treatment and rehabilitative services, the court may commit the person

to the custody of a public or private agency or any other responsible person and impose other conditions upon the commitment as is necessary to ensure compliance with the court's order and to ensure that the person will not, during the period of treatment and rehabilitation, again violate a provision of this chapter. 4. If it is established thereafter to the satisfaction of the court that the person has again violated a provision of this chapter, the person may be returned to custody or sentenced upon conviction as provided by law. 5. The public or private agency or responsible person to whom the accused person was committed by the court shall immediately report to the court when the person has received maximum benefit from the program or has recovered from addiction, dependency, or tendency to chronically abuse any controlled substance. The person shall then be returned to the court for disposition of the case. If the person has been charged or indicted, but not convicted, such charge shall proceed to trial or final disposition. If the person has been convicted or is thereafter convicted, the court shall sentence the person as provided by law but may remit all or any part of the sentence and place the person on probation upon terms and conditions as the court may prescribe. [C73, 75, 77, 79, 81, §204.409] 84 Acts, ch 1013, §16 C93, §124.409 96 Acts, ch 1034, §4; 2002 Acts, ch 1175, §26 ; 2002 Acts, 2nd Ex, ch 1003, §237, 262 ; 2019 Acts, ch 59, §49; 2020 Acts, ch 1062, §23; 2021 Acts, ch 76, §26; 2023 Acts, ch 19, §71 Referred to in §125.44, 125.89 Subsection 1 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.410 - Accommodation offense.

124.410 Accommodation offense. 1. In a prosecution for unlawful delivery or possession with intent to deliver marijuana, if the prosecution proves that the defendant violated the provisions of section 124.401, subsection 1, by proving that the defendant delivered or possessed with intent to deliver one-half ounce or less of marijuana which was not offered for sale, the defendant is guilty of an accommodation offense and rather than being sentenced as if convicted for a violation of section 124.401, subsection 1, paragraph "d", shall be sentenced as if convicted of a violation of section 124.401, subsection 5. An accommodation offense may be proved as an included offense under a charge of delivering or possessing with the intent to deliver marijuana in violation of section 124.401, subsection 1. 2. Subsection 1 does not apply to any of the following: a. Hashish, hashish oil, or other derivatives of marijuana as defined in section 124.101, subsection 20. b. Hemp or a hemp product excluded from schedule I of controlled substances as provided in section 124.204, subsection 7. [C73, 75, 77, 79, 81, §204.410] 89 Acts, ch 225, §13 C93, §124.410 99 Acts, ch 67, §1; 2019 Acts, ch 130, §26, 33 Referred to in §124.401G, 124.413

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.411 - Second or subsequent offenses.

124.411 Second or subsequent offenses. 1. Any person convicted of a second or subsequent offense under this chapter, may be punished by imprisonment for a period not to exceed three times the term otherwise authorized, or fined not more than three times the amount otherwise authorized, or punished by both such imprisonment and fine. 2. For purposes of this section, an offense is considered a second or subsequent offense, if, prior to the person's having been convicted of the offense, the offender has ever been convicted under this chapter or under any state or federal statute relating to narcotic drugs or cocaine, marijuana, depressant, stimulant, or hallucinogenic drugs. 3. This section does not apply to any of the following: a. An offense under section 124.401, subsection 5. b. Hemp or a hemp product excluded from schedule I of controlled substances as provided in section 124.204, subsection 7. [C97, §5003; C24, 27, 31, 35, §3168, 3169; C39, §3169.21; C46, 50, 54, 58, 62, §204.22; C66, 71, §204.20; C73, 75, 77, 79, 81, §204.411] 84 Acts, ch 1013, §17 C93, §124.411 2019 Acts, ch 130, §27, 33

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.412 - Notice of conviction.

124.412 Notice of conviction. If a person enters a plea of guilty to, or forfeits bail or collateral deposited to secure the person's appearance in court, and such forfeiture is not vacated, or if a person is found guilty upon an indictment or information alleging a violation of this chapter, a copy of the minutes attached to the indictment returned by the grand jury, or to the county attorney's information, a copy of the judgment and sentence, and a copy of the opinion of the judge if one is filed, shall be sent by the clerk of the district court or the judge to any state board or officer by whom the convicted person has been licensed or registered to practice the person's profession or carry on the person's business. On the conviction of a person, the court may suspend or revoke the license or registration of the convicted defendant to practice the defendant's profession or carry on the defendant's business. On the application of a person whose license or registration has been suspended or revoked, and upon proper showing and for good cause, the board or officer may reinstate the license or registration. [C39, §3169.15; C46, 50, 54, 58, 62, §204.16; C66, 71, §204.15; C73, 75, 77, 79, 81, §204.412] C93, §124.412 93 Acts, ch 16, §1; 2018 Acts, ch 1172, §95, 104 Referred to in §602.8102(35)

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.413 - Mandatory minimum sentence — parole eligibility.

124.413 Mandatory minimum sentence — parole eligibility. 1. Except as provided in subsection 3 and sections 901.11 and 901.12, a person sentenced pursuant to section 124.401, subsection 1, paragraph "a", "b", "e", "f", "g", or "h", shall not be eligible for parole or work release until the person has served a minimum term of confinement of one-third of the maximum indeterminate sentence prescribed by law. 2. This section shall not apply if: a. The offense is found to be an accommodation pursuant to section 124.410; or

b. The controlled substance is marijuana. 3. A person serving a sentence pursuant to section 124.401, subsection 1, paragraph “b”, shall be denied parole or work release, based upon all the pertinent information as determined by the court under section 901.11, subsection 1, until the person has served between one-half of the minimum term of confinement prescribed in subsection 1 and the maximum indeterminate sentence prescribed by law. [C79, 81, §204.413] 89 Acts, ch 225, §14 C93, §124.413 2009 Acts, ch 41, §182; 2016 Acts, ch 1104, §1, 2; 2017 Acts, ch 122, §10, 11; 2023 Acts, ch 86, §8 Referred to in §124.401E, 232.45, 901.10, 901.11, 901.12, 903A.5 Subsection 1 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.414 - Drug paraphernalia.

124.414 Drug paraphernalia. 1. a. As used in this section, “drug paraphernalia” means all equipment, products, or materials of any kind used or attempted to be used in combination with a controlled substance, except those items used in combination with the lawful use of a controlled substance, to knowingly or intentionally and primarily do any of the following: (1) Manufacture a controlled substance. (2) Inject, ingest, inhale, or otherwise introduce into the human body a controlled substance. (3) Test the strength, effectiveness, or purity of a controlled substance. (4) Enhance the effect of a controlled substance. b. “Drug paraphernalia” does not include hypodermic needles or syringes if manufactured, delivered, sold, or possessed for a lawful purpose. 2. It is unlawful for any person to knowingly or intentionally manufacture, deliver, sell, or possess drug paraphernalia. 3. A person who violates this section commits a simple misdemeanor. 2000 Acts, ch 1144, §4 Referred to in §124.418

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.415 - Parental and school notification — persons under eighteen years of age.

124.415 Parental and school notification — persons under eighteen years of age. A peace officer shall make a reasonable effort to identify a person under the age of eighteen discovered to be in possession of a controlled substance, counterfeit substance, simulated controlled substance, or imitation controlled substance in violation of this chapter, and if the person is not referred to juvenile court, the law enforcement agency of which the peace officer is an employee shall make a reasonable attempt to notify the person’s custodial parent or legal guardian of such possession, whether or not the person is arrested, unless the officer has reasonable grounds to believe that such notification is not in the best interests of the person or will endanger that person. If the person is taken into custody, the peace officer shall notify a juvenile court officer who shall make a reasonable effort to identify the elementary or secondary school the person attends, if any, and to notify the superintendent of the school district, the superintendent’s designee, or the authorities in charge of the nonpublic school of the taking into custody. A reasonable attempt to notify the person includes but is not limited to a telephone call or notice by first-class mail. 90 Acts, ch 1251, §8 C91, §204.415 C93, §124.415 94 Acts, ch 1172, §11; 95 Acts, ch 191, §5; 2017 Acts, ch 145, §14 Referred to in §232.147

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.416 - Exception to restrictions on bail.

124.416 Exception to restrictions on bail. Notwithstanding section 811.1, the court, after making the finding required by section 811.1, subsection 3, may admit a person convicted of a violation of section 124.401, subsection 2, or of a violation of section 124.406, to bail if the prosecuting attorney in the action and the defendant’s counsel jointly petition the court to admit the person to bail. 90 Acts, ch 1251, §9 C91, §204.416 C93, §124.416 95 Acts, ch 191, §6

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.417 - Imitation controlled substances — exceptions.

124.417 Imitation controlled substances — exceptions. It is not unlawful under this chapter for a person registered under section 124.302, to manufacture, deliver, or possess with the intent to manufacture or deliver, or to act with, one or more other persons to manufacture, deliver, or possess with the intent to manufacture or deliver an imitation controlled substance for use as a placebo by a registered practitioner in the course of professional practice or research. 2017 Acts, ch 145, §15

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.418 - Persons seeking medical assistance for drug-related overdose.

124.418 Persons seeking medical assistance for drug-related overdose. 1. As used in this section, unless the context otherwise requires: a. “Drug-related overdose” means a condition of a person for which each of the following is true: (1) The person is in need of medical assistance. (2) The person displays symptoms including but not limited to extreme physical illness, pinpoint pupils, decreased level of consciousness including coma, or respiratory depression. (3) The person’s condition is the result of, or a prudent layperson would reasonably believe such condition to be the result of, the consumption or use of a controlled substance. b. “Overdose patient” means a person who is, or would reasonably be perceived to be, suffering a drug-related overdose and who has not previously received immunity under this section. c. “Overdose reporter” means a person who seeks medical assistance for an overdose patient and who has not previously received immunity under this section. d. “Protected information” means information or evidence collected or derived as a result of any of the following: (1) An overdose patient’s good-faith actions to seek medical assistance while experiencing a drug-related overdose. (2) An overdose reporter’s good-faith actions to seek medical assistance for

an overdose patient experiencing a drug-related overdose if all of the following are true: (a) The overdose patient is in need of medical assistance for an immediate health or safety concern. (b) The overdose reporter is the first person to seek medical assistance for the overdose patient. (c) The overdose reporter provides the overdose reporter's name and contact information to medical or law enforcement personnel. (d) The overdose reporter remains on the scene until assistance arrives or is provided. (e) The overdose reporter cooperates with medical and law enforcement personnel. (f) Medical assistance was not sought during the execution of an arrest warrant, search warrant, or other lawful search. 2. Protected information shall not be considered to support probable cause and shall not be admissible as evidence against an overdose patient or overdose reporter for any of the following offenses: a. Delivery of a controlled substance under section 124.401, subsection 1, if such delivery involved the sharing of the controlled substance without profit. b. Possession of a controlled substance under section 124.401, subsection 5. c. Violation of section 124.407. d. Violation of section 124.414. 3. A person's pretrial release, probation, supervised release, or parole shall not be revoked based on protected information. 4. Notwithstanding any other provision of law to the contrary, a court may consider the act of providing first aid or other medical assistance to someone who is experiencing a drug-related overdose as a mitigating factor in a criminal prosecution. 5. Nothing in this section shall do any of the following: a. Preclude or prevent an investigation by law enforcement of the drug-related overdose where medical assistance was provided. b. Be construed to limit or bar the use or admissibility of any evidence or information obtained in connection with the investigation of the drug-related overdose in the investigation or prosecution of other crimes or violations which do not qualify for immunity under this section and which are committed by any person, including the overdose patient or overdose reporter. c. Preclude the investigation or prosecution of any person on the basis of evidence obtained from sources other than the specific drug-related overdose where medical assistance was provided. 2018 Acts, ch 1138, §32 Referred to in §124.401 See also §135.190

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.501 - Responsibility for enforcement.

124.501 Responsibility for enforcement. The department is primarily responsible for the enforcement of this chapter, and all other laws and regulations of this state, relating to controlled or counterfeit substances, or simulated or imitation controlled substances, except that the board is primarily responsible for making accountability audits of the supply and inventory of controlled substances in the possession of pharmacists, doctors, hospitals, and health care facilities as defined in section 135C.1, subsection 8, as well as in the possession of any and all other individuals or institutions authorized to have possession of any controlled substances, and is also primarily responsible for any other duties in respect to controlled substances as specifically delegated to the board by law. An officer or employee of the board may, when so directed or authorized by the board: 1. Execute and serve search warrants, administrative inspection warrants, subpoenas, and summonses issued under the authority of this state. 2. Make seizures of property pursuant to the provisions of this chapter. [C39, §3169.19; C46, 50, 54, 58, 62, §204.20, 204.26; C66, 71, §204.19; C73, 75, 77, 79, 81, §204.501; 82 Acts, ch 1147, §10] C93, §124.501 Referred to in §124.502

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.502 - Administrative inspections and warrants.

124.502 Administrative inspections and warrants. 1. Issuance and execution of administrative inspection warrants shall be as follows: a. A district judge or district associate judge, within the court's jurisdiction, and upon proper oath or affirmation showing probable cause, may issue warrants for the purpose of conducting administrative inspections under this chapter or a related rule. The warrant may also permit seizures of property appropriate to the inspections. For purposes of the issuance of administrative inspection warrants, probable cause exists upon showing a valid public interest in the effective enforcement of the statute or related rules, sufficient to justify administrative inspection of the area, premises, building, or conveyance in the circumstances specified in the application for the warrant. b. A warrant shall issue only upon sworn testimony of an officer or employee of the board duly designated and having knowledge of the facts alleged, before the judicial officer, establishing the grounds for issuing the warrant. If the judicial officer is satisfied that grounds for the application exist or that there is probable cause to believe they exist, the officer shall issue a warrant identifying the area, premises, building, or conveyance to be inspected, the purpose of the inspection, and, if appropriate, the type of property to be inspected, if any. c. The warrant shall: (1) State the grounds for its issuance and the name of each person whose testimony has been taken in support thereof. (2) Be directed to a person authorized by section 124.501 to execute it. (3) Command the person to whom it is directed to inspect the area, premises, building, or conveyance identified for the purpose specified and, if appropriate, direct the seizure of the property specified. (4) Identify the item or types of property to be seized, if any. (5) Direct that it be served during normal business hours, if appropriate, and designate the judge to whom it shall be returned. d. A warrant issued pursuant to this section must be executed and returned within ten days after its date unless, upon a showing of a need for additional time, the court so instructs otherwise in the warrant. If property is seized pursuant to a warrant, the person executing the warrant shall give to the person from whom the property is seized, or the person in charge of the premises from which the property is seized, a copy of the warrant and a receipt for the property seized or shall leave the copy and receipt at the place from which the property is seized. The return of the warrant shall be made promptly and shall be accompanied by a written inventory of any property seized. The inventory shall be made in the presence of the person executing the warrant and of the person from whose possession or premises the property was seized, if they are present, or in the presence of at least one credible person other than the person executing the warrant. A copy of the inventory shall be delivered to the person from whom or from whose premises the property was seized and to the applicant for the warrant. e. The judicial officer who has issued a warrant under this section shall

require that there be attached to the warrant a copy of the return, and of all papers filed in connection with the return, and shall file them with the clerk of the district court for the county in which the inspection was made. 2. The department may make administrative inspections of controlled premises in accordance with the following provisions: a. For purposes of this section only, “controlled premises” means: (1) Places where persons registered or exempted from registration requirements under this chapter are required to keep records; and (2) Places including factories, warehouse establishments, and conveyances where persons registered or exempted from registration requirements under this chapter are permitted to hold, manufacture, compound, process, sell, deliver, or otherwise dispose of any controlled substance. b. Whenever authorized by an administrative inspection warrant issued pursuant to subsection 1 of this section an officer or employee of the board, upon presenting the warrant and appropriate credentials to the owner, operator, or agent in charge, has the right to enter controlled premises for the purpose of conducting an administrative inspection. c. Whenever authorized by an administrative inspection warrant, an officer or employee of the board has the right: (1) To inspect and copy records required by this chapter to be kept; (2) To inspect, within reasonable limits and in a reasonable manner, controlled premises and all pertinent equipment, finished and unfinished material, containers and labeling found therein, and, except as provided in paragraph “e” of this subsection, all other things therein, including records, files, papers, processes, controls, and facilities bearing on violation of this chapter; and (3) To inventory any stock of any controlled substance therein and obtain samples of any such substance. d. This section shall not be construed to prevent the inspection without a warrant of books and records pursuant to a subpoena issued in accordance with section 622.65, nor shall this section be construed to prevent entries and administrative inspections, including seizures of property, without a warrant: (1) With the consent of the owner, operator, or agent in charge of the controlled premises; (2) In situations presenting imminent danger to health or safety; (3) In situations involving inspection of conveyances where there is reasonable cause to believe that the mobility of the conveyance makes it impracticable to obtain a warrant; (4) In any other exceptional or emergency circumstance where time or opportunity to apply for a warrant is lacking; and (5) In all other situations where a warrant is not constitutionally required. e. Except when the owner, operator, or agent in charge of the controlled premises so consents in writing, no inspection authorized by this section shall extend to financial data; sales data, other than shipment data; or pricing data. [C73, 75, 77, 79, 81, §204.502; 82 Acts, ch 1147, §11] 83 Acts, ch 186, §10051, 10052, 10201 C93, §124.502 99 Acts, ch 96, §10; 2009 Acts, ch 41, §183; 2017 Acts, ch 145, §16

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.503 - Injunctions.

124.503 Injunctions. 1. The district court may exercise jurisdiction to enjoin violations of this chapter. 2. In case of an alleged violation of an injunction or restraining order issued under this section, upon demand of the defendant, trial shall be by a jury. [C73, 75, 77, 79, 81, §204.503] C93, §124.503

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.504 - Cooperative arrangements and confidentiality.

124.504 Cooperative arrangements and confidentiality. 1. The department and board, subject to approval and direction of the governor, shall cooperate with federal and other state agencies in discharging its responsibilities concerning traffic in controlled substances and in suppressing the abuse of controlled substances. To this end, they may jointly: a. Arrange for the exchange of information between governmental officials concerning the use and abuse of controlled substances. b. Coordinate and cooperate in training programs on controlled substance law enforcement at the local and state levels. c. Cooperate with the bureau by establishing a centralized unit which will accept, catalogue, file, and collect statistics, including records of drug dependent persons and other controlled substance law offenders within the state, and make such information available for federal, state and local law enforcement purposes; except that they shall not furnish the name or identity of a patient or research subject whose identity could not be obtained under subsection 3. d. Conduct programs of eradication aimed at destroying wild or illicit growth of plant species from which controlled substances may be extracted. 2. Results, information, and evidence received from the bureau relating to the regulatory functions of this chapter, including results of inspections conducted by that agency may be relied upon and acted upon by the board or the department in the exercise of their regulatory functions under this chapter. 3. A practitioner engaged in medical practice or research or the Iowa substance use disorder authority or any program which is licensed by the authority shall not be required to furnish the name or identity of a patient or research subject to the board or the department, nor shall the practitioner or the authority or any program which is licensed by the authority be compelled in any state or local civil, criminal, administrative, legislative or other proceedings to furnish the name or identity of an individual that the practitioner or the authority or any of its licensed programs is obligated to keep confidential. [C73, 75, 77, 79, 81, §204.504] C93, §124.504 2023 Acts, ch 19, §72 Subsection 3 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.506 - Controlled substances — disposal.

124.506 Controlled substances — disposal. All controlled substances, the lawful possession of which is not established or the title to which cannot be ascertained, or excess or undesired controlled substances, which have come into the custody of the board, the department, or any peace officer, shall be disposed of as follows: 1. Except as otherwise provided in this section, the court having jurisdiction shall order such controlled substances forfeited and destroyed. A record of the place where the controlled substances were seized, of the kinds and quantities of controlled substances so destroyed, and of the time, place, and manner of destruction, shall be kept for not less than ten years after destruction, and a return under oath, reporting said destruction, shall be made to the

court. 2. Upon written application by the board, the court by whom the forfeiture of controlled substances has been decreed may order the delivery of any of them, except controlled substances listed in schedule I, to the board for distribution or destruction, as provided by this section. 3. Upon a request of any law enforcement agency, the court may order that a portion of a controlled substance subject to forfeiture and destruction pursuant to this section becomes the possession of the requesting law enforcement agency for the sole purpose of canine controlled substance detection training. A law enforcement agency receiving a controlled substance pursuant to this subsection shall do the following: a. Establish a policy that includes reasonable controls regarding the possession, storage, use, and destruction of the controlled substance. b. Retain a record of the following for at least ten years from the date the controlled substance is destroyed: (1) The court order granting the law enforcement agency possession of the controlled substance. (2) The name of each peace officer who takes possession of the controlled substance. (3) The time, place, and manner of the destruction of the controlled substance. 4. Upon application by any hospital within this state, not operated for private gain, the board may in its discretion deliver any controlled substances that have come into its custody by authority of this section to the applicant for medicinal use. The board may from time to time deliver excess stocks of controlled substances to the bureau for disposition, or may destroy the excess controlled substances. 5. According to an order for the disposal of a crop that does not qualify as hemp as provided in section 204.10. 6. The board shall keep a full and complete record of all controlled substances received and disposed of, showing the exact kinds, quantities, and forms of controlled substances, the persons from whom received and to whom delivered, by whose authority received, delivered, and destroyed and the dates of the receipt, disposal, or destruction, which record shall be open to inspection by all federal or state officers charged with the enforcement of federal and state laws relating to any controlled substance. [C39, §3169.14; C46, 50, 54, 58, 62, §204.15; C66, 71, §204.14; C73, 75, 77, 79, 81, §204.506] C93, §124.506 2009 Acts, ch 24, §2, 3; 2020 Acts, ch 1065, §1, 19; 2020 Acts, ch 1121, §107 – 109 Referred to in §124.506A, 809A.17

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.506A - Large seizure of a controlled substance — evidence and disposal.

124.506A Large seizure of a controlled substance — evidence and disposal. 1. a. Notwithstanding the provisions of section 124.506, if more than ten pounds of marijuana or more than one pound of any other controlled substance is seized as a result of a violation of this chapter, the law enforcement agency responsible for retaining the seized controlled substance may destroy the seized controlled substance if the law enforcement agency retains at least ten pounds of the marijuana seized or at least one pound of any other controlled substance seized for evidence purposes. b. Paragraph “a” does not apply to hemp or a hemp product excluded from schedule I of controlled substances as provided in section 124.204, subsection 7. 2. Prior to the destruction of any controlled substance under this section, the law enforcement agency shall photograph the controlled substance to be destroyed with identifying case numbers or any other case identifiers and prepare a written report detailing any relevant information about the destruction of the controlled substance. At least thirty days prior to any destruction of a controlled substance, the law enforcement agency destroying the controlled substance shall notify in writing any person arrested in connection with the seizure, the attorney of the person if represented, and any other attorney of record including the prosecuting attorney, and the law enforcement agency that made the arrest if the agency is different than the law enforcement agency responsible for retaining the seized controlled substance, that the law enforcement agency is planning to photograph and destroy part of the controlled substance seized, and any person or agency notified may be present at the photographing of the controlled substance to be destroyed. 3. Any person or agency notified about the destruction of part of the controlled substance seized, or any other interested party, may file an application with the district court resisting the destruction of any of the controlled substance. 4. A rebuttable presumption is created that the portion of any controlled substance retained for representation purposes as evidence and all photographs and records made under this section and properly identified are admissible in any court proceeding for any purpose for which the destroyed controlled substance would have been admissible. 2006 Acts, ch 1027, §1; 2006 Acts, ch 1185, §119; 2019 Acts, ch 130, §28, 33

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.507 - Burden of proof — liabilities.

124.507 Burden of proof — liabilities. 1. It is not necessary for the state to negate any exemption or exception set forth in this chapter in any complaint, information, indictment or other pleading or in any trial, hearing, or other proceeding under this chapter. The proof of entitlement to any exemption or exception by the person claiming its benefit shall be a valid defense. 2. The absence of proof that a person is the duly authorized holder of an appropriate registration or order form issued under this chapter creates a rebuttable presumption that the person is not the holder of such registration or form. 3. No liability shall be imposed by virtue of this chapter upon any authorized state, county or municipal officer, engaged in the lawful performance of the officer’s duties. [C24, 27, 31, 35, §3156; C39, §3169.18; C46, 50, 54, 58, 62, §204.19; C66, 71, §204.18; C73, 75, 77, 79, 81, §204.507] C93, §124.507

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.508 - Judicial review.

124.508 Judicial review. Judicial review of actions of board or department may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A. [C73, 75, 77, 79, 81, §204.508] C93, §124.508 2003 Acts, ch 44, §114

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.509 - Education and research.

124.509 Education and research. 1. The board and the department, subject to approval and direction of the governor, shall carry out educational programs designed to prevent and deter misuse and abuse of controlled substances. They shall consult with each other and coordinate their programs so as to avoid duplication of effort. In connection with these programs they may: a. Promote better recognition of the problems of misuse and abuse of controlled substances within the regulated industry and among interested groups and organizations; b. Assist the regulated industry and interested groups and organizations in contributing to the reduction of misuse and abuse of controlled substances; c. Consult with interested groups and organizations to aid them in solving administrative and organizational problems; d. Evaluate procedures, projects, techniques, and controls conducted or proposed as part of educational programs on misuse and abuse of controlled substances; e. Disseminate the results of research on misuse and abuse of controlled substances to promote a better public understanding of what problems exist and what can be done to combat them; and, f. Assist in the education and training of state and local law enforcement officials in their efforts to control misuse and abuse of controlled substances. 2. The board and the department, subject to approval and direction of the governor, shall encourage research on misuse and abuse of controlled substances. In connection with such research, and in furtherance of the enforcement of this chapter, they may in such manner as will best insure coordination and avoid duplication of effort: a. Establish methods to assess accurately the effects of controlled substances and identify and characterize those with potential for abuse; b. Make studies and undertake programs of research to: (1) Develop new or improved approaches, techniques, systems, equipment and devices to strengthen the enforcement of this chapter; (2) Determine patterns of misuse and abuse of controlled substances and the social effects thereof; and, (3) Improve methods for preventing, predicting, understanding and dealing with the misuse and abuse of controlled substances; and, c. Enter into contracts with public agencies, institutions of higher education, and private organizations or individuals for the purpose of conducting research, demonstrations, or special projects which bear directly on misuse and abuse of controlled substances. 3. The board or department, subject to approval and direction of the governor, may enter into contracts for educational and research activities without performance bonds. 4. The board and department, subject to approval and direction of the governor, may jointly authorize persons engaged in research on the use and effects of controlled substances to withhold the names and other identifying characteristics of individuals who are the subjects of the research. Persons who obtain this authorization shall not be compelled in any civil, criminal, administrative, legislative, or other proceeding to identify the individuals who are the subjects of research for which the authorization was obtained. 5. The board and department, subject to approval and direction of the governor, may jointly authorize the possession and distribution of controlled substances by persons engaged in research. Persons who obtain this authorization are exempt from state prosecution for possession and distribution of controlled substances to the extent of the authorization. [C73, 75, 77, 79, 81, §204.509] C93, §124.509

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.510 - Reports of arrests and analyses to department.

124.510 Reports of arrests and analyses to department. Any peace officer who arrests for any crime, any known unlawful user of the drugs described in schedule I, II, III, or IV, or who arrests any person for a violation of this chapter, or charges any person with a violation of this chapter subsequent to the person's arrest, shall within five days after the arrest or the filing of the charge, whichever is later, report the arrest and the charge filed to the department. The peace officer or any other peace officer or law enforcement agency which makes or obtains any quantitative or qualitative analysis of any substance seized in connection with the arrest of the person charged, shall report to the department the results of the analysis at the time the arrest is reported or at such later time as the results of the analysis become available. This information is for the exclusive use of the division of narcotics enforcement in the department of public safety, and shall not be a matter of public record. [C73, 75, 77, 79, 81, §204.510] C93, §124.510 2005 Acts, ch 35, §29; 2018 Acts, ch 1041, §41

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.550 - Definitions.

124.550 Definitions. For purposes of this subchapter, unless the context otherwise requires: 1. "Pharmacist" means a practicing pharmacist who is actively engaged in and responsible for the pharmaceutical care of the patient about whom information is requested. 2. "Prescribing practitioner" means a practitioner who has prescribed or is contemplating the authorization of a prescription for the patient about whom information is requested. "Prescribing practitioner" does not include a licensed veterinarian. 3. "Proactive notification" means a notification by the board, generated based on factors determined by the board and issued to a specific prescribing practitioner or pharmacist, indicating that a patient may be practitioner shopping or pharmacy shopping or at risk of abusing or misusing a controlled substance. 4. "Program" means the information program for drug prescribing and dispensing. 2016 Acts, ch 1052, §1; 2017 Acts, ch 54, §76; 2018 Acts, ch 1138, §1, 2, 17

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.551 - Information program for drug prescribing and dispensing.

124.551 Information program for drug prescribing and dispensing. 1. Contingent upon the receipt of funds pursuant to section 124.557 sufficient to carry out the purposes of this subchapter, the board, in conjunction with the advisory council created in section 124.555, shall establish and maintain an information program for drug prescribing and dispensing. 2. a. The program shall collect from pharmacies dispensing information for controlled substances identified pursuant to section 124.554, subsection 1, paragraph "g", and from first responders as defined in section 147A.1, subsection 7, with the exception of emergency medical care providers as defined in section 147A.1, subsection 4, administration information for opioid antagonists. The department of health and human

services shall provide information for the administration of opioid antagonists to the board as prescribed by rule for emergency medical care providers as defined in section 147A.1, subsection 4. The board shall adopt rules requiring the following information to be provided regarding the administration of opioid antagonists: (1) Patient identification. (2) Identification of the person administering opioid antagonists. (3) The date of administration. (4) The quantity of opioid antagonists administered. b. The information collected shall be used by prescribing practitioners, veterinarians, and pharmacists on a need-to-know basis for purposes of improving patient health care by facilitating early identification of patients who may be at risk for addiction, or who may be using, abusing, or diverting drugs for unlawful or otherwise unauthorized purposes at risk to themselves and others, or who may be appropriately using controlled substances lawfully prescribed for them but unknown to the practitioner. 3. The board shall implement technological improvements to facilitate secure access to the program through electronic health and pharmacy information systems. The board shall collect, store, and disseminate program information consistent with security criteria established by rule, including use of appropriate encryption or other industry-recognized security technology. 4. The board shall seek any federal waiver necessary to implement the provisions of the program. 2006 Acts, ch 1147, §2, 11; 2016 Acts, ch 1052, §2; 2017 Acts, ch 54, §76; 2018 Acts, ch 1138, §3; 2020 Acts, ch 1024, §1; 2023 Acts, ch 19, §73 Referred to in §22.7(51) Subsection 2, paragraph a, unnumbered paragraph 1 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.551A - Prescribing practitioner program registration.

124.551A Prescribing practitioner program registration. A prescribing practitioner shall register for the program at the same time the prescribing practitioner applies to the board to register or renews registration to prescribe controlled substances as required by the board. Once the prescribing practitioner registers for the program, the prescribing practitioner or the prescribing practitioner's designated agent shall utilize the program database prior to issuing an opioid prescription as prescribed by rules adopted by the prescribing practitioner's licensing board to assist the prescribing practitioner in determining appropriate treatment options and to improve the quality of patient care. A prescribing practitioner shall not be required to utilize the program database to assist in the treatment of a patient receiving inpatient hospice care or long-term residential facility patient care. 2018 Acts, ch 1138, §4

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.552 - Information reporting.

124.552 Information reporting. 1. Unless otherwise prohibited by federal or state law, each licensed pharmacy that dispenses controlled substances identified pursuant to section 124.554, subsection 1, paragraph "g", to patients in the state, each licensed pharmacy located in the state that dispenses such controlled substances identified pursuant to section 124.554, subsection 1, paragraph "g", to patients inside or outside the state, unless specifically excepted in this section or by rule, and each prescribing practitioner furnishing, dispensing, or supplying controlled substances to the prescribing practitioner's patient, shall submit the following prescription information to the program: a. Pharmacy identification. b. Patient identification. c. Prescribing practitioner identification. d. The date the prescription was issued by the prescribing practitioner. e. The date the prescription was dispensed. f. An indication of whether the prescription dispensed is new or a refill. g. Identification of the drug dispensed. h. Quantity of the drug dispensed. i. The number of days' supply of the drug dispensed. j. Serial or prescription number assigned by the pharmacy. k. Type of payment for the prescription. l. Other information identified by the board by rule. 2. Information shall be submitted electronically in a secure format specified by the board unless the board has granted a waiver and approved an alternate secure format. 3. Information shall be timely transmitted within one business day of the dispensing of the controlled substance, unless the board grants an extension. The board may grant an extension if either of the following occurs: a. The pharmacy or prescribing practitioner suffers a mechanical or electronic failure, or cannot meet the deadline established by the board for other reasons beyond the pharmacy's or practitioner's control. b. The board is unable to receive electronic submissions. 4. This section shall not apply to dispensing by a licensed pharmacy for the purposes of inpatient hospice care or long-term residential facility patient care. 2006 Acts, ch 1147, §3, 11; 2007 Acts, ch 126, §25, 26; 2018 Acts, ch 1138, §5

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.553 - Information access.

124.553 Information access. 1. The board may provide information from the program to the following: a. (1) A pharmacist, veterinarian, or prescribing practitioner who requests the information and certifies in a form specified by the board that it is for the purpose of providing medical or pharmaceutical care to a patient of the pharmacist, veterinarian, or prescribing practitioner. A pharmacist, veterinarian, or prescribing practitioner may delegate program information access to another authorized individual or agent only if that individual or agent registers for program information access, pursuant to board rules, as an agent of the pharmacist, veterinarian, or prescribing practitioner. Board rules shall identify the qualifications for a pharmacist's, veterinarian's, or prescribing practitioner's agent and shall limit the number of agents to whom each pharmacist, veterinarian, or prescribing practitioner may delegate program information access. (2) Notwithstanding subparagraph (1), a prescribing practitioner may delegate program information access to another licensed health care professional in emergency situations where the patient would be placed in greater jeopardy if the prescribing practitioner was required to access the information personally. b. An individual who requests the individual's own program information in accordance with the procedure established in rules of the board and advisory council adopted under section 124.554. c. Pursuant to an order, subpoena, or other means of legal compulsion for access to or release of

program information that is issued based upon a determination of probable cause in the course of a specific investigation of a specific individual. d. A prescription database or monitoring program in another jurisdiction pursuant to subsection 7. e. An institutional user established by the board to facilitate the secure access of a prescribing practitioner or pharmacist to the program through electronic health and pharmacy information systems. f. The state medical examiner or a county medical examiner as appointed pursuant to section 331.801 or 691.5 or a medical examiner investigator recognized by the office of the state medical examiner when the information requested by the examiner or investigator relates to an investigation being conducted by the examiner or investigator. g. A prescribing practitioner or pharmacist through the use of a targeted distribution of proactive notifications. h. A prescribing practitioner for the issuance of a required report pursuant to section 124.554, subsection 3. 2. The board shall maintain a record of each person that requests information from the program and of all proactive notifications distributed to prescribing practitioners and dispensing pharmacists as provided in subsection 1, paragraph “g”. Pursuant to rules adopted by the board under section 124.554, the board may use the records to document and report statistical information, and may provide program information for statistical, public research, public policy, or educational purposes, after removing personal identifying information of a patient, prescribing practitioner, dispenser, or other person who is identified in the information. 3. Information contained in the program and any information obtained from it, and information contained in the records of requests for information from the program and information distributed to prescribing practitioners and dispensing pharmacists as provided in subsection 1, paragraph “g”, is privileged and strictly confidential information. Such information is a confidential public record pursuant to section 22.7, and is not subject to discovery, subpoena, or other means of legal compulsion for release except as provided in this subchapter. Information from the program shall not be released, shared with an agency or institution, or made public except as provided in this subchapter. 4. A pharmacist or other dispenser making a report to the program reasonably and in good faith pursuant to this subchapter is immune from any liability, civil, criminal, or administrative, which might otherwise be incurred or imposed as a result of the report. 5. Nothing in this section shall require a pharmacist, veterinarian, or prescribing practitioner to obtain information about a patient from the program. A pharmacist, veterinarian, or prescribing practitioner does not have a duty and shall not be held liable in damages to any person in any civil or derivative criminal or administrative action for injury, death, or loss to person or property on the basis that the pharmacist, veterinarian, or prescribing practitioner did or did not seek or obtain or use information from the program. A pharmacist, veterinarian, or prescribing practitioner acting reasonably and in good faith is immune from any civil, criminal, or administrative liability that might otherwise be incurred or imposed for requesting or receiving or using information from the program. 6. The board shall not charge a fee to a pharmacy, pharmacist, veterinarian, or prescribing practitioner for the establishment, maintenance, or administration of the program, including costs for forms required to submit information to or access information from the program, except that the board may charge a fee to an individual who requests the individual’s own program information. A fee charged pursuant to this subsection shall not exceed the actual cost of providing the requested information and shall be considered a repayment receipt as defined in section 8.2. 7. The board may enter into an agreement with a prescription database or monitoring program operated in any state for the mutual exchange of information. Any agreement entered into pursuant to this subsection shall specify that all the information exchanged pursuant to the agreement shall be used and disseminated in accordance with the laws of this state. 2006 Acts, ch 1147, §4, 11; 2007 Acts, ch 8, §19; 2007 Acts, ch 126, §27, 28; 2011 Acts, ch 58, §1; 2014 Acts, ch 1053, §1, 2; 2016 Acts, ch 1052, §3, 4; 2017 Acts, ch 54, §76; 2017 Acts, ch 152, §1; 2017 Acts, ch 162, §3, 25; 2018 Acts, ch 1138, §6, 13, 18, 19; 2020 Acts, ch 1024, §2, 3 Referred to in §22.7(51), 124.554, 124.558

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.554 - Rules and reporting.

124.554 Rules and reporting. 1. The board and advisory council shall jointly adopt rules in accordance with chapter 17A to carry out the purposes of, and to enforce the provisions of, this subchapter. The rules shall include but not be limited to the development of procedures relating to: a. Identifying each patient about whom information is entered into the program. b. An electronic format for the submission of information from pharmacies and prescribing practitioners. c. A waiver to submit information in another format for a pharmacy or prescribing practitioner unable to submit information electronically. d. An application by a pharmacy or prescribing practitioner for an extension of time for transmitting information to the program. e. The submission by an authorized requestor of a request for information and a procedure for the verification of the identity of the requestor. f. Use by the board or advisory council of the program request records required by section 124.553, subsection 2, to document and report statistical information. g. Including all schedule II, schedule III, and schedule IV controlled substances, schedule V controlled substances including when dispensed by a pharmacist without a prescription except for sales of pseudoephedrine that are reported to the real-time electronic repository, opioid antagonists, and other prescription substances that the advisory council and board determine can be addictive or fatal if not taken under the proper care and direction of a prescribing practitioner. h. Access by a pharmacist or prescribing practitioner to information in the program pursuant to a written agreement with the board and advisory council. i. The correction or deletion of erroneous information in the program. j. The issuance annually of a prescribing practitioner activity report compiled from information from the program pursuant to subsection 3. k. The establishment of thresholds or other criteria or measures to be used in identifying an at-risk patient as provided in section 124.553, subsection 1, paragraph “g”, and the targeted distribution of proactive notifications suggesting review of the patient’s prescription history. 2. Beginning February 1, 2021, and annually by February 1 thereafter, the board and advisory council shall present to the general assembly and the governor a report prepared consistent with section 124.555, subsection 3, paragraph “d”, which shall include but not be limited to the following: a.

The cost to the state of implementing and maintaining the program. b. Information from pharmacies, prescribing practitioners, the board, the advisory council, and others regarding the benefits or detriments of the program. c. Information from pharmacies, prescribing practitioners, the board, the advisory council, and others regarding the board's effectiveness in providing information from the program. 3. a. Annually by February 1, the board shall electronically, and at as low a cost as possible, issue each prescribing practitioner who prescribed a controlled substance reported to the program as dispensed in the preceding calendar year in this state a prescribing practitioner activity report which shall include but not be limited to the following: (1) A summary of the prescribing practitioner's history of prescribing controlled substances. (2) A comparison of the prescribing practitioner's history of prescribing controlled substances with the history of other prescribing practitioners of the same profession or specialty. (3) The prescribing practitioner's history of program use. (4) General patient risk factors. (5) Educational updates. (6) Other pertinent information identified by the board and advisory council by rule. b. Information provided to a prescribing practitioner in a report required under this subsection is privileged and shall be kept confidential pursuant to section 124.553, subsection 3. 2006 Acts, ch 1147, §5, 11; 2007 Acts, ch 126, §29, 30; 2017 Acts, ch 54, §76; 2018 Acts, ch 1138, §7, 14, 15, 20; 2020 Acts, ch 1024, §4 – 6 Referred to in §124.551, 124.552, 124.553, 124.555, 124.556

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.555 - Advisory council established.

124.555 Advisory council established. An advisory council shall be established to provide oversight to the board and the program and to manage program activities. 1. The council shall consist of members appointed by the board. The members shall include at least one licensed pharmacist, one physician licensed under chapter 148, one licensed prescribing practitioner who is not a physician, and other members as determined by the board. The board shall adopt rules in accordance with chapter 17A on matters pertaining to the council membership, including the terms of appointment and quorum. The board shall solicit recommendations for council members from Iowa health professional licensing boards, associations, and societies. The license of each member appointed to and serving on the advisory council shall be current and in good standing with the professional's licensing board. 2. The council shall advance the goals of the program, which include identification of misuse and diversion of controlled substances identified pursuant to section 124.554, subsection 1, paragraph "g", and enhancement of the quality of health care delivery in this state. 3. Duties of the council shall include but not be limited to the following: a. Ensuring the confidentiality of the patient, prescribing practitioner, and dispensing pharmacist and pharmacy. b. Respecting and preserving the integrity of the patient's treatment relationship with the patient's health care providers. c. Encouraging and facilitating cooperative efforts among health care practitioners and other interested and knowledgeable persons in developing best practices for prescribing and dispensing controlled substances and in educating health care practitioners and patients regarding controlled substance use and abuse. d. Making recommendations regarding the continued benefits of maintaining the program in relationship to cost and other burdens to the patient, prescribing practitioner, pharmacist, and the board. The council's recommendations shall be included in reports required by section 124.554, subsection 2. e. Monitoring and ensuring that patient confidentiality, best interests, and civil liberties are at all times protected and preserved during the existence of the program. 4. Members of the advisory council shall be eligible to request and receive actual expenses for their duties as members of the advisory council, subject to reimbursement limits imposed by the department of administrative services, and shall also be eligible to receive a per diem compensation as provided in section 7E.6, subsection 1. 2006 Acts, ch 1147, §6, 11; 2007 Acts, ch 126, §31, 32; 2008 Acts, ch 1088, §82; 2022 Acts, ch 1049, §12 – 14 Referred to in §124.551, 124.554

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.556 - Education and treatment.

124.556 Education and treatment. The program shall include education initiatives and outreach to consumers, prescribing practitioners, and pharmacists, and shall also include assistance for identifying substance use disorder treatment programs and providers. The program shall also include educational updates and information on general patient risk factors for prescribing practitioners. The board and advisory council shall adopt rules, as provided under section 124.554, to implement this section. 2006 Acts, ch 1147, §7, 11; 2007 Acts, ch 126, §33; 2018 Acts, ch 1138, §16; 2023 Acts, ch 19, §74 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.557 - Drug information program fund — surcharge.

124.557 Drug information program fund — surcharge. The drug information program fund is established to be used by the board to fund or assist in funding the program. The board may make deposits into the fund from any source, public or private, including grants or contributions of money or other items of value, which it determines necessary to carry out the purposes of this subchapter. The board may add a surcharge of not more than twenty-five percent to the applicable fee for a registration issued pursuant to section 124.302 and the surcharge shall be deposited into the fund. Moneys received by the board to establish and maintain the program must be used for the expenses of administering this subchapter. Notwithstanding section 8.33, amounts contained in the fund that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated in future years. 2006 Acts, ch 1147, §8, 11; 2017 Acts, ch 54, §76; 2018 Acts, ch 1138, §8 Referred to in §124.308, 124.551, 155A.27

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.558 - Prohibited acts — penalties.

124.558 Prohibited acts — penalties. 1. Failure to comply with requirements. A pharmacist, pharmacy, prescribing practitioner, or agent of a pharmacist or prescribing practitioner who knowingly fails to comply with the confidentiality requirements of this subchapter or who delegates program information access to another individual except as provided in section 124.553, is subject to disciplinary action by the appropriate professional licensing board. A pharmacist, pharmacy, or prescribing practitioner that knowingly fails to comply with other requirements of this subchapter is subject to disciplinary action by the board. Each licensing board may adopt rules in accordance with chapter 17A to implement the provisions of this section. 2. Unlawful access, disclosure, or use of information. A person who intentionally or knowingly accesses, uses, or discloses program information in violation of this subchapter, unless otherwise authorized by law, is guilty of a class “D” felony. This section shall not preclude a pharmacist or prescribing practitioner who requests and receives information from the program consistent with the requirements of this chapter from otherwise lawfully providing that information to any other person for medical or pharmaceutical care purposes. 2006 Acts, ch 1147, §9, 11; 2007 Acts, ch 126, §34; 2011 Acts, ch 58, §2; 2017 Acts, ch 54, §76; 2018 Acts, ch 1138, §9

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.601 - Uniformity of interpretation.

124.601 Uniformity of interpretation. This chapter shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it. [C24, 27, 31, 35, §3167; C39, §3169.23; C46, 50, 54, 58, 62, §204.24; C66, 71, §204.22; C73, 75, 77, 79, 81, §204.601] C93, §124.601

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124 - CONTROLLED SUBSTANCES Section 124.602 - Short title.

124.602 Short title. This chapter may be cited as the “Uniform Controlled Substances Act”. [C39, §3169.24; C46, 50, 54, 58, 62, §204.25; C66, 71, §204.23; C73, 75, 77, 79, 81, §204.602] C93, §124.602

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124B - PRECURSOR SUBSTANCES Section 124B.1 - Definitions.

124B.1 Definitions. As used in this chapter, unless the context otherwise requires: 1. “Board” means the board of pharmacy. 2. “Controlled substance” means a controlled substance as defined in section 124.101. 3. “Practitioner” means a practitioner as defined in section 155A.3. 4. “Precursor substance” means a substance which may be used as a precursor in the illegal production of a controlled substance and is specified under section 124B.2. 5. “Recipient” means a person in this state who purchases, transfers, or otherwise receives a precursor substance. 6. “Vendor” means a person who manufactures, wholesales, retails, or otherwise sells, transfers, or furnishes in this state a precursor substance. 90 Acts, ch 1251, §10 C91, §204B.1 C93, §124B.1 2007 Acts, ch 10, §16

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124B - PRECURSOR SUBSTANCES Section 124B.10 - False statement — penalty.

124B.10 False statement — penalty. A person who knowingly makes a false statement in connection with any report or record required to be made under this chapter commits an aggravated misdemeanor. 90 Acts, ch 1251, §19 C91, §204B.10 C93, §124B.10

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124B - PRECURSOR SUBSTANCES Section 124B.11 - Permit requirements — penalty.

124B.11 Permit requirements — penalty. 1. A vendor or a recipient who receives a precursor substance from a source outside the state shall obtain a permit for the transaction from the board. However, a permit is not required of a vendor of a drug containing ephedrine, phenylpropanolamine, or pseudoephedrine or of a cosmetic that contains a precursor substance if the drug or cosmetic is lawfully sold, transferred, or furnished either over the counter without a prescription in accordance with chapter 126 or with a prescription pursuant to chapter 155A. 2. An application for a permit shall be filed in writing and signed by the applicant, and shall set forth the name of the applicant, the business in which the applicant is engaged, the business address of the applicant, and a full description of any precursor substance sold, transferred, or otherwise furnished or received. 3. The board may grant a permit on a form adopted by rule. A permit shall be effective for not more than one year from the date of issuance. 4. An applicant shall pay, at the time of filing an application, a permit fee determined by the board. 5. A permit granted under this chapter may be annually renewed on a date to be determined by the board pursuant to rule, upon the filing of a renewal application and the payment of a permit renewal fee. 6. Permit fees charged by the board shall not exceed the costs incurred by the board in administering this chapter. 7. Selling, transferring, or otherwise furnishing, or receiving a precursor substance without a permit obtained pursuant to this section is a serious misdemeanor. 90 Acts, ch 1251, §20 C91, §204B.11 C93, §124B.11

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124B - PRECURSOR SUBSTANCES Section 124B.12 - Permit — refusal, suspension, or revocation.

124B.12 Permit — refusal, suspension, or revocation. The board shall refuse, suspend, or revoke a permit upon finding that any of the following conditions exist: 1. The permit was obtained through fraud, misrepresentation, or deceit. 2. The permittee has violated or has permitted any employee of the permittee to violate any of the laws of this state relating to drugs, controlled substances,

cosmetics, or nonprescription drugs, or has violated this chapter, a rule adopted pursuant to this chapter, or any other rule of the board. 90 Acts, ch 1251, §21 C91, §204B.12 C93, §124B.12

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124B - PRECURSOR SUBSTANCES Section 124B.2 - Reporting required.

124B.2 Reporting required. 1. A report to the board shall be submitted in accordance with this chapter by a manufacturer, retailer, or other person who sells, transfers, or otherwise furnishes to any person in this state any of the following substances: a. Anthranilic acid, its esters, and its salts. b. Benzyl cyanide. c. Ethylamine and its salts. d. Ergonovine and its salts. e. Ergotamine and its salts. f. 3,4 - methylenedioxyphenyl-2-propanone. g. N-acetylanthranilic acid, its esters, and its salts. h. Norpseudoephedrine, its salts, optical isomers, and salts of optical isomers. i. Phenylacetic acid, its esters, and its salts. j. Piperidine and its salts. k. Methylamine and its salts. l. Propionic anhydride. m. Isosafrole. n. Safrole. o. Piperonal. p. N-methylephedrine, its salts, optical isomers, and salts of optical isomers. q. N-methylpseudoephedrine, its salts, optical isomers, and salts of optical isomers. r. Hydriodic acid. s. Benzaldehyde. t. Nitroethane. u. Gamma-Butyrolactone (also known as GBL; Dihydro-2(3H)-furanone; 1,2-Butanolide; 1,4-Butanolide; 4-Hydroxybutanoic acid lactone; or gamma-hydroxy-butyric acid lactone). v. Red phosphorus. w. White phosphorus (another name: yellow phosphorus). x. Hypophosphorous acid and its salts (including ammonium hypophosphite, calcium hypophosphite, iron hypophosphite, potassium hypophosphite, manganese hypophosphite, magnesium hypophosphite, and sodium hypophosphite). y. Iodine. z. N-phenethyl-4-piperidone (NPP). aa. Ergocristine and its salts. ab. Alpha-phenylacetoacetonitrile and its salts, optical isomers, and salts of optical isomers. Other name: APAAN. ac. N-(1-benzylpiperidin-4-yl)-N-phenylpropionamide (benzylfentanyl) and its salts. ad. N-phenylpiperidin-4-amine (4-anilinopiperidine; N-phenyl-4- piperidinamine; 4-AP), its amides, its carbamates, and its salts. ae. 3,4-MDP-2-P methyl glycidate (PMK glycidate) and its optical and geometric isomers. af. 3,4-MDP-2-P methyl glycidic acid (PMK glycidic acid) and its salts, optical and geometric isomers, and salts of isomers. ag. Alpha-phenylacetoacetamide (APAA) and its optical isomers. ah. Methyl alpha-phenylacetoacetate and its optical isomers. Other names: MAPA; methyl 3-oxo-2-phenylbutanoate. 2. The board shall administer the regulatory provisions of this chapter and may, by rule adopted pursuant to chapter 17A, add a substance to or remove a substance from the list in subsection 1. In determining whether to add or remove a substance from the list, the board shall consider the following: a. The likelihood that the substance may be used as a precursor in the illegal production of a controlled substance. b. The availability of the substance. c. The appropriateness of including the substance under this chapter or under chapter 124. d. The extent and nature of legitimate uses for the substance. 3. On or before November 1 of each year, the board shall inform the general assembly of any substances added, deleted, or changed in the list contained in this section and shall provide an explanation of any addition, deletion, or change. 90 Acts, ch 1251, §11 C91, §204B.2 C93, §124B.2 2000 Acts, ch 1140, §17, 18; 2002 Acts, ch 1108, §2, 3; 2003 Acts, ch 53, §10; 2008 Acts, ch 1010, §5; 2009 Acts, ch 36, §1; 2012 Acts, ch 1122, §6; 2018 Acts, ch 1138, §30, 31; 2021 Acts, ch 93, §35, 36, 38; 2022 Acts, ch 1049, §10, 11; 2023 Acts, ch 61, §5, 6 Referred to in §124B.1, 124B.3, 124B.6 Subsection 1, NEW paragraph ah

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124B - PRECURSOR SUBSTANCES Section 124B.3 - Identification required.

124B.3 Identification required. 1. Before selling, transferring, or otherwise furnishing any substance specified in section 124B.2 to a person in this state, a vendor shall require proper identification from the purchaser. 2. For the purposes of this section, in the case of a face-to-face purchase, “proper identification” means all of the following: a. A driver’s license containing the purchaser’s photograph and residential or mailing address, other than a post office box number, or any other official state-issued identification containing this information. b. The motor vehicle license number of the vehicle owned or operated by the purchaser. c. A letter of authorization from the person who is making the purchase. The letter shall include the person’s business license number and business address, a description as to how the substance will be used, and the purchaser’s signature. The vendor shall affix the vendor’s signature as a witness to the signature and identification of the purchaser. 3. The board shall provide by rule for the form of proper identification required for purchases which are not face to face. 4. A person who violates this section or rules adopted pursuant to this section commits a simple misdemeanor. 90 Acts, ch 1251, §12 C91, §204B.3 92 Acts, ch 1175, §27 C93, §124B.3 98 Acts, ch 1073, §9 Referred to in §124B.4, 124B.6

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124B - PRECURSOR SUBSTANCES Section 124B.4 - Vendor reporting.

124B.4 Vendor reporting. 1. At least twenty-one days prior to the delivery of a precursor substance to a recipient, the vendor shall submit a report of the transaction to the board. The report must contain the identification information specified under section 124B.3. However, if regular, repeated transactions of a particular precursor substance occur between the vendor and the recipient, the board may authorize the vendor to report the transactions monthly if either of the following conditions exists: a. A pattern of regular supply of the precursor substance exists between the vendor and the recipient. b. The recipient has established a record of lawfully using the precursor substance. 2. A vendor who does not submit a report pursuant to this section commits a serious misdemeanor. 90 Acts, ch 1251, §13 C91, §204B.4 C93, §124B.4 Referred to in §124B.6

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124B - PRECURSOR SUBSTANCES Section 124B.5 - Receipt of substance from outside the state — penalty.

124B.5 Receipt of substance from outside the state — penalty. 1. A vendor, recipient, or other person required to report pursuant to this chapter who receives a precursor substance from a source outside the state shall submit a report to the board pursuant to rules adopted by the board. 2. A person who does not submit a report required under this section commits a serious misdemeanor. 90 Acts, ch 1251, §14 C91, §204B.5 C93, §124B.5 Referred to in §124B.6

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124B - PRECURSOR SUBSTANCES Section 124B.6 - Exceptions.

124B.6 Exceptions. The requirements of sections 124B.2 through 124B.5 do not apply to any of the following: 1. A licensed pharmacist or other person authorized under chapter 155A to sell or furnish a precursor substance upon the prescription of a practitioner. 2. A practitioner who administers or furnishes a precursor substance to a patient. 3. A vendor who holds a permit issued by the board and who sells, transfers, or otherwise furnishes a precursor substance to a practitioner or a pharmacy as defined in section 155A.3. 4. A sale, transfer, furnishing, or receipt of a drug containing ephedrine, phenylpropanolamine, or pseudoephedrine or of a cosmetic containing a precursor substance if the drug or cosmetic is lawfully sold, transferred, or furnished over the counter without a prescription in accordance with chapter 126. 90 Acts, ch 1251, §15 C91, §204B.6 C93, §124B.6 Referred to in §124B.8

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124B - PRECURSOR SUBSTANCES Section 124B.7 - Reporting form.

124B.7 Reporting form. 1. The board shall adopt rules prescribing a common form for the filing of reports required under this chapter. The rules shall provide that the information which must be submitted shall include but is not limited to all of the following: a. The name of the precursor substance. b. The quantity of the precursor substance sold, transferred, or furnished. c. The date the precursor substance was sold, transferred, or furnished. d. The name and address of the recipient. e. The name and address of the vendor. 2. Reports authorized under subsection 1 may be computer-generated and submitted monthly in accordance with rules adopted by the board. 90 Acts, ch 1251, §16 C91, §204B.7 C93, §124B.7

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124B - PRECURSOR SUBSTANCES Section 124B.8 - Missing quantity — reporting.

124B.8 Missing quantity — reporting. A person who is required to report to the board pursuant to this chapter or a person listed as an exception under section 124B.6 shall report to the board either of the following occurrences within seven days of knowledge of the loss or occurrence: 1. Loss or theft of a precursor substance. 2. A difference between the amount of a precursor substance shipped and the amount of a precursor substance received. If applicable, the report shall include the name of the person who transported the precursor substance and the date of shipment. 90 Acts, ch 1251, §17 C91, §204B.8 C93, §124B.8

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124B - PRECURSOR SUBSTANCES Section 124B.9 - Sale, transfer, furnishing, or receipt for unlawful purpose — penalty.

124B.9 Sale, transfer, furnishing, or receipt for unlawful purpose — penalty. 1. A person who sells, transfers, or otherwise furnishes a precursor substance with knowledge or the intent that the recipient will use the precursor substance to unlawfully manufacture a controlled substance commits a class “C” felony. 2. A person who receives a precursor substance with the intent that the substance be used unlawfully to manufacture a controlled substance commits a class “C” felony. 90 Acts, ch 1251, §18 C91, §204B.9 C93, §124B.9 2004 Acts, ch 1057, §2 Unlawful manufacture of a controlled substance, see §124.401

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124C - CLEANUP OF CLANDESTINE LABORATORY SITES Section 124C.1 - Definitions.

124C.1 Definitions. As used in this chapter, unless the context clearly requires otherwise: 1. “Clandestine laboratory site” means a location or operation, including but not limited to buildings or vehicles equipped with glassware, heating devices, and precursors or related reagents and solvents needed to unlawfully prepare or manufacture controlled substances defined in chapter 124. 2. “Cleanup” means actions necessary to contain, collect, control, identify, analyze, disassemble, treat, remove, or otherwise disperse all substances and materials, including but not limited to those found to be hazardous waste as defined in section 455B.411 and controlled substances defined in chapter 124, including contamination caused by those chemicals or substances. 3. “Commissioner” means the commissioner of public safety. 4. “Department” means the department of public safety. 5. “Hazardous substance” means any substance or mixture of substances that presents a danger to the public health or safety and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, and other substances defined in rules adopted pursuant to section 455B.381 and controlled substances as defined in chapter 124. 6. “Person having control over a clandestine laboratory site” means a person who at any time possesses, produces, handles, stores, uses, transports, or disposes of a hazardous substance or controlled substance used or intended for use at a clandestine laboratory site. A person having control over a clandestine laboratory site does not include persons performing duties listed in section 124C.2 at the direction of the commissioner and does not include a person who is the owner of the property or a person holding a security interest in the property in or upon which the clandestine laboratory site is located unless the person knew that a clandestine laboratory existed in or upon the person’s property. 93 Acts, ch 141, §1; 2000 Acts, ch 1148, §1; 2002 Acts, ch 1119, §12, 200, 201; 2003 Acts, ch 44, §35

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124C - CLEANUP OF CLANDESTINE LABORATORY

SITES**Section 124C.2 - Powers and duties of the commissioner.**

124C.2 Powers and duties of the commissioner. 1. The commissioner or the commissioner's designee may use funds appropriated or otherwise available to the department for the following purposes: a. Administrative services for the identification, assessment, and cleanup of clandestine laboratory sites. b. Payments to other government agencies or private contractors for services consistent with the management and cleanup of a clandestine laboratory site. c. Emergency response activities involving clandestine laboratory sites, including surveillance, entry, security, cleanup, and disposal. 2. The commissioner may request the assistance of other state, federal, and local agencies as necessary. 3. The commissioner shall proceed, pursuant to this section, to collect all costs incurred in cleanup of a clandestine laboratory site from the person having control over a clandestine laboratory site. 4. The commissioner shall make all reasonable efforts to recover the full amount of moneys expended, through litigation or otherwise. Moneys recovered shall be deposited with the treasurer of state and credited to the department of public safety. 93 Acts, ch 141, §2; 2009 Acts, ch 41, §184 Referred to in §124C.1

2024 Iowa Code**Title IV - PUBLIC HEALTH****Chapter 124C - CLEANUP OF CLANDESTINE LABORATORY**
SITES**Section 124C.3 - Liability to the state.**

124C.3 Liability to the state. A person having control over a clandestine laboratory site shall be strictly liable to the state for all of the following: 1. The reasonable costs incurred by the state as a result of cleanup of the site. 2. The reasonable costs incurred by the state to evacuate people from the area threatened by the clandestine laboratory site. 3. The reasonable damages to the state for the injury to, destruction of, or loss of natural resources resulting from the clandestine laboratory site, including the costs of assessing the injury, destruction, or loss. 93 Acts, ch 141, §3 Referred to in §124C.4

2024 Iowa Code**Title IV - PUBLIC HEALTH****Chapter 124C - CLEANUP OF CLANDESTINE LABORATORY**
SITES**Section 124C.4 - Claim of state.**

124C.4 Claim of state. 1. An amount for which a person having control over a clandestine laboratory is liable to the state shall constitute a lien in favor of the state upon all property and rights to property, real and personal, belonging to that person. This lien shall attach at the time the charges set out in section 124C.3 become due and payable and shall continue for ten years from the time the lien attaches unless sooner released or otherwise discharged. The lien may be extended, within ten years from the date the lien attaches, by filing a notice with the appropriate county official of the appropriate county and from the time of filing the lien shall be extended as to the property in that county for ten years, unless sooner released or otherwise discharged, with no limit on the number of extensions. 2. In order to preserve the lien against subsequent mortgagees, purchasers, or judgment creditors for value and without notice of the lien, the commissioner shall file with the recorder of the county in which the property is located a notice of the lien. A laboratory cleanup lien shall be recorded in the index of income tax liens in the county. 3. Each notice of lien shall be endorsed with the day, hour, and minute when the notice was filed for recording and the document reference number, and the notice shall be preserved, indexed, and recorded in the manner provided for recording real estate mortgages. The lien is effective from the time of its indexing. The department shall pay recording fees as provided by section 331.604 for the recording of the lien or for its satisfaction. 4. Upon payment of a charge for which the commissioner has filed a notice of lien with a county, the commissioner shall immediately file with the county a satisfaction of the charge and the satisfaction of the charge shall be indicated on the index. 5. The attorney general, upon the request of the commissioner, shall bring an action at law or in equity, without bond, to enforce payment of any charges or penalties, and in such action the attorney general shall have the assistance of the county attorney of the county in which the action is pending. 6. The remedies available to the state in this chapter shall be cumulative and no action taken by the commissioner or attorney general shall be construed to be an election on the part of the state to pursue any remedy to the exclusion of any other remedy provided by law. 93 Acts, ch 141, §4; 2002 Acts, ch 1113, §2; 2009 Acts, ch 27, §3; 2009 Acts, ch 41, §185

2024 Iowa Code**Title IV - PUBLIC HEALTH****Chapter 124C - CLEANUP OF CLANDESTINE LABORATORY**
SITES**Section 124C.5 - Liability of state employees or persons providing cleanup assistance.**

124C.5 Liability of state employees or persons providing cleanup assistance. The state and its officers or employees are not liable for damages or injury caused by a condition at a clandestine laboratory site or resulting from action or inaction taken by any officers or employees when acting in their official capacity pursuant to this chapter, unless the damage or injury resulted from intentional wrongdoing or gross negligence. 93 Acts, ch 141, §5

2024 Iowa Code**Title IV - PUBLIC HEALTH****Chapter 124C - CLEANUP OF CLANDESTINE LABORATORY**
SITES**Section 124C.6 - Legal remedies.**

124C.6 Legal remedies. This chapter does not deny a person any legal or equitable rights, remedies, or defenses, or affect any legal relationship other than the legal relationship between the state and a person having control over a clandestine laboratory site. 93 Acts, ch 141, §6

2024 Iowa Code**Title IV - PUBLIC HEALTH****Chapter 124C - CLEANUP OF CLANDESTINE LABORATORY**
SITES**Section 124C.7 - Rulemaking authority.**

124C.7 Rulemaking authority. The department may adopt rules pursuant to chapter 17A necessary to administer this chapter. 93 Acts, ch 141, §7

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124E - MEDICAL CANNABIDIOL ACT Section 124E.1 - Short title.

124E.1 Short title. This chapter shall be known and may be cited as the “Medical Cannabidiol Act”. 2017 Acts, ch 162, §4, 25

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124E - MEDICAL CANNABIDIOL ACT Section 124E.10 - Fees.

124E.10 Fees. All fees collected by the department under this chapter shall be retained by the department for operation of the medical cannabidiol registration card program and the medical cannabidiol manufacturer and medical cannabidiol dispensary licensing programs. The moneys retained by the department shall be considered repayment receipts as defined in section 8.2 and shall be used for any of the department’s duties under this chapter, including but not limited to the addition of full-time equivalent positions for program services and investigations. Notwithstanding section 8.33, moneys retained by the department pursuant to this section shall not revert to the general fund of the state but shall remain available for expenditure only for the purposes specified in this section. 2017 Acts, ch 162, §13, 25; 2018 Acts, ch 1165, §124, 126

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124E - MEDICAL CANNABIDIOL ACT Section 124E.11 - Department duties — rules.

124E.11 Department duties — rules. 1. a. The department shall maintain a confidential file of the names of each patient to or for whom the department issues a medical cannabidiol registration card and the name of each primary caregiver to whom the department issues a medical cannabidiol registration card under section 124E.4. b. Individual names contained in the file shall be confidential and shall not be subject to disclosure, except as provided in subparagraph (1). (1) Information in the confidential file maintained pursuant to paragraph “a” may be released on an individual basis to the following persons under the following circumstances: (a) To authorized employees or agents of the department as necessary to perform the duties of the department pursuant to this chapter. (b) To authorized employees of law enforcement agencies of a state or political subdivision thereof, but only for the purpose of verifying that a person is lawfully in possession of a medical cannabidiol registration card issued pursuant to this chapter. (c) To authorized employees of a medical cannabidiol dispensary, but only for the purposes of verifying that a person is lawfully in possession of a medical cannabidiol registration card issued pursuant to this chapter and that a person has not purchased total tetrahydrocannabinol in excess of the amount authorized by this chapter. (d) To any other authorized persons recognized by the department by rule, but only for the purpose of verifying that a person is lawfully in possession of a medical cannabidiol registration card issued pursuant to this chapter. (e) To a health care practitioner for the purpose of determining whether a patient seeking a written certification pursuant to section 124E.3 has already received a written certification from another health care practitioner. (2) Release of information pursuant to subparagraph (1) shall be consistent with the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191. 2. The department shall adopt rules pursuant to chapter 17A to administer this chapter which shall include but not be limited to rules to do all of the following: a. Govern the manner in which the department shall consider applications for new and renewal medical cannabidiol registration cards. b. Ensure that the medical cannabidiol registration card program operates on a self-sustaining basis. c. Establish the form and quantity of medical cannabidiol allowed to be dispensed to a patient or primary caregiver pursuant to this chapter as appropriate to serve the medical needs of patients with debilitating medical conditions, subject to recommendation by the medical cannabidiol board and approval by the board of medicine. d. Establish requirements for the licensure of medical cannabidiol manufacturers and medical cannabidiol dispensaries and set forth procedures for medical cannabidiol manufacturers and medical cannabidiol dispensaries to obtain licenses. e. Develop a dispensing system for medical cannabidiol within this state that provides for all of the following: (1) Medical cannabidiol dispensaries within this state housed on secured grounds and operated by licensed medical cannabidiol dispensaries. (2) The dispensing of medical cannabidiol to patients and their primary caregivers to occur at locations designated by the department. f. Establish and collect annual fees from medical cannabidiol manufacturers and medical cannabidiol dispensaries to cover the costs associated with regulating and inspecting medical cannabidiol manufacturers and medical cannabidiol dispensaries. g. Specify and implement procedures that address public safety including security procedures and product quality including measures to ensure contaminant-free cultivation of medical cannabidiol, safety, and labeling. h. Establish and implement a real-time, statewide medical cannabidiol registry management sale tracking system that is available to medical cannabidiol dispensaries on a twenty-four-hour-a-day, seven-day-a-week basis for the purpose of verifying that a person is lawfully in possession of a medical cannabidiol registration card issued pursuant to this chapter and for tracking the date of the sale and quantity of medical cannabidiol purchased by a patient or a primary caregiver. i. Establish and implement a medical cannabidiol inventory and delivery tracking system to track medical cannabidiol from production by a medical cannabidiol manufacturer through dispensing at a medical cannabidiol dispensary. 2017 Acts, ch 162, §14, 25; 2020 Acts, ch 1116, §21, 22

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124E - MEDICAL CANNABIDIOL ACT Section 124E.12 - Use of medical cannabidiol — affirmative defenses.

124E.12 Use of medical cannabidiol — affirmative defenses. 1. A health care practitioner, including any authorized agent or employee thereof, shall not be subject to prosecution for the unlawful certification, possession, or administration of marijuana under

the laws of this state for activities arising directly out of or directly related to the certification or use of medical cannabidiol in the treatment of a patient diagnosed with a debilitating medical condition as authorized by this chapter. 2. A medical cannabidiol manufacturer, including any authorized agent or employee thereof, shall not be subject to prosecution for manufacturing, possessing, cultivating, harvesting, transporting, packaging, processing, or supplying medical cannabidiol pursuant to this chapter. 3. A medical cannabidiol dispensary, including any authorized agent or employee thereof, shall not be subject to prosecution for dispensing medical cannabidiol pursuant to this chapter. 4. a. In a prosecution for the unlawful possession of marijuana under the laws of this state for the possession of medical cannabidiol, including but not limited to chapters 124 and 453B, it is an affirmative and complete defense to the prosecution that the patient has been diagnosed with a debilitating medical condition, used or possessed medical cannabidiol pursuant to a certification by a health care practitioner as authorized under this chapter, and, for a patient eighteen years of age or older, is in possession of a valid medical cannabidiol registration card issued pursuant to this chapter. b. In a prosecution for the unlawful possession of marijuana under the laws of this state for the possession of medical cannabidiol, including but not limited to chapters 124 and 453B, it is an affirmative and complete defense to the prosecution that the person possessed medical cannabidiol because the person is a primary caregiver of a patient who has been diagnosed with a debilitating medical condition and is in possession of a valid medical cannabidiol registration card issued pursuant to this chapter, and where the primary caregiver's possession of the medical cannabidiol is on behalf of the patient and for the patient's use only as authorized under this chapter. c. If a patient or primary caregiver is charged with the unlawful possession of marijuana under the laws of this state for the possession of medical cannabidiol, including but not limited to chapters 124 and 453B, and is not in possession of the person's medical cannabidiol registration card, any charge or charges filed against the person for the possession of medical cannabidiol shall be dismissed by the court if the person produces to the court prior to or at the person's trial a medical cannabidiol registration card issued to that person and valid at the time the person was charged. 5. An agency of this state or a political subdivision thereof, including any law enforcement agency, shall not remove or initiate proceedings to remove a patient under the age of eighteen from the home of a parent based solely upon the parent's or patient's possession or use of medical cannabidiol as authorized under this chapter. 6. The department and any health care practitioner, including any authorized agent or employee thereof, are not subject to any civil or disciplinary penalties by the board of medicine or any business, occupational, or professional licensing board or entity, solely for activities conducted relating to a patient's possession or use of medical cannabidiol as authorized under this chapter. Nothing in this section affects a professional licensing board from taking action in response to violations of any other section of law. 7. Notwithstanding any law to the contrary, the department, the governor, or any employee of any state agency shall not be held civilly or criminally liable for any injury, loss of property, personal injury, or death caused by any act or omission while acting within the scope of office or employment as authorized under this chapter. 8. An attorney shall not be subject to disciplinary action by the Iowa supreme court or attorney disciplinary board for providing legal assistance to a patient, primary caregiver, or others based upon a patient's or primary caregiver's possession or use of medical cannabidiol as authorized under this chapter. 9. Possession of a medical cannabidiol registration card or an application for a medical cannabidiol registration card by a person entitled to possess or apply for a medical cannabidiol registration card shall not constitute probable cause or reasonable suspicion, and shall not be used to support a search of the person or property of the person possessing or applying for the medical cannabidiol registration card, or otherwise subject the person or property of the person to inspection by any governmental agency. 2017 Acts, ch 162, §15, 25; 2020 Acts, ch 1116, §23; 2021 Acts, ch 80, §63

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124E - MEDICAL CANNABIDIOL ACT Section 124E.13 - Medical cannabidiol source.

124E.13 Medical cannabidiol source. Medical cannabidiol provided exclusively pursuant to a written certification of a health care practitioner, if not legally available in this state or from any other bordering state, shall be obtained from an out-of-state source. 2017 Acts, ch 162, §16, 25

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124E - MEDICAL CANNABIDIOL ACT Section 124E.14 - Out-of-state medical cannabidiol dispensaries.

124E.14 Out-of-state medical cannabidiol dispensaries. The department shall utilize a request for proposals process to select and license by December 1, 2017, up to two out-of-state medical cannabidiol dispensaries from a bordering state to sell and dispense medical cannabidiol to a patient or primary caregiver in possession of a valid medical cannabidiol registration card issued under this chapter. 2017 Acts, ch 162, §17, 25; 2023 Acts, ch 19, §77 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124E - MEDICAL CANNABIDIOL ACT Section 124E.15 - Iowa patients and primary caregivers registering in the state of Minnesota.

124E.15 Iowa patients and primary caregivers registering in the state of Minnesota. A patient or a primary caregiver with a valid medical cannabidiol registration card issued pursuant to this chapter may register in the state of Minnesota as a visiting qualified patient or primary caregiver and may register with one or more medical cannabis manufacturers registered under the laws of Minnesota. 2017 Acts, ch 162, §18, 25

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124E - MEDICAL CANNABIDIOL ACT Section 124E.16 - Penalties.

124E.16 Penalties. 1. A person who knowingly or intentionally possesses or uses medical cannabidiol in violation of the requirements of this chapter is subject to the penalties provided under chapters 124 and 453B. 2. A medical cannabidiol manufacturer or a medical cannabidiol dispensary shall be assessed a civil penalty of up to one thousand dollars per violation for any violation of this chapter in addition to any other applicable penalties. 2017 Acts, ch 162, §19, 25

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124E - MEDICAL CANNABIDIOL ACT Section 124E.17 - Use of medical cannabidiol — smoking prohibited.

124E.17 Use of medical cannabidiol — smoking prohibited. A patient shall not consume medical cannabidiol possessed or used as authorized under this chapter by smoking medical cannabidiol. 2017 Acts, ch 162, §20, 25

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124E - MEDICAL CANNABIDIOL ACT Section 124E.18 - Reciprocity.

124E.18 Reciprocity. A valid medical cannabidiol registration card, or its equivalent, issued under the laws of another state that allows an out-of-state patient to possess or use medical cannabidiol in the jurisdiction of issuance shall have the same force and effect as a valid medical cannabidiol registration card issued pursuant to this chapter, except that an out-of-state patient in this state shall not obtain medical cannabidiol from a medical cannabidiol dispensary in this state. 2017 Acts, ch 162, §21, 25

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124E - MEDICAL CANNABIDIOL ACT Section 124E.19 - Background investigations.

124E.19 Background investigations. 1. The division of criminal investigation of the department of public safety shall conduct thorough background investigations for the purposes of licensing medical cannabidiol manufacturers and medical cannabidiol dispensaries under this chapter. The results of any background investigation conducted pursuant to this section shall be presented to the department. a. An applicant for a medical cannabidiol manufacturer license or a medical cannabidiol dispensary license and their owners, investors, and employees shall submit all required information on a form prescribed by the department of public safety. b. The department shall charge an applicant for a medical cannabidiol manufacturer license or a medical cannabidiol dispensary license a fee determined by the department of public safety and adopted by the department by rule to defray the costs associated with background investigations conducted pursuant to the requirements of this section. The fee shall be in addition to any other fees charged by the department. The fee may be retained by the department of public safety and shall be considered repayment receipts as defined in section 8.2. 2. The department shall require an applicant for a medical cannabidiol manufacturer license or a medical cannabidiol dispensary license, their owners and investors, and applicants for employment at a medical cannabidiol manufacturer or medical cannabidiol dispensary to submit fingerprints and other required identifying information to the department on a form prescribed by the department of public safety. The department shall submit the fingerprint cards and other identifying information to the division of criminal investigation of the department of public safety for submission to the federal bureau of investigation for the purpose of conducting a national criminal history record check. The department may require employees and contractors involved in carrying out a background investigation to submit fingerprints and other identifying information for the same purpose. 3. The department may enter into a chapter 28E agreement with the department of public safety to meet the requirements of this section. 4. An applicant for a medical cannabidiol manufacturer license or a medical cannabidiol dispensary license shall submit information and fees required by this section at the time of application. 5. The results of background investigations conducted pursuant to this section shall not be considered public records under chapter 22. 2018 Acts, ch 1165, §125, 126 Referred to in §124E.7, 124E.9

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124E - MEDICAL CANNABIDIOL ACT Section 124E.2 - Definitions.

124E.2 Definitions. As used in this chapter: 1. “Bordering state” means the same as defined in section 331.910. 2. “Debilitating medical condition” means any of the following: a. Cancer, if the underlying condition or treatment produces one or more of the following: (1) Severe or chronic pain. (2) Nausea or severe vomiting. (3) Cachexia or severe wasting. b. Multiple sclerosis with severe and persistent muscle spasms. c. Seizures, including those characteristic of epilepsy. d. AIDS or HIV as defined in section 141A.1. e. Crohn’s disease. f. Amyotrophic lateral sclerosis. g. Any terminal illness, with a probable life expectancy of under one year, if the illness or its treatment produces one or more of the following: (1) Severe or chronic pain. (2) Nausea or severe vomiting. (3) Cachexia or severe wasting. h. Parkinson’s disease. i. Chronic pain. j. Severe, intractable autism with self-injurious or aggressive behaviors. k. Post-traumatic stress disorder. 3. “Department” means the department of health and human services. 4. “Disqualifying felony offense” means a violation under federal or state law of a felony under federal or state law, which has as an element the possession, use, or distribution of a controlled substance, as defined in 21 U.S.C. §802(6). 5. “Employee” means a natural person who is employed in this state for wages by an employer. 6. “Employer” means a person who in this state employs for wages an employee. 7. “Health care practitioner” means an individual licensed under chapter 148 to practice medicine and surgery or osteopathic medicine and surgery, a physician assistant licensed under chapter 148C, an advanced registered nurse practitioner licensed under chapter 152, or an advanced practice registered nurse under chapter 152E, who is a patient’s primary care provider or a podiatrist licensed pursuant to chapter 149. 8. “Laboratory” means the state hygienic laboratory or any other independent medical cannabidiol testing facility accredited to standard ISO/IEC 17025 by an international organization for standards-approved accrediting body, with a controlled substance registration certificate from the United States drug enforcement administration and a

certificate of registration from the board of pharmacy. For the purposes of this chapter, an independent laboratory is a laboratory operated by an entity that has no equity ownership in a medical cannabidiol manufacturer. 9. “Marijuana” means any derivative of marijuana including but not limited to medical cannabidiol. 10. “Medical cannabidiol” means any pharmaceutical grade cannabinoid found in the plant *Cannabis sativa* L. or *Cannabis indica* or any other preparation thereof that is delivered in a form recommended by the medical cannabidiol board, approved by the board of medicine, and adopted by the department pursuant to rule. 11. “Primary caregiver” means a person who is a resident of this state or a bordering state as defined in section 331.910, including but not limited to a parent or legal guardian, at least eighteen years of age, who has been designated by a patient’s health care practitioner as a necessary caretaker taking responsibility for managing the well-being of the patient with respect to the use of medical cannabidiol pursuant to the provisions of this chapter. 12. “Total tetrahydrocannabinol” means eighty-seven and seven-tenths percent of the amount of tetrahydrocannabinolic acid plus the amount of tetrahydrocannabinol. 13. “Written certification” means a document signed by a health care practitioner, with whom the patient has established a patient-provider relationship, which states that the patient has a debilitating medical condition and identifies that condition and provides any other relevant information. 2017 Acts, ch 162, §5, 25; 2020 Acts, ch 1116, §2 – 5; 2022 Acts, ch 1021, §42; 2023 Acts, ch 19, §75 Referred to in §96.5, 124.401 Subsections 3 and 8 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124E - MEDICAL CANNABIDIOL ACT Section 124E.20 - Observational effectiveness study.

124E.20 Observational effectiveness study. The department may conduct an observational effectiveness study in cooperation with patients and health care practitioners and pursuant to rules of the department in order to study the effectiveness of medical cannabidiol in the treatment of debilitating medical conditions. 2020 Acts, ch 1116, §24

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124E - MEDICAL CANNABIDIOL ACT Section 124E.21 - Employer regulation of marijuana use.

124E.21 Employer regulation of marijuana use. 1. Nothing in this chapter shall require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, distribution, sale, or growing of marijuana in the workplace. 2. Nothing in this chapter shall prohibit an employer from implementing policies restricting the use of marijuana by employees for the purpose of promoting workplace health and safety. 3. Nothing in this chapter shall prohibit an employer from including in a contract with an employee a provision prohibiting the use of marijuana. 4. Nothing in this chapter shall prohibit an employer from establishing and enforcing a zero-tolerance drug policy or a drug-free workplace by use of a drug testing policy in accordance with section 730.5 or any other procedures provided by federal statutes, federal regulations, or orders issued pursuant to federal law. 2020 Acts, ch 1116, §25

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124E - MEDICAL CANNABIDIOL ACT Section 124E.22 - Regulation of marijuana use by government medical assistance programs, private health insurers, and other entities.

124E.22 Regulation of marijuana use by government medical assistance programs, private health insurers, and other entities. Nothing in this chapter shall require a government medical assistance program, private health insurer, workers’ compensation carrier, or self-insured employer providing workers’ compensation benefits to reimburse a person for costs associated with the medical use of marijuana. 2020 Acts, ch 1116, §26

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124E - MEDICAL CANNABIDIOL ACT Section 124E.23 - Regulation of marijuana use on property.

124E.23 Regulation of marijuana use on property. Nothing in this chapter shall require a person that owns, occupies, or controls a property to allow the use, consumption, possession, transfer, display, transportation, distribution, sale, or growing of marijuana on or in that property. 2020 Acts, ch 1116, §27

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124E - MEDICAL CANNABIDIOL ACT Section 124E.24 - Limitation of liability.

124E.24 Limitation of liability. Nothing in this chapter shall create any claim, cause of action, sanction, or penalty, for discrimination or under any other theory of liability, under chapter 216 or any other provision of law, based on an act, omission, policy, or contractual provision permissible under this chapter including but not limited to refusing to hire, discharging, disciplining, discriminating, retaliating, or otherwise taking any adverse employment action against a person with respect to hiring, tenure, or any terms, conditions, or privileges of employment. 2020 Acts, ch 1116, §28

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124E - MEDICAL CANNABIDIOL ACT Section 124E.25 - Cannabis-derived products — exemption.

124E.25 Cannabis-derived products — exemption. This chapter shall not apply to any cannabis-derived investigational product or cannabis-derived product approved as a prescription drug medication by the United States food and drug administration. 2020 Acts, ch 1116, §29

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124E - MEDICAL CANNABIDIOL ACT Section 124E.26 - Applicability.

124E.26 Applicability. The provisions of this chapter apply notwithstanding any other provision of law to the contrary. 2020 Acts, ch 1116, §30

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124E - MEDICAL CANNABIDIOL ACT Section 124E.3 - Health care practitioner certification — duties.

124E.3 Health care practitioner certification — duties. 1. Prior to a patient's submission of an application for a medical cannabidiol registration card pursuant to section 124E.4, a health care practitioner shall do all of the following: a. Determine, in the health care practitioner's medical judgment, whether the patient whom the health care practitioner has examined and treated suffers from a debilitating medical condition that qualifies for the use of medical cannabidiol under this chapter, and if so determined, provide the patient with a written certification of that diagnosis. b. Provide explanatory information as provided by the department to the patient about the therapeutic use of medical cannabidiol and the possible risks, benefits, and side effects of the proposed treatment. 2. Subsequently, the health care practitioner shall do the following: a. Determine, on an annual basis, if the patient continues to suffer from a debilitating medical condition and, if so, issue the patient a new certification of that diagnosis. b. Otherwise comply with all requirements established by the department pursuant to rule. 3. A health care practitioner may provide, but has no duty to provide, a written certification pursuant to this section. 2017 Acts, ch 162, §6, 25 Referred to in §124E.11

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124E - MEDICAL CANNABIDIOL ACT Section 124E.4 - Medical cannabidiol registration card.

124E.4 Medical cannabidiol registration card. 1. Issuance to patient. Subject to subsection 6, the department may issue a medical cannabidiol registration card to a patient who: a. Is at least eighteen years of age. b. Is a permanent resident of this state. c. Submits a written certification to the department signed by the patient's health care practitioner that the patient is suffering from a debilitating medical condition. d. Submits an application to the department, on a form created by the department, that contains all of the following: (1) The patient's full name, Iowa residence address, date of birth, and telephone number. (2) A copy of the patient's valid photo identification. (3) Full name, address, and telephone number of the patient's health care practitioner. (4) Full name, residence address, date of birth, and telephone number of each primary caregiver of the patient, if any. (5) Any other information required by rule. e. Submits a medical cannabidiol registration card fee of one hundred dollars to the department. If the patient attests to receiving social security disability benefits, supplemental security insurance payments, or being enrolled in the medical assistance program, the fee shall be twenty-five dollars. 2. Patient card contents. A medical cannabidiol registration card issued to a patient by the department pursuant to subsection 1 shall contain, at a minimum, all of the following: a. The patient's full name, Iowa residence address, and date of birth. b. The date of issuance and expiration date of the medical cannabidiol registration card. c. Any other information required by rule. 3. Issuance to primary caregiver. For a patient in a primary caregiver's care, subject to subsection 6, the department may issue a medical cannabidiol registration card to the primary caregiver who: a. Submits a written certification to the department signed by the patient's health care practitioner that the patient in the primary caregiver's care is suffering from a debilitating medical condition. b. Submits an application to the department, on a form created by the department, that contains all of the following: (1) The primary caregiver's full name, residence address, date of birth, and telephone number. (2) The patient's full name. (3) A copy of the primary caregiver's valid photo identification. (4) Full name, address, and telephone number of the patient's health care practitioner. (5) Any other information required by rule. c. Submits a medical cannabidiol registration card fee of twenty-five dollars to the department. 4. Primary caregiver card contents. A medical cannabidiol registration card issued by the department to a primary caregiver pursuant to subsection 3 shall contain, at a minimum, all of the following: a. The primary caregiver's full name, residence address, and date of birth. b. The date of issuance and expiration date of the registration card. c. The medical cannabidiol registration card number of each patient in the primary caregiver's care. If the patient in the primary caregiver's care is under the age of eighteen, the full name of the patient's parent or legal guardian. d. Any other information required by rule. 5. Expiration date of card. A medical cannabidiol registration card issued pursuant to this section shall expire one year after the date of issuance and may be renewed. 6. Federally approved clinical trials. The department shall not approve the issuance of a medical cannabidiol registration card pursuant to this section for a patient who is enrolled in a federally approved clinical trial for the treatment of a debilitating medical condition with medical cannabidiol. 2017 Acts, ch 162, §7, 25; 2019 Acts, ch 24, §17, 18; 2020 Acts, ch 1116, §6 – 16 Referred to in §124E.3, 124E.11

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124E - MEDICAL CANNABIDIOL ACT Section 124E.5 - Medical cannabidiol board — duties.

124E.5 Medical cannabidiol board — duties. 1. a. A medical cannabidiol board is created consisting of eight practitioners representing the fields of neurology, pain management, gastroenterology, oncology, psychiatry, pediatrics, family medicine, and pharmacy, and one representative from law enforcement. b. The practitioners shall be licensed in this state and nationally board-certified in their area of specialty and knowledgeable about the use of medical cannabidiol. c. Applicants for membership on the board shall submit a membership application to the department and the governor shall appoint members from the applicant pool. d. For purposes of this subsection, "representative from law enforcement" means a regularly employed member of a police force of

a city or county, including a sheriff, or of the state patrol, in this state, who is responsible for the prevention and detection of crime and the enforcement of the criminal laws of this state. 2. The medical cannabidiol board shall convene at least twice per year. 3. The duties of the medical cannabidiol board shall include but not be limited to the following: a. Accepting and reviewing petitions to add medical conditions, medical treatments, or debilitating diseases to the list of debilitating medical conditions for which the medical use of cannabidiol would be medically beneficial under this chapter. b. Making recommendations relating to the removal or addition of debilitating medical conditions to the list of allowable debilitating medical conditions for which the medical use of cannabidiol under this chapter would be medically beneficial. c. Working with the department regarding the requirements for the licensure of medical cannabidiol manufacturers and medical cannabidiol dispensaries, including licensure procedures. d. Advising the department regarding the location of medical cannabidiol manufacturers and medical cannabidiol dispensaries throughout the state. e. Making recommendations relating to the form and quantity of allowable medical uses of cannabidiol. 4. Recommendations made by the medical cannabidiol board pursuant to subsection 3, paragraphs “b” and “e”, shall be made to the board of medicine for consideration, and if approved, shall be adopted by the board of medicine by rule. 5. On or before January 1 of each year, beginning January 1, 2018, the medical cannabidiol board shall submit a report detailing the activities of the board. 6. The general assembly shall have the sole authority to revise the definition of medical cannabidiol for purposes of this chapter. 2017 Acts, ch 162, §8, 25; 2020 Acts, ch 1116, §17

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124E - MEDICAL CANNABIDIOL ACT Section 124E.6 - Medical cannabidiol manufacturer licensure.

124E.6 Medical cannabidiol manufacturer licensure. 1. a. The department shall issue a request for proposals to select and license by December 1, 2017, up to two medical cannabidiol manufacturers to manufacture and to possess, cultivate, harvest, transport, package, process, or supply medical cannabidiol within this state consistent with the provisions of this chapter. The department shall license new medical cannabidiol manufacturers or relicense the existing medical cannabidiol manufacturers by December 1 of each year. b. Information submitted during the application process shall be confidential until a medical cannabidiol manufacturer is licensed by the department unless otherwise protected from disclosure under state or federal law. 2. As a condition for licensure, a medical cannabidiol manufacturer must agree to begin supplying medical cannabidiol to medical cannabidiol dispensaries in this state no later than December 1, 2018. 3. The department shall consider the following factors in determining whether to select and license a medical cannabidiol manufacturer: a. The technical expertise of the medical cannabidiol manufacturer regarding medical cannabidiol. b. The qualifications of the medical cannabidiol manufacturer’s employees. c. The long-term financial stability of the medical cannabidiol manufacturer. d. The ability to provide appropriate security measures on the premises of the medical cannabidiol manufacturer. e. Whether the medical cannabidiol manufacturer has demonstrated an ability to meet certain medical cannabidiol production needs for medical use regarding the range of recommended dosages for each debilitating medical condition, the range of chemical compositions of any plant of the genus cannabis that will likely be medically beneficial for each of the debilitating medical conditions, and the form of the medical cannabidiol in the manner determined by the department pursuant to rule. f. The medical cannabidiol manufacturer’s projection of and ongoing assessment of fees on patients with debilitating medical conditions. 4. A medical cannabidiol manufacturer shall contract with a laboratory to perform spot-check testing of the medical cannabidiol produced by the medical cannabidiol manufacturer as provided in section 124E.7. The department shall require that the laboratory report testing results to the medical cannabidiol manufacturer and the department as determined by the department by rule. If a medical cannabidiol manufacturer contracts with a laboratory other than the state hygienic laboratory, the department shall approve the laboratory to perform testing pursuant to this chapter. 5. Each entity submitting an application for licensure as a medical cannabidiol manufacturer shall pay a nonrefundable application fee of seven thousand five hundred dollars to the department. 2017 Acts, ch 162, §9, 25; 2020 Acts, ch 1116, §18; 2023 Acts, ch 19, §76 Subsection 4 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124E - MEDICAL CANNABIDIOL ACT Section 124E.7 - Medical cannabidiol manufacturers.

124E.7 Medical cannabidiol manufacturers. 1. A medical cannabidiol manufacturer shall contract with a laboratory to perform spot-check testing of the medical cannabidiol produced by the medical cannabidiol manufacturer as to content, contamination, and consistency. The cost of all laboratory testing shall be paid by the medical cannabidiol manufacturer. 2. The operating documents of a medical cannabidiol manufacturer shall include all of the following: a. Procedures for the oversight of the medical cannabidiol manufacturer and procedures to ensure accurate recordkeeping. b. Procedures for the implementation of appropriate security measures to deter and prevent the theft of medical cannabidiol and unauthorized entrance into areas containing medical cannabidiol. 3. A medical cannabidiol manufacturer shall implement security requirements, including requirements for protection of each location by a fully operational security alarm system, facility access controls, perimeter intrusion detection systems, and a personnel identification system. 4. A medical cannabidiol manufacturer shall not share office space with, refer patients to, or have any financial relationship with a health care practitioner. 5. A medical cannabidiol manufacturer shall not permit any person to consume medical cannabidiol on the property of the medical cannabidiol manufacturer. 6. A medical cannabidiol manufacturer is subject to reasonable inspection by the department. 7. A medical cannabidiol manufacturer shall not employ a person who is under eighteen years of age or who has been convicted of a disqualifying felony offense. An employee of a medical cannabidiol manufacturer shall be subject to a background investigation conducted by the division of criminal investigation of the department of public safety and a national criminal history background check pursuant to section 124E.19. 8. A medical cannabidiol manufacturer owner shall not

have been convicted of a disqualifying felony offense and shall be subject to a background investigation conducted by the division of criminal investigation of the department of public safety and a national criminal history background check pursuant to section 124E.19. 9. A medical cannabidiol manufacturer shall not operate at the same physical location as a medical cannabidiol dispensary. 10. A medical cannabidiol manufacturer shall not operate in any location, whether for manufacturing, possessing, cultivating, harvesting, transporting, packaging, processing, or supplying, within one thousand feet of a public or private school existing before the date of the medical cannabidiol manufacturer's licensure by the department. 11. A medical cannabidiol manufacturer shall comply with reasonable restrictions set by the department relating to signage, marketing, display, and advertising of medical cannabidiol. 12. a. A medical cannabidiol manufacturer shall provide a reliable and ongoing supply of medical cannabidiol to medical cannabidiol dispensaries pursuant to this chapter. b. All manufacturing, cultivating, harvesting, packaging, and processing of medical cannabidiol shall take place in an enclosed, locked facility at a physical address provided to the department during the licensure process. c. A medical cannabidiol manufacturer shall not manufacture edible medical cannabidiol products. 2017 Acts, ch 162, §10, 25; 2018 Acts, ch 1165, §122, 126; 2020 Acts, ch 1116, §19 Referred to in §124E.6

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124E - MEDICAL CANNABIDIOL ACT Section 124E.8 - Medical cannabidiol dispensary licensure.

124E.8 Medical cannabidiol dispensary licensure. 1. a. The department shall issue a request for proposals to select and license by April 1, 2018, up to five medical cannabidiol dispensaries to dispense medical cannabidiol within this state consistent with the provisions of this chapter. The department shall license new medical cannabidiol dispensaries or relicense the existing medical cannabidiol dispensaries by December 1 of each year. b. Information submitted during the application process shall be confidential until a medical cannabidiol dispensary is licensed by the department unless otherwise protected from disclosure under state or federal law. 2. As a condition for licensure, a medical cannabidiol dispensary must agree to begin supplying medical cannabidiol to patients by December 1, 2018. 3. The department shall consider the following factors in determining whether to select and license a medical cannabidiol dispensary: a. The technical expertise of the medical cannabidiol dispensary regarding medical cannabidiol. b. The qualifications of the medical cannabidiol dispensary's employees. c. The long-term financial stability of the medical cannabidiol dispensary. d. The ability to provide appropriate security measures on the premises of the medical cannabidiol dispensary. e. The medical cannabidiol dispensary's projection and ongoing assessment of fees for the purchase of medical cannabidiol on patients with debilitating medical conditions. 4. Each entity submitting an application for licensure as a medical cannabidiol dispensary shall pay a nonrefundable application fee of five thousand dollars to the department. 2017 Acts, ch 162, §11, 25

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 124E - MEDICAL CANNABIDIOL ACT Section 124E.9 - Medical cannabidiol dispensaries.

124E.9 Medical cannabidiol dispensaries. 1. a. The medical cannabidiol dispensaries shall be located based on geographical need throughout the state to improve patient access. b. A medical cannabidiol dispensary may dispense medical cannabidiol pursuant to the provisions of this chapter but shall not dispense any medical cannabidiol in a form or quantity other than the form or quantity allowed by the department pursuant to rule. 2. The operating documents of a medical cannabidiol dispensary shall include all of the following: a. Procedures for the oversight of the medical cannabidiol dispensary and procedures to ensure accurate recordkeeping. b. Procedures for the implementation of appropriate security measures to deter and prevent the theft of medical cannabidiol and unauthorized entrance into areas containing medical cannabidiol. 3. A medical cannabidiol dispensary shall implement security requirements, including requirements for protection by a fully operational security alarm system, facility access controls, perimeter intrusion detection systems, and a personnel identification system. 4. A medical cannabidiol dispensary shall not share office space with, refer patients to, or have any financial relationship with a health care practitioner. 5. A medical cannabidiol dispensary shall not permit any person to consume medical cannabidiol on the property of the medical cannabidiol dispensary. 6. A medical cannabidiol dispensary is subject to reasonable inspection by the department. 7. A medical cannabidiol dispensary shall not employ a person who is under eighteen years of age or who has been convicted of a disqualifying felony offense. An employee of a medical cannabidiol dispensary shall be subject to a background investigation conducted by the division of criminal investigation of the department of public safety and a national criminal history background check pursuant to section 124E.19. 8. A medical cannabidiol dispensary owner shall not have been convicted of a disqualifying felony offense and shall be subject to a background investigation conducted by the division of criminal investigation of the department of public safety and a national criminal history background check pursuant to section 124E.19. 9. A medical cannabidiol dispensary shall not operate at the same physical location as a medical cannabidiol manufacturer. 10. A medical cannabidiol dispensary shall not operate in any location within one thousand feet of a public or private school existing before the date of the medical cannabidiol dispensary's licensure by the department. 11. A medical cannabidiol dispensary shall comply with reasonable restrictions set by the department relating to signage, marketing, display, and advertising of medical cannabidiol. 12. Prior to dispensing of any medical cannabidiol, a medical cannabidiol dispensary shall do all of the following: a. Verify that the medical cannabidiol dispensary has received a valid medical cannabidiol registration card from a patient or a patient's primary caregiver, if applicable. b. Assign a tracking number to any medical cannabidiol dispensed from the medical cannabidiol dispensary. c. Properly package medical cannabidiol in compliance with federal law regarding child resistant packaging and exemptions for packaging for elderly patients, and label medical cannabidiol with a list of all active ingredients and individually identifying information. 13. A medical cannabidiol dispensary shall employ a pharmacist or pharmacy technician

licensed or registered pursuant to chapter 155A for the purpose of making dosing recommendations. 14. A medical cannabidiol dispensary shall not dispense more than a combined total of four and one-half grams of total tetrahydrocannabinol to a patient and the patient's primary caregiver in a ninety-day period, except as provided in subsection 15. 15. A medical cannabidiol dispensary may dispense more than a combined total of four and one-half grams of total tetrahydrocannabinol to a patient and the patient's primary caregiver in a ninety-day period if any of the following apply: a. The health care practitioner who certified the patient to receive a medical cannabidiol registration card certifies that patient's debilitating medical condition is a terminal illness with a life expectancy of less than one year. A certification issued pursuant to this paragraph shall include a total tetrahydrocannabinol cap deemed appropriate by the patient's health care practitioner. b. The health care practitioner who certified the patient to receive a medical cannabidiol registration card certifies that the patient has participated in the medical cannabidiol program and that the health care practitioner has determined that four and one-half grams of total tetrahydrocannabinol in a ninety-day period is insufficient to treat the patient's debilitating medical condition. A certification issued pursuant to this paragraph shall include a total tetrahydrocannabinol cap deemed appropriate by the patient's health care practitioner. 2017 Acts, ch 162, §12, 25; 2018 Acts, ch 1165, §123, 126; 2020 Acts, ch 1116, §20; 2020 Acts, ch 1121, §62, 70

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.1 - Declaration of policy.

125.1 Declaration of policy. It is the policy of this state: 1. That persons with a substance use disorder be afforded the opportunity to receive quality treatment and directed into rehabilitation services which will help them resume a socially acceptable and productive role in society. 2. To encourage substance use disorder education and prevention efforts and to insure that such efforts are coordinated to provide a high quality of services without unnecessary duplication. 3. To insure that substance use disorder programs are being operated by individuals who are qualified in their field whether through formal education or through employment or personal experience. [C71, 73, §123B.2; C75, 77, 79, 81, §125.1] [A portion of subsection 1 was inadvertently omitted in the 1993 Code] 2011 Acts, ch 121, §24, 62; 2023 Acts, ch 19, §78 Referred to in §125.3, 125.7 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.10 - Duties of director.

125.10 Duties of director. The director shall: 1. Prepare and submit a state plan subject to approval by the council and in accordance with 42 U.S.C. §300x-21 et seq. The state plan shall designate the department as the sole agency for supervising the administration of the plan. 2. Develop, encourage, and foster statewide, regional, and local plans and programs for the prevention of substance use disorder and the treatment of persons with a substance use disorder in cooperation with public and private agencies, organizations, and individuals, and provide technical assistance and consultation services for these purposes. 3. Coordinate the efforts and enlist the assistance of all public and private agencies, organizations, and individuals interested in the prevention of substance use disorder and the treatment of persons with a substance use disorder. The director's actions to implement this subsection shall also address the treatment needs of persons who have a mental illness, an intellectual disability, brain injury, or other co-occurring condition in addition to a substance use disorder. 4. Cooperate with the department in establishing and conducting programs to provide treatment for persons with a substance use disorder. 5. Cooperate with the department of education, boards of education, schools, police departments, courts, and other public and private agencies, organizations, and individuals in establishing programs for the prevention of substance use disorder and the treatment of persons with a substance use disorder, and in preparing relevant curriculum materials for use at all levels of school education. 6. Prepare, publish, evaluate, and disseminate educational material dealing with the nature and effects of chemical substances. 7. Develop and implement, as an integral part of treatment programs, an educational program for use in the treatment of persons with a substance use disorder, which program shall include the dissemination of information concerning the nature and effects of substances. 8. Organize and implement, in cooperation with local treatment programs, training programs for all persons engaged in treatment of persons with a substance use disorder. 9. Sponsor and implement research in cooperation with local treatment programs into the causes and nature of substance use disorder and treatment of persons with a substance use disorder, and serve as a clearing house for information relating to substance use disorder. 10. Specify uniform methods for keeping statistical information by public and private agencies, organizations, and individuals, and collect and make available relevant statistical information, including number of persons treated, frequency of admission and readmission, and frequency and duration of treatment. 11. Develop and implement, with the counsel and approval of the council, the comprehensive plan for treatment of persons with a substance use disorder in accordance with this chapter. 12. Assist in the development of, and cooperate with, substance use disorder education and treatment programs for employees of state and local governments and businesses and industries in the state. 13. Utilize the support and assistance of interested persons in the community, particularly persons who are recovering from a substance use disorder to encourage persons with a substance use disorder to voluntarily undergo treatment. 14. Cooperate with the commissioner of public safety in establishing and conducting programs designed to deal with the problem of persons operating motor vehicles while intoxicated. 15. Encourage general hospitals and other appropriate health facilities to admit without discrimination persons with a substance use disorder and to provide them with adequate and appropriate treatment. The director may negotiate and implement contracts with hospitals and other appropriate health facilities with adequate detoxification facilities. 16. Encourage all health and disability insurance programs to include substance use disorders as covered illnesses. 17. Review all state health, welfare, education, and treatment proposals to be submitted for federal funding under federal legislation, and advise the governor on provisions to be included relating to substance use disorder

and persons with a substance use disorder. [C62, 66, §123A.5; C71, 73, §123B.17; C75, 77, §125.10, 224B.5; C79, 81, §125.10; 81 Acts, ch 58, §3] 83 Acts, ch 96, §157, 159; 90 Acts, ch 1085, §4; 2005 Acts, ch 175, §64; 2011 Acts, ch 121, §30, 62; 2012 Acts, ch 1021, §41; 2012 Acts, ch 1120, §62; 2014 Acts, ch 1092, §30, 167; 2023 Acts, ch 19, §83 Referred to in §125.3, 125.7 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.12 - Comprehensive program for treatment — regional facilities.

125.12 Comprehensive program for treatment — regional facilities. 1. The council shall review the comprehensive substance use disorder program implemented by the department for the treatment of persons with a substance use disorder and concerned family members. Subject to the review of the council, the director shall divide the state into appropriate regions for the conduct of the program and establish standards for the development of the program on the regional level. In establishing the regions, consideration shall be given to city and county lines, population concentrations, and existing substance use disorder treatment services. 2. The program of the department shall include: a. Emergency treatment provided by a facility affiliated with or part of the medical service of a general hospital. b. Inpatient treatment. c. Residential treatment. d. Outpatient and follow-up treatment and rehabilitation. e. Prevention and education. f. Assessment. g. Halfway house treatment. 3. The director shall provide for adequate and appropriate treatment for persons with a substance use disorder and concerned family members admitted under sections 125.33 and 125.34, or under section 125.75, 125.81, or 125.91. Treatment shall not be provided at a correctional institution except for inmates. A mental health professional who is employed by a treatment provider under the program may provide treatment to a person with co-occurring substance use and mental health disorders. Such treatment may also be provided by a person employed by such a treatment provider who is receiving the supervision required to meet the definition of mental health professional but has not completed the supervision component. 4. The director shall maintain, supervise and control all facilities operated by the director pursuant to this chapter. 5. All appropriate public and private resources shall be coordinated with and utilized in the program if possible. 6. The director shall prepare, publish, and distribute annually a list of all facilities. 7. The director may contract for the use of a facility if the director, pursuant to section 125.44, considers this to be an effective and economical course to follow. [C75, 77, 79, 81, §125.12; 82 Acts, ch 1212, §23] 86 Acts, ch 1001, §3; 86 Acts, ch 1245, §1129; 90 Acts, ch 1085, §5; 2005 Acts, ch 175, §65; 2011 Acts, ch 121, §31, 62; 2012 Acts, ch 1120, §63; 2017 Acts, ch 34, §2; 2023 Acts, ch 19, §84 Referred to in §125.3, 125.7, 321J.25 Subsections 1 and 3 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.13 - Programs licensed — exceptions.

125.13 Programs licensed — exceptions. 1. a. Except as provided in subsection 2, a person shall not maintain or conduct any chemical substitutes or antagonists program, residential program, or nonresidential outpatient program, the primary purpose of which is the treatment and rehabilitation of persons with a substance use disorder without having first obtained a written license for the program from the department. b. Four types of licenses may be issued by the department. A renewable license may be issued for one, two, or three years. A treatment program applying for its initial license may be issued a license for two hundred seventy days. A license issued for two hundred seventy days shall not be renewed or extended. 2. The licensing requirements of this chapter do not apply to any of the following: a. A hospital providing care or treatment to persons with a substance use disorder licensed under chapter 135B which is accredited by the joint commission on the accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, the American osteopathic association, or another recognized organization approved by the council. All survey reports from the accrediting or licensing body must be sent to the department. b. Any practitioner of medicine and surgery or osteopathic medicine and surgery, in the practitioner's private practice. However, a program shall not be exempted from licensing by the council by virtue of its utilization of the services of a medical practitioner in its operation. c. Private institutions conducted by and for persons who adhere to the faith of any well recognized church or religious denomination for the purpose of providing care, treatment, counseling, or rehabilitation to persons with a substance use disorder and who rely solely on prayer or other spiritual means for healing in the practice of religion of such church or denomination. d. A program that provides only education, prevention, referral, or post treatment services. e. Alcoholics anonymous. f. Individuals in private practice who are providing substance use disorder treatment services independent from a program that is required to be licensed under subsection 1. g. Intervention and referral programs which are financed and managed by a county or counties, are staffed by county employees, and do not receive state payments pursuant to a contract under section 125.44. h. Voluntary, nonprofit groups whose funding is provided solely from nontax sources. i. A substance use disorder treatment program not funded by the department which is accredited or licensed by the joint commission on the accreditation of health care organizations, the commission on the accreditation of rehabilitation facilities, the American osteopathic association, or another recognized organization approved by the council. All survey reports from the accrediting or licensing body must be sent to the department. j. A hospital substance use disorder treatment program that is accredited or licensed by the joint commission on the accreditation of health care organizations, the commission on the accreditation of rehabilitation facilities, the American osteopathic association, or another recognized organization approved by the council. All survey reports for the hospital substance use disorder treatment program from the accrediting or licensing body shall be sent to the department. [C75, 77, §125.14, 224B.12, 224B.13; C79, 81, §125.13; 81 Acts, ch 58, §4 – 7; 82 Acts, ch 1244, §1, 2] 86 Acts, ch 1001, §4; 89 Acts, ch 243, §2; 90 Acts, ch 1085, §6, 7; 94 Acts, ch 1068, §1; 2002 Acts, ch 1108, §4, 5; 2005 Acts, ch 175, §66; 2009 Acts, ch 41, §263; 2011 Acts, ch 121, §32, 33, 62; 2023 Acts, ch 19, §85, 86 Referred to in §125.2, 125.3, 125.7,

125.20, 125.21, 125.58, 125.59, 135H.4 Subsection 1, paragraph a amended Subsection 2, paragraphs a, b, c, f, i, and j amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.14 - Licenses — renewal — fees.

125.14 Licenses — renewal — fees. The council shall consider all cases involving initial issuance, and renewal, denial, suspension, or revocation of a license. The department shall issue a license to an applicant whom the council determines meets the licensing requirements of this chapter. Licenses shall expire no later than three years from the date of issuance and shall be renewed upon timely application made in the same manner as for initial issuance of a license unless notice of nonrenewal is given to the licensee at least thirty days prior to the expiration of the license. The department shall not charge a fee for licensing or renewal of programs contracting with the department for provision of treatment services. A fee may be charged to other licensees. [C75, 77, §224B.14, 224B.15; C79, 81, §125.14; 81 Acts, ch 58, §8] 89 Acts, ch 243, §3; 2000 Acts, ch 1140, §19; 2002 Acts, ch 1108, §6; 2005 Acts, ch 175, §67; 2023 Acts, ch 19, §87 Referred to in §125.3, 125.7 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.14A - Personnel of a licensed program admitting juveniles.

125.14A Personnel of a licensed program admitting juveniles. 1. If a person is being considered for licensure under this chapter, or for employment involving direct responsibility for a child or with access to a child when the child is alone, by a program admitting juveniles subject to licensure under this chapter, or if a person will reside in a facility utilized by such a program, and if the person has been convicted of a crime or has a record of founded child abuse, the record check evaluation system of the department and the program for an employee of the program shall perform an evaluation to determine whether the crime or founded child abuse warrants prohibition of licensure, employment, or residence in the facility. The record check evaluation system shall conduct criminal and child abuse record checks in this state and may conduct these checks in other states. The evaluation shall be performed in accordance with procedures adopted for this purpose by the department. 2. If the record check evaluation system determines that a person has committed a crime or has a record of founded child abuse and is licensed, employed by a program licensed under this chapter, or resides in a licensed facility the record check evaluation system shall notify the program that an evaluation will be conducted to determine whether prohibition of the person's licensure, employment, or residence is warranted. 3. In an evaluation, the record check evaluation system and the program for an employee of the program shall consider the nature and seriousness of the crime or founded child abuse in relation to the position sought or held, the time elapsed since the commission of the crime or founded child abuse, the circumstances under which the crime or founded child abuse was committed, the degree of rehabilitation, the likelihood that the person will commit the crime or founded child abuse again, and the number of crimes or founded child abuses committed by the person involved. The record check evaluation system may permit a person who is evaluated to be licensed, employed, or to reside, or to continue to be licensed, employed, or to reside in a program, if the person complies with the record check evaluation system's conditions relating to the person's licensure, employment, or residence, which may include completion of additional training. For an employee of a licensee, these conditional requirements shall be developed with the licensee. The record check evaluation system has final authority in determining whether prohibition of the person's licensure, employment, or residence is warranted and in developing any conditional requirements under this subsection. 4. If the record check evaluation system determines that the person has committed a crime or has a record of founded child abuse which warrants prohibition of licensure, employment, or residence, the person shall not be licensed under this chapter to operate a program admitting juveniles and shall not be employed by a program or reside in a facility admitting juveniles licensed under this chapter. 5. In addition to the record checks required under this section, the record check evaluation system may conduct dependent adult abuse record checks in this state and may conduct these checks in other states, on a random basis. The provisions of this section, relative to an evaluation following a determination that a person has been convicted of a crime or has a record of founded child abuse, shall also apply to a random check conducted under this subsection. 6. A program or facility shall inform all new applicants for employment of the possibility of the performance of a record check and shall obtain, from the applicant, a signed acknowledgment of the receipt of the information. 7. A program or facility shall include the following inquiry in an application for employment: Do you have a record of founded child or dependent adult abuse or have you ever been convicted of a crime, in this state or any other state? 90 Acts, ch 1221, §1; 91 Acts, ch 138, §1; 92 Acts, ch 1163, §33; 94 Acts, ch 1130, §11; 2023 Acts, ch 19, §88 Referred to in §125.3, 125.7 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.15 - Inspections.

125.15 Inspections. The department may inspect the facilities and review the procedures utilized by any chemical substitutes or antagonists program, residential program, or nonresidential outpatient program that has as a primary purpose the treatment and rehabilitation of persons with a substance use disorder, for the purpose of ensuring compliance with this chapter and the rules adopted pursuant to this chapter. The examination and review may include case record audits and interviews with staff and patients, consistent with the confidentiality safeguards of state and federal law. [C75, 77, §224B.16; C79, 81, §125.15] 86 Acts, ch 1245, §1130; 2000 Acts, ch 1140, §20; 2011 Acts, ch 121, §34, 62; 2023 Acts, ch 19, §89 Referred to in §125.3, 125.7 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.15A - Licensure — emergencies.

125.15A Licensure — emergencies. 1. The department may place an employee or agent to serve as a monitor in a licensed substance use disorder treatment program or may petition the court for appointment of a receiver for a program when any of the following conditions exist: a. The program is operating without a license. b. The council has suspended, revoked, or refused to renew the existing license of the program. c. The program is closing or has informed the department that it intends to close and adequate arrangements for the location of clients have not been made at least thirty days before the closing. d. The department determines that an emergency exists, whether or not it has initiated revocation or nonrenewal procedures, and because of the unwillingness or inability of the licensee to remedy the emergency, the department determines that a monitor or receiver is necessary. As used in this paragraph, “emergency” means a threat to the health, safety, or welfare of a client that the program is unwilling or unable to correct. 2. The monitor shall observe operation of the program, assist the program with advice regarding compliance with state regulations, and report periodically to the department on the operation of the program. 93 Acts, ch 139, §1; 2005 Acts, ch 175, §68; 2023 Acts, ch 19, §90, 91 Referred to in §125.3, 125.7 Subsection 1, unnumbered paragraph 1 amended Subsection 1, paragraph b amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.16 - Transfer of license or change of location prohibited.

125.16 Transfer of license or change of location prohibited. A license issued under this chapter may not be transferred, and the location of the physical facilities occupied or utilized by any program licensed under this chapter shall not be changed without the prior written consent of the council. [C75, 77, §224B.17; C79, 81, §125.16] 2005 Acts, ch 175, §69; 2023 Acts, ch 19, §92 Referred to in §125.3, 125.7 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.17 - License suspension or revocation.

125.17 License suspension or revocation. Violation of any of the requirements or restrictions of this chapter or of any of the rules adopted pursuant to this chapter is cause for suspension, revocation, or refusal to renew a license. The director shall at the earliest time feasible notify a licensee whose license the council is considering suspending or revoking and shall inform the licensee what changes must be made in the licensee’s operation to avoid such action. The licensee shall be given a reasonable time for compliance, as determined by the director, after receiving such notice or a notice that the council does not intend to renew the license. When the licensee believes compliance has been achieved, or if the licensee considers the proposed suspension, revocation, or refusal to renew unjustified, the licensee may submit pertinent information to the council and the council shall expeditiously make a decision in the matter and notify the licensee of the decision. [C75, 77, §224B.18; C79, 81, §125.17] 2005 Acts, ch 175, §70; 2023 Acts, ch 19, §93 Referred to in §125.3, 125.7 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.18 - Hearing before council.

125.18 Hearing before council. If a licensee under this chapter makes a written request for a hearing within thirty days of suspension, revocation, or refusal to renew a license, a hearing before the council shall be expeditiously arranged by the department of inspections, appeals, and licensing whose decision is subject to review by the council. The council shall issue a written statement of the council’s findings within thirty days after conclusion of the hearing upholding or reversing the proposed suspension, revocation, or refusal to renew a license. Action involving suspension, revocation, or refusal to renew a license shall not be taken by the council unless a quorum is present at the meeting. A copy of the council’s decision shall be promptly transmitted to the affected licensee who may, if aggrieved by the decision, seek judicial review of the actions of the council in accordance with the terms of chapter 17A. [C75, 77, §224B.19; C79, 81, §125.18] 86 Acts, ch 1245, §1131; 2005 Acts, ch 175, §71; 2023 Acts, ch 19, §94, 1879 Referred to in §125.3, 125.7 See Code editor’s note on simple harmonization at the beginning of this Code volume Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.19 - Reissuance or reinstatement.

125.19 Reissuance or reinstatement. After suspension, revocation, or refusal to renew a license pursuant to this chapter, the affected licensee shall not have the license reissued or reinstated within one year of the effective date of the suspension, revocation, or expiration upon refusal to renew, unless the council orders otherwise. After that time, proof of compliance with the requirements and restrictions of this chapter and the rules adopted pursuant to this chapter must be presented to the council prior to reinstatement or reissuance of a license. [C75, 77, §224B.20; C79, 81, §125.19] 2005 Acts, ch 175, §72; 2023 Acts, ch 19, §95 Referred to in §125.3, 125.7 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.2 - Definitions.

125.2 Definitions. For purposes of this chapter, unless the context clearly indicates otherwise: 1. “Chemical substance” means alcohol, wine, spirits, and beer as defined in chapter 123 and controlled substances as defined in section 124.101. 2. “Chief medical officer” means the medical director in charge of a public or private hospital, or the director’s physician-designee. This chapter does not negate the authority otherwise reposed by chapter 226 in the respective superintendents of the state mental health institutes to make decisions regarding the appropriateness of admissions or discharges of patients of those institutes, however, it is the intent of

this chapter that a superintendent who is not a licensed physician shall be guided in these decisions by the chief medical officer of the institute. 3. “Clerk” means the clerk of the district court. 4. “Council” means the council on health and human services. 5. “County of residence” means the same as defined in section 225C.61. 6. “Department” means the department of health and human services. 7. “Director” means the director of health and human services. 8. “Facility” means an institution, a detoxification center, or an installation providing care, maintenance and treatment for persons with a substance use disorder licensed by the department under section 125.13, hospitals licensed under chapter 135B, or the state mental health institutes designated by chapter 226. 9. “Incapacitated by a chemical substance” means that a person, as a result of the use of a chemical substance, is unconscious or has the person’s judgment otherwise so impaired that the person is incapable of realizing and making a rational decision with respect to the need for treatment. 10. “Incompetent person” means a person who has been adjudged incompetent by a court of law. 11. “Interested person” means a person who, in the discretion of the court, is legitimately concerned that a respondent receive substance use disorder treatment services. 12. “Magistrate” means the same as defined in section 801.4, subsection 10. 13. “Mental health professional” means the same as defined in section 228.1. 14. “Psychiatric advanced registered nurse practitioner” means an individual currently licensed as a registered nurse under chapter 152 or 152E who holds a national certification in psychiatric mental health care and who is licensed by the board of nursing as an advanced registered nurse practitioner. 15. “Respondent” means a person against whom an application is filed under section 125.75. 16. “Substance use disorder” means a diagnosable substance use disorder of sufficient duration to meet diagnostic criteria specified within the most current diagnostic and statistical manual of mental disorders published by the American psychiatric association that results in a functional impairment. [C62, 66, §123A.1; C71, 73, §123A.1, 123B.1; C75, 77, §125.2; C79, 81, §125.2, 229.50; 81 Acts, ch 58, §1; 82 Acts, ch 1212, §1] 86 Acts, ch 1245, §1122; 89 Acts, ch 197, §21; 90 Acts, ch 1085, §1, 2; 2005 Acts, ch 175, §59, 60; 2008 Acts, ch 1082, §1; 2011 Acts, ch 121, §25 – 28, 62; 2012 Acts, ch 1021, §40; 2015 Acts, ch 56, §1; 2017 Acts, ch 34, §1; 2018 Acts, ch 1137, §21, 22; 2022 Acts, ch 1071, §2; 2023 Acts, ch 19, §79 Referred to in §125.3, 125.7, 125.44, 125.75, 228.1, 229.6, 282.19, 321J.24, 321J.25, 600A.8, 709.16 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.20 - Rules.

125.20 Rules. The department shall establish rules pursuant to chapter 17A requiring facilities to use reasonable accounting and reimbursement systems which recognize relevant cost-related factors for patients with a substance use disorder. A facility shall not be licensed nor shall any payment be made under this chapter to a facility which fails to comply with those rules or which does not permit inspection by the department or examination of all records, including financial records, methods of administration, general and special dietary programs, the disbursement of drugs and methods of supply, and any other records the department deems relevant to the establishment of such a system. However, rules issued pursuant to this paragraph shall not apply to any facility referred to in section 125.13, subsection 2 or section 125.43. [C77, §125.13(8); C79, 81, §125.20] 86 Acts, ch 1245, §1132; 2023 Acts, ch 19, §96 Referred to in §125.3, 125.7 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.21 - Chemical substitutes and antagonists programs.

125.21 Chemical substitutes and antagonists programs. 1. The council has exclusive power in this state to approve and license chemical substitutes and antagonists programs, and to monitor chemical substitutes and antagonists programs to ensure that the programs are operating within the rules adopted pursuant to this chapter. The council shall grant approval and license if the requirements of the rules are met and state funding is not requested. The chemical substitutes and antagonists programs conducted by persons exempt from the licensing requirements of this chapter pursuant to section 125.13, subsection 2, are subject to approval and licensure under this section. 2. The department may do any of the following: a. Provide advice, consultation, and technical assistance to chemical substitutes and antagonists programs. b. Approve local agencies or bodies to assist the department in carrying out the provisions of this chapter. [C75, 77, §224B.21; C79, 81, §125.21; 81 Acts, ch 58, §9] 87 Acts, ch 32, §1; 97 Acts, ch 203, §12; 2005 Acts, ch 175, §73; 2023 Acts, ch 19, §97 Referred to in §125.3, 125.7 Subsection 1 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.25 - Approval of facility budget.

125.25 Approval of facility budget. 1. Before making any allocation of funds to a local substance use disorder program, the department shall require a detailed line item budget clearly indicating the funds received from each revenue source for the fiscal year for which the funds are requested on forms provided by the department for each program. 2. The department shall adopt rules governing the approval of line item budgets for the operation of facilities. The rules shall include provisions for the approval of a facility’s budget by the department. [C79, 81, §125.25] 86 Acts, ch 1001, §5; 86 Acts, ch 1245, §1133; 2023 Acts, ch 19, §98 Referred to in §125.3, 125.7 Subsection 1 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.3 - Substance use disorder program established.

125.3 Substance use disorder program established. The department shall develop, implement, and administer a comprehensive substance use disorder program pursuant to sections 125.1 and 125.2, this section, and sections 125.7, 125.9, 125.10, 125.12 through

125.21, 125.25, 125.32 through 125.34, and 125.37 through 125.43. [C62, 66, 71, 73, §123A.2; C75, 77, 79, 81, §125.3; 81 Acts, ch 58, §2] 86 Acts, ch 1245, §1123; 2005 Acts, ch 175, §61; 2021 Acts, ch 80, §64; 2023 Acts, ch 19, §80 Referred to in §125.7
Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.32 - Acceptance for treatment — rules.

125.32 Acceptance for treatment — rules. The department shall adopt and may amend and repeal rules for acceptance of persons into the treatment program, subject to chapter 17A, considering available treatment resources and facilities, for the purpose of early and effective treatment of persons with a substance use disorder and concerned family members. In establishing the rules the department shall be guided by the following standards: 1. If possible a patient shall be treated on a voluntary rather than an involuntary basis. 2. A patient shall be initially assigned or transferred to outpatient treatment, unless the patient is found to require inpatient, residential, or halfway house treatment. 3. A person shall not be denied treatment solely because the person has withdrawn from treatment against medical advice on a prior occasion or because the person has relapsed after earlier treatment. 4. An individualized treatment plan shall be prepared and maintained on a current basis for each patient after the assessment process. 5. Provision shall be made for a continuum of coordinated treatment services, so that a person who leaves a facility or a form of treatment will have available and may utilize other appropriate treatment. [C75, 77, §125.15; C79, 81, §125.32] 86 Acts, ch 1001, §6; 86 Acts, ch 1245, §1134; 90 Acts, ch 1085, §8; 2011 Acts, ch 121, §35, 62; 2023 Acts, ch 19, §99 Referred to in §125.3, 125.7
Unnumbered paragraph 1 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.32A - Discrimination prohibited.

125.32A Discrimination prohibited. Any substance use disorder treatment program receiving state funding under this chapter or any other chapter of the Code shall not discriminate against a person seeking treatment solely because the person is pregnant, unless the program in each instance identifies and refers the person to an alternative and acceptable treatment program for the person. 90 Acts, ch 1264, §33; 2023 Acts, ch 19, §100 Referred to in §125.3, 125.7
Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.33 - Voluntary treatment of persons with a substance use disorder.

125.33 Voluntary treatment of persons with a substance use disorder. 1. A person with a substance use disorder may apply for voluntary treatment or rehabilitation services directly to a facility or to a licensed physician and surgeon or osteopathic physician and surgeon or to a mental health professional. If the proposed patient is a minor or an incompetent person, a parent, a legal guardian, or other legal representative may make the application. The licensed physician and surgeon or osteopathic physician and surgeon, mental health professional, or any employee or person acting under the direction or supervision of the physician and surgeon or osteopathic physician and surgeon, mental health professional, or facility shall not report or disclose the name of the person or the fact that treatment was requested or has been undertaken to any law enforcement officer or law enforcement agency; nor shall such information be admissible as evidence in any court, grand jury, or administrative proceeding unless authorized by the person seeking treatment. If the person seeking such treatment or rehabilitation is a minor who has personally made application for treatment, the fact that the minor sought treatment or rehabilitation or is receiving treatment or rehabilitation services shall not be reported or disclosed to the parents or legal guardian of such minor without the minor's consent, and the minor may give legal consent to receive such treatment and rehabilitation. 2. Subject to rules adopted by the department, the administrator or the administrator's designee in charge of a facility may determine who shall be admitted for treatment or rehabilitation. If a person is refused admission, the administrator or the administrator's designee, subject to rules adopted by the department, shall refer the person to another facility for treatment if possible and appropriate. 3. A person with a substance use disorder seeking treatment or rehabilitation and who is either addicted to or dependent on a chemical substance may first be examined and evaluated by a licensed physician and surgeon or osteopathic physician and surgeon or a mental health professional who may prescribe, if authorized or licensed to do so, a proper course of treatment and medication, if needed. The licensed physician and surgeon or osteopathic physician and surgeon or mental health professional may further prescribe a course of treatment or rehabilitation and authorize another licensed physician and surgeon or osteopathic physician and surgeon, mental health professional, or facility to provide the prescribed treatment or rehabilitation services. Treatment or rehabilitation services may be provided to a person individually or in a group. A facility providing or engaging in treatment or rehabilitation shall not report or disclose to a law enforcement officer or law enforcement agency the name of any person receiving or engaged in the treatment or rehabilitation; nor shall a person receiving or participating in treatment or rehabilitation report or disclose the name of any other person engaged in or receiving treatment or rehabilitation or that the program is in existence, to a law enforcement officer or law enforcement agency. Such information shall not be admitted in evidence in any court, grand jury, or administrative proceeding. However, a person engaged in or receiving treatment or rehabilitation may authorize the disclosure of the person's name and individual participation. 4. If a patient receiving inpatient or residential care leaves a facility, the patient shall be encouraged to consent to appropriate outpatient or halfway house treatment. If it appears to the administrator in charge of the facility that the patient is a person with a substance use disorder who requires help, the director may arrange for assistance in obtaining supportive services. 5. If a patient leaves a facility, with or against the advice of the administrator in charge of the facility, the director may make reasonable provisions for the patient's transportation

to another facility or to the patient's home. If the patient has no home the patient shall be assisted in obtaining shelter. If the patient is a minor or an incompetent person, the request for discharge from an inpatient facility shall be made by a parent, legal guardian, or other legal representative, or by the minor or incompetent person if the patient was the original applicant. 6. Any person who reports or discloses the name of a person receiving treatment or rehabilitation services to a law enforcement officer or law enforcement agency or any person receiving treatment or rehabilitation services who discloses the name of any other person receiving treatment or rehabilitation services without the written consent of the person in violation of the provisions of this section shall upon conviction be guilty of a simple misdemeanor. [C71, 73, §224A.2, 224A.3; C75, 77, §125.16, 224A.2, 224A.3; C79, 81, §125.33] 86 Acts, ch 1001, §7; 86 Acts, ch 1245, §1135; 90 Acts, ch 1085, §9; 2011 Acts, ch 121, §36, 62; 2017 Acts, ch 34, §3; 2021 Acts, ch 76, §27; 2023 Acts, ch 19, §101 Referred to in §125.3, 125.7, 125.12, 230.20, 321J.3, 331.910 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.34 - Treatment and services for persons with a substance use disorder due to intoxication and substance-induced incapacitation.

125.34 Treatment and services for persons with a substance use disorder due to intoxication and substance-induced incapacitation. 1. A person with a substance use disorder due to intoxication or substance-induced incapacitation may come voluntarily to a facility for emergency treatment. A person who appears to be intoxicated or incapacitated by a substance in a public place and in need of help may be taken to a facility by a peace officer under section 125.91. If the person refuses the proffered help, the person may be arrested and charged with intoxication under section 123.46, if applicable. 2. If no facility is readily available the person may be taken to an emergency medical service customarily used for incapacitated persons. The peace officer in detaining the person and in taking the person to a facility shall make every reasonable effort to protect the person's health and safety. In detaining the person the detaining officer may take reasonable steps for self-protection. Detaining a person under section 125.91 is not an arrest and no entry or other record shall be made to indicate that the person who is detained has been arrested or charged with a crime. 3. A person who arrives at a facility and voluntarily submits to examination shall be examined by a licensed physician and surgeon or osteopathic physician and surgeon or mental health professional as soon as possible after the person arrives at the facility. The person may then be admitted as a patient or referred to another health facility. The referring facility shall arrange for transportation. 4. If a person is voluntarily admitted to a facility, the person's family or next of kin shall be notified as promptly as possible. If an adult patient who is not incapacitated requests that there be no notification, the request shall be respected. 5. A peace officer who acts in compliance with this section is acting in the course of the officer's official duty and is not criminally or civilly liable for such acts, unless such acts constitute willful malice or abuse. 6. If the physician and surgeon or osteopathic physician and surgeon in charge of the facility determines it is for the patient's benefit, the patient shall be encouraged to agree to further diagnosis and appropriate voluntary treatment. 7. A licensed physician and surgeon or osteopathic physician and surgeon, mental health professional, facility administrator, or an employee or a person acting as or on behalf of the facility administrator, is not criminally or civilly liable for acts in conformity with this chapter, unless the acts constitute willful malice or abuse. [C75, 77, §125.17; C79, 81, §125.34; 82 Acts, ch 1212, §24] 86 Acts, ch 1001, §8; 2011 Acts, ch 121, §37, 62; 2017 Acts, ch 34, §4; 2018 Acts, ch 1026, §40; 2023 Acts, ch 19, §102 Referred to in §125.3, 125.7, 125.12, 230.20 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.37 - Records confidential.

125.37 Records confidential. 1. The registration and other records of facilities shall remain confidential and are privileged to the patient. 2. Notwithstanding subsection 1, the director may make available information from patients' records for purposes of research into the causes and treatment of substance use disorder. Information under this subsection shall not be published in a way that discloses patients' names or other identifying information. 3. Notwithstanding the provisions of subsection 1, a patient's records may be disclosed only under any of the following circumstances: a. To medical personnel in a medical emergency with or without the patient's consent. b. For purposes of care coordination as defined in section 135D.2 if not otherwise restricted by federal law or regulation. [C75, 77, §125.20, 224B.23; C79, 81, §125.37] 2016 Acts, ch 1055, §1, 3, 4, 6; 2023 Acts, ch 19, §103 Referred to in §125.3, 125.7, 125.93 Subsection 2 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.38 - Rights and privileges of patients.

125.38 Rights and privileges of patients. 1. Subject to reasonable rules regarding hours of visitation which the department may adopt, a patient in a facility shall be granted an opportunity for adequate consultation with counsel, and for continuing contact with family and friends consistent with an effective treatment program, provided that such consultation and contact may be provided telephonically or electronically. 2. Neither mail nor other communication to or from a patient in a facility may be intercepted, read, or censored, except that the department may adopt reasonable rules regarding the use of telephones by patients in facilities and the delivery of chemical substances. 3. The patient shall be provided an opportunity to receive prompt evaluation, emergency services, and care as indicated by sound medical practice and treatment which, in the judgment of the chief medical officer of a facility, is most likely to result in the individual's recovery or in the mitigation of the individual's condition to an extent sufficient to permit the individual's discharge from the facility. [C75, 77, §125.21; C79, 81, §125.38] 86 Acts, ch 1245, §1136; 2020 Acts, ch 1103, §36, 51 Referred to in §125.3, 125.7 Section not amended; editorial changes applied

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.39 - Eligible entities.

125.39 Eligible entities. A local governmental unit which is providing funds to a facility for treatment of substance use disorder may request from the facility a treatment program plan prior to authorizing payment of any claims filed by the facility. The governing body of the local governmental unit may review the plan, but shall not impose on the facility any requirement conflicting with the comprehensive treatment program of the facility. [C77, §125.22; C79, 81, §125.39] 86 Acts, ch 1001, §9; 88 Acts, ch 1158, §31; 99 Acts, ch 141, §1; 2023 Acts, ch 19, §104 Referred to in §125.3, 125.7 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.40 - Criminal laws limitations.

125.40 Criminal laws limitations. 1. No county or city may adopt or enforce a local law, ordinance, resolution or rule having the force of law in contravention of the provisions of this chapter. 2. No county or city may interpret or apply any law of general application to circumvent the provision of subsection 1. 3. Nothing in this chapter affects any law, ordinance, resolution or rule against drunken driving, driving under the influence of alcohol or other chemical substance, or other similar offense involving the operation of a vehicle, aircraft, boat, machinery or other equipment, or regarding the sale, purchase, dispensing, possessing or use of alcoholic beverages or beer at stated times and places or by a particular class of persons or regarding the sale, purchase, possession or use of another chemical substance. [C75, 77, §125.23; C79, 81, §125.40] Referred to in §125.3, 125.7, 331.382

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.41 - Judicial review.

125.41 Judicial review. Judicial review of the orders or actions of the director may be sought in accordance with the provisions of the Iowa administrative procedure Act, chapter 17A. [C75, 77, §125.24; C79, 81, §125.41] 2003 Acts, ch 44, §114 Referred to in §125.3, 125.7

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.42 - Appeals.

125.42 Appeals. An aggrieved party may obtain a review of any final judgment of the court by appeal to the supreme court. The appeal shall be taken as in other civil cases. [C75, 77, §125.25; C79, 81, §125.42] Referred to in §125.3, 125.7

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.43 - Funding at mental health institutes.

125.43 Funding at mental health institutes. Chapter 230 governs the determination of the costs and payment for treatment provided to persons with a substance use disorder in a mental health institute under the department, except that the charges are not a lien on real estate owned by persons legally liable for support of the person with a substance use disorder and the daily per diem shall be billed at twenty-five percent. The superintendent of a state mental health institute shall total only those expenditures which can be attributed to the cost of providing inpatient treatment to persons with a substance use disorder for purposes of determining the daily per diem. Section 125.44 governs the determination of who is legally liable for the cost of care, maintenance, and treatment of a person with a substance use disorder and of the amount for which the person is liable. [C75, 77, §125.26; C79, 81, §125.43] 83 Acts, ch 96, §157, 159; 84 Acts, ch 1067, §21; 86 Acts, ch 1001, §10; 90 Acts, ch 1085, §10; 2011 Acts, ch 121, §38, 62; 2023 Acts, ch 19, §105 Referred to in §125.3, 125.7, 125.20 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.43A - Prescreening — exception.

125.43A Prescreening — exception. Except in cases of medical emergency or court-ordered admissions, a person shall be admitted to a state mental health institute for treatment of a substance use disorder only after a preliminary intake and assessment by a department-licensed treatment facility or a hospital providing care or treatment for persons with a substance use disorder licensed under chapter 135B and accredited by the joint commission on the accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, the American osteopathic association, or another recognized organization approved by the council, or by a designee of a department-licensed treatment facility or a hospital other than a state mental health institute, which confirms that the admission is appropriate to the person's substance use disorder service needs. A county board of supervisors may seek an admission of a patient to a state mental health institute who has not been confirmed for appropriate admission and the county shall be responsible for one hundred percent of the cost of treatment and services of the patient. 86 Acts, ch 1001, §11; 92 Acts, ch 1097, §1; 2005 Acts, ch 175, §74; 2011 Acts, ch 121, §39, 62; 2012 Acts, ch 1021, §42; 2023 Acts, ch 19, §106 Referred to in §125.44 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.44 - Agreements with facilities — liability for costs.

125.44 Agreements with facilities — liability for costs. 1. The director may, consistent with the comprehensive substance use disorder program, enter into written agreements with a facility as defined in section 125.2 to pay for one hundred percent of the cost

of the care, maintenance, and treatment of persons with a substance use disorder, except when section 125.43A applies. All payments for state patients shall be made in accordance with the limitations of this section. Such contracts shall be for a period of no more than one year. 2. The contract may be in the form and contain provisions as agreed upon by the parties. The contract shall provide that the facility shall admit and treat persons with a substance use disorder regardless of where they have residence. If one payment for care, maintenance, and treatment is not made by the patient or those legally liable for the patient, the payment shall be made by the department directly to the facility. Payments shall be made each month and shall be based upon the rate of payment for services negotiated between the department and the contracting facility. If a facility projects a temporary cash flow deficit, the department may make cash advances at the beginning of each fiscal year to the facility. The repayment schedule for advances shall be part of the contract between the department and the facility. This section does not pertain to patients treated at the mental health institutes. 3. If the appropriation to the department is insufficient to meet the requirements of this section, the department shall request a transfer of funds and section 8.39 shall apply. 4. The person with a substance use disorder is legally liable to the facility for the total amount of the cost of providing care, maintenance, and treatment for the person with a substance use disorder while a voluntary or committed patient in a facility. This section does not prohibit any individual from paying any portion of the cost of treatment. 5. The department is liable for the cost of care, treatment, and maintenance of persons with a substance use disorder admitted to the facility voluntarily or pursuant to section 125.75, 125.81, or 125.91 or section 321J.3 or 124.409 only to those facilities that have a contract with the department under this section, only for the amount computed according to and within the limits of liability prescribed by this section, and only when the person with a substance use disorder is unable to pay the costs and there is no other person, firm, corporation, or insurance company bound to pay the costs. 6. The department's maximum liability for the costs of care, treatment, and maintenance of persons with a substance use disorder in a contracting facility is limited to the total amount agreed upon by the parties and specified in the contract under this section. [C71, 73, §123B.4, 123B.8; C75, 77, §125.27, 125.31; C79, §125.44, 125.48; C81, §125.44; 82 Acts, ch 1212, §25] 86 Acts, ch 1001, §12, 13; 86 Acts, ch 1220, §25; 86 Acts, ch 1245, §1137; 89 Acts, ch 243, §4, 5; 90 Acts, ch 1085, §11; 2011 Acts, ch 121, §40, 62; 2023 Acts, ch 19, §107 Referred to in §124.409, 125.12, 125.13, 125.43, 321J.3, 462A.14 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.46 - County of residence determined.

125.46 County of residence determined. The facility shall, when a person with a substance use disorder is admitted, or as soon thereafter as it receives the proper information, determine and enter upon its records the Iowa county of residence of the person with a substance use disorder, or that the person resides in some other state or country, or that the person is unclassified with respect to residence. [C71, 73, §123B.6; C75, 77, §125.29; C79, 81, §125.46] 90 Acts, ch 1085, §12; 2011 Acts, ch 121, §41, 62; 2023 Acts, ch 19, §108 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.48 - List of contracting facilities.

125.48 List of contracting facilities. The department shall provide a current list of facilities that have a contract with the department to the clerk of each district court in the state. The clerk shall provide the list to all district court judges and judicial magistrates in the district. [C81, §125.48]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.54 - Use of funds.

125.54 Use of funds. The director is not required to distribute or guarantee funds, except as provided in section 125.59: 1. To any program which does not meet licensing standards, 2. To any program providing unnecessary, duplicative or overlapping services within the same geographical area, or 3. To any program which has adequate resources at its disposal. [C79, 81, §125.54] 86 Acts, ch 1001, §14

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.55 - Audits.

125.55 Audits. All licensed substance use disorder programs are subject to annual audit either by the auditor of state or in lieu of an audit by the auditor of state the substance use disorder program may contract with or employ certified public accountants to conduct the audit, in accordance with sections 11.6, 11.14, and 11.19. The audit format shall be as prescribed by the auditor of state. The certified public accountant shall submit a copy of the audit to the director. A licensed substance use disorder program is also subject to special audits as the director requests. The licensed substance use disorder program or the department shall pay all expenses incurred by the auditor of state in conducting an audit under this section. [C79, 81, §125.55; 81 Acts, ch 58, §10; 82 Acts, ch 1166, §1] 89 Acts, ch 264, §5; 2011 Acts, ch 75, §35; 2023 Acts, ch 19, §109 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.58 - Inspection — penalties.

125.58 Inspection — penalties. 1. If the department has probable cause to believe that an institution, place, building, or agency not licensed as a substance use disorder treatment and rehabilitation facility is in fact a substance use disorder treatment and rehabilitation facility as defined by this chapter, and is not exempt from licensing by section 125.13, subsection 2, the council may

order an inspection of the institution, place, building, or agency. If the inspector upon presenting proper identification is denied entry for the purpose of making the inspection, the inspector may, with the assistance of the county attorney of the county in which the premises are located, apply to the district court for an order requiring the owner or occupant to permit entry and inspection of the premises to determine whether there have been violations of this chapter. The investigation may include review of records, reports, and documents maintained by the facility and interviews with staff members consistent with the confidentiality safeguards of state and federal law. 2. A person establishing, conducting, managing, or operating a substance use disorder treatment and rehabilitation facility without a license is guilty of a serious misdemeanor. Each day of continued violation after conviction or notice from the department by certified mail of a violation shall be considered a separate offense or chargeable offense. A person establishing, conducting, managing, or operating a substance use disorder treatment and rehabilitation facility without a license may be temporarily or permanently restrained therefrom by a court of competent jurisdiction in an action brought by the state. 3. Notwithstanding the existence or pursuit of any other remedy, the department may, in the manner provided by law, maintain an action in the name of the state for injunction or other process against a person or governmental unit to restrain or prevent the establishment, conduct, management, or operation of a substance use disorder treatment and rehabilitation facility without a license. [81 Acts, ch 58, §12; 82 Acts, ch 1244, §3] 2005 Acts, ch 175, §75; 2023 Acts, ch 19, §110 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.59 - Transfer of certain revenue — county program funding.

125.59 Transfer of certain revenue — county program funding. The treasurer of state, on each July 1 for that fiscal year, shall transfer the estimated amounts to be received for purposes of this section to the department. 1. a. Of these funds, notwithstanding section 125.13, subsection 1, one-half of the transferred amount shall be used for grants to counties operating a substance use disorder program involving only education, prevention, referral, or posttreatment services, either with the counties' own employees or by contract with a nonprofit corporation. The grants shall not annually exceed ten thousand dollars to any one county, subject to the following conditions: (1) The money shall be paid to the county after expenditure by the county and submission of the requirements in subparagraph (2) on the basis of one dollar for each three dollars spent by the county. The county may submit a quarterly claim for reimbursement. (2) The county shall submit an accounting of the expenditures and shall submit an annual financial report, a description of the program, and the results obtained within sixty days after the end of the fiscal year in which the money is granted. b. If the transferred amount for this subsection exceeds grant requests funded to the ten thousand dollar maximum, the department may use the remainder for activities and public information resources that align with best practices for substance use disorder prevention or to increase grants pursuant to subsection 2. 2. a. Of these funds, one-half of the transferred amount shall be used for prevention programs in addition to the amount budgeted for prevention programs by the department in the same fiscal year. The department shall use this additional prevention program money for grants to a county, person, or nonprofit agency operating a prevention program. A grant to a county, person, or nonprofit agency is subject to the following conditions: (1) The money shall be paid to the county, person, or nonprofit agency after submission of the requirements in subparagraph (2) on the basis of two dollars for each dollar designated for prevention by the county, person, or nonprofit agency. (2) The county, person, or nonprofit agency shall submit a description of the program. (3) The county, person, or nonprofit agency shall submit an annual financial report and the results obtained before June 10 of the same fiscal year in which the money is granted. b. The department may consider in-kind contributions received by a county, person, or nonprofit agency for matching purposes required in paragraph "a", subparagraph (1). 86 Acts, ch 1001, §15; 87 Acts, ch 110, §1; 94 Acts, ch 1068, §2; 2009 Acts, ch 41, §186; 2017 Acts, ch 148, §1; 2022 Acts, ch 1099, §86, 88; 2023 Acts, ch 19, §111, 112 Referred to in §123.17, 125.54 Subsection 1, paragraph a, unnumbered paragraph 1 amended Subsection 1, paragraph b amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.60 - Grant formula.

125.60 Grant formula. The funding distributed by the department for program grants pursuant to the appropriation received by the department shall be distributed to each county or multicounty area by a formula based on population, need, and other criteria as determined by the department. 86 Acts, ch 1001, §16

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.7 - Duties of the council.

125.7 Duties of the council. The council shall: 1. Approve the comprehensive substance use disorder program, developed by the department pursuant to sections 125.1 through 125.3, this section, and sections 125.9, 125.10, 125.12 through 125.21, 125.25, 125.32 through 125.34, and 125.37 through 125.43. 2. Advise the department on policies governing the performance of the department in the discharge of any duties imposed on the department by law. 3. Advise or make recommendations to the governor and the general assembly relative to substance use disorder treatment, intervention, education, and prevention programs in this state. 4. Adopt rules for subsections 1 and 6 and review other rules necessary to carry out the provisions of this chapter, subject to review in accordance with chapter 17A. 5. Investigate the work of the department relating to substance use disorder, and for this purpose the council shall have access at any time to all books, papers, documents, and records of the department. 6. Consider and approve or disapprove all applications for a license and all cases involving the renewal, denial, suspension, or revocation of a license. 7. Act as the appeal board regarding funding decisions made by the department. [C71, 73, §123B.3; C75, 77, 79, 81, §125.7] 86 Acts, ch

1245, §1126; 89 Acts, ch 243, §1; 2005 Acts, ch 175, §62; 2021 Acts, ch 80, §65; 2023 Acts, ch 19, §81 Referred to in §125.3
Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.74 - Preapplication screening assessment — program.

125.74 Preapplication screening assessment — program. Prior to filing an application pursuant to section 125.75, the clerk of the district court or the clerk's designee shall inform the interested person referred to in section 125.75 about the option of requesting a preapplication screening assessment through a preapplication screening assessment program, if available. The state court administrator shall prescribe practices and procedures for implementation of the preapplication screening assessment program. 2013 Acts, ch 130, §36 Referred to in §125.75, 602.1209

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.75 - Application.

125.75 Application. 1. Proceedings for the involuntary commitment or treatment of a person with a substance use disorder to a facility pursuant to this chapter or for the involuntary hospitalization of a person pursuant to chapter 229 may be commenced by any interested person by filing a verified application with the clerk of the district court of the county where the respondent is presently located or which is the respondent's place of residence. The clerk or the clerk's designee shall assist the applicant in completing the application. 2. The application shall: a. State the applicant's belief that the respondent is a person who presents a danger to self or others and lacks judgmental capacity due to either of the following: (1) A substance use disorder as defined in section 125.2. (2) A serious mental impairment as defined in section 229.1. b. State facts in support of each belief described in paragraph "a". c. Be accompanied by one or more of the following: (1) A written statement of a licensed physician and surgeon or osteopathic physician and surgeon or mental health professional in support of the application. (2) One or more supporting affidavits corroborating the application. (3) Corroborative information obtained and reduced to writing by the clerk or the clerk's designee, but only when circumstances make it infeasible to obtain, or when the clerk considers it appropriate to supplement, the information under either subparagraph (1) or (2). 3. Prior to the filing of an application pursuant to this section, the clerk or the clerk's designee shall inform the interested person referred to in subsection 1 about the option of requesting a preapplication screening assessment pursuant to section 125.74. 4. The supreme court shall prescribe rules and establish forms as necessary to carry out the provisions of this section. [C75, 77, §125.19(1, 2); C79, 81, §229.51; 82 Acts, ch 1212, §3] 90 Acts, ch 1085, §13; 2011 Acts, ch 121, §42, 43, 62; 2013 Acts, ch 130, §37; 2017 Acts, ch 34, §5; 2018 Acts, ch 1026, §41; 2023 Acts, ch 19, §113, 114 Referred to in §125.2, 125.12, 125.44, 125.74, 125.75A, 125.77, 125.78, 125.79, 125.85, 125.91, 229.21, 331.910 Summary of involuntary commitment procedures available from clerk; see §229.45 Subsection 1 amended Subsection 2, paragraph a, subparagraph (1) amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.75A - Involuntary proceedings — minors — jurisdiction.

125.75A Involuntary proceedings — minors — jurisdiction. The juvenile court has exclusive original jurisdiction in proceedings concerning a minor for whom an application is filed under section 125.75. In proceedings under this subchapter concerning a minor's involuntary commitment or treatment, the term "court", "judge", or "clerk" means the juvenile court, judge, or clerk. 89 Acts, ch 283, §1; 92 Acts, ch 1124, §1; 2013 Acts, ch 130, §38; 2017 Acts, ch 54, §76 Referred to in §229.21

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.76 - Appointment of counsel for applicant.

125.76 Appointment of counsel for applicant. The applicant, if not the county attorney, may apply for the appointment of counsel if financially unable to employ an attorney to assist the applicant in presenting evidence in support of the application for commitment. If the applicant applies for the appointment of counsel, the application shall include the submission of a financial statement as required under section 815.9. [C75, 77, §125.19(10); C79, 81, §229.52(6); 82 Acts, ch 1212, §4] 83 Acts, ch 101, §15; 83 Acts, ch 186, §10044, 10201 Referred to in §229.21

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.77 - Service of notice.

125.77 Service of notice. Upon the filing of an application pursuant to section 125.75, the clerk shall docket the case and immediately notify a magistrate who is admitted to the practice of law in this state, who shall review the application and accompanying documentation. The clerk shall send copies of the application and supporting documentation, together with the notice informing the respondent of the procedures required by this subchapter, to the sheriff, for immediate service upon the respondent. If the respondent is taken into custody under section 125.81, service of the application, documentation, and notice upon the respondent shall be made at the time the respondent is taken into custody. [C75, 77, §125.19(2); C79, 81, §229.51(3); 82 Acts, ch 1212, §5] 91 Acts, ch 108, §1; 2013 Acts, ch 130, §39; 2017 Acts, ch 54, §76; 2023 Acts, ch 66, §37 Referred to in §125.84, 125.85, 229.21, 229.45 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.78 - Procedure after application.

125.78 Procedure after application. As soon as practical after the filing of an application pursuant to section 125.75, the court shall: 1. Determine whether the respondent has an attorney who is able and willing to represent the respondent in the commitment proceeding, and if not, whether the respondent is financially able to employ an attorney and capable of meaningfully assisting in selecting an attorney. In accordance with those determinations, the court shall allow the respondent to select an attorney or shall assign an attorney to the respondent. If the respondent is financially unable to pay an attorney, the county shall compensate the attorney at an hourly rate to be established by the county board of supervisors in substantially the same manner as provided in section 815.7. 2. If the application includes a request for a court-appointed attorney for the applicant and the court is satisfied that a court-appointed attorney is necessary to assist the applicant in a meaningful presentation of the evidence, and that the applicant is financially unable to employ an attorney, the court shall appoint an attorney to represent the applicant and the county shall compensate the attorney at an hourly rate to be established by the county board of supervisors in substantially the same manner as provided in section 815.7. 3. Issue a written order: a. Scheduling a tentative time and place for a hearing, subject to the findings of the report required under section 125.80, subsections 3 and 4, but not less than forty-eight hours after notice to the respondent, unless the respondent waives the forty-eight-hour notice requirement. b. Requiring an examination of the respondent, prior to the hearing, by one or more licensed physicians and surgeons or osteopathic physicians and surgeons or mental health professionals who shall submit a written report of the examination to the court as required by section 125.80. [C75, 77, §125.19(1, 2); C79, 81, §229.51(2, 3), 229.52(6); 82 Acts, ch 1212, §6] 84 Acts, ch 1219, §5; 99 Acts, ch 135, §14; 2013 Acts, ch 130, §40; 2017 Acts, ch 34, §6; 2018 Acts, ch 1026, §42 Referred to in §125.79, 125.85, 229.21

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.79 - Respondent's attorney informed.

125.79 Respondent's attorney informed. The court shall direct the clerk to furnish at once to the respondent's attorney, copies of the application pursuant to section 125.75 and the supporting documentation, and of the court's order issued pursuant to section 125.78, subsection 3. If the respondent is taken into custody under section 125.81, the attorney shall also be advised of that fact. The respondent's attorney shall represent the respondent at all stages of the proceedings and shall attend the commitment hearing. [82 Acts, ch 1212, §7] 2013 Acts, ch 130, §41 Referred to in §125.85, 229.21

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.80 - Physician's or mental health professional's examination — report — scheduling of hearing.

125.80 Physician's or mental health professional's examination — report — scheduling of hearing. 1. a. An examination of the respondent shall be conducted within a reasonable time and prior to the commitment hearing by one or more licensed physicians and surgeons or osteopathic physicians and surgeons or mental health professionals as required by the court's order. If the respondent is taken into custody under section 125.81, the examination shall be conducted within twenty-four hours after the respondent is taken into custody. If the respondent desires, the respondent may have a separate examination by a licensed physician and surgeon or osteopathic physician and surgeon or mental health professional of the respondent's own choice. The court shall notify the respondent of the right to choose a licensed physician and surgeon or osteopathic physician and surgeon or mental health professional for a separate examination. The reasonable cost of the examinations shall be paid from county funds upon order of the court if the respondent lacks sufficient funds to pay the cost. b. A licensed physician and surgeon or osteopathic physician and surgeon or mental health professional conducting an examination pursuant to this section may consult with or request the participation in the examination of facility personnel, and may include with or attach to the written report of the examination any findings or observations by facility personnel who have been consulted or have participated in the examination. c. If the respondent is not taken into custody under section 125.81, but the court is subsequently informed that the respondent has declined to be examined by a licensed physician and surgeon or osteopathic physician and surgeon or mental health professional pursuant to the court order, the court may order limited detention of the respondent as necessary to facilitate the examination of the respondent by the licensed physician and surgeon or osteopathic physician and surgeon or mental health professional. 2. A written report of the examination by a court-designated licensed physician and surgeon or osteopathic physician and surgeon or mental health professional shall be filed with the clerk prior to the hearing date. A written report of an examination by a licensed physician and surgeon or osteopathic physician and surgeon or mental health professional chosen by the respondent may be similarly filed. The clerk shall immediately: a. Cause a report to be shown to the judge who issued the order. b. Cause the respondent's attorney to receive a copy of the report of a court-designated licensed physician and surgeon or osteopathic physician and surgeon or mental health professional. 3. If the report of a court-designated licensed physician and surgeon or osteopathic physician and surgeon or mental health professional is to the effect that the respondent is not a person with a substance use disorder, the court, without taking further action, shall terminate the proceeding and dismiss the application on its own motion and without notice. 4. If the report of a court-designated licensed physician and surgeon or osteopathic physician and surgeon or mental health professional is to the effect that the respondent is a person with a substance use disorder, the court shall schedule a commitment hearing as soon as possible. The hearing shall be held not more than forty-eight hours after the report is filed, excluding Saturdays, Sundays, and holidays, unless an extension for good cause is requested by the respondent, or as soon thereafter as possible if the court considers that sufficient grounds exist for delaying the hearing. [C75, 77, §125.19(1 – 4); C79, 81, §229.51, 229.52(1, 2); 82 Acts, ch 1212, §8] 90 Acts, ch 1085, §14; 2009 Acts, ch 41, §263; 2011 Acts, ch 121, §44, 62; 2017 Acts, ch 34, §7; 2018 Acts, ch 1026, §43; 2018 Acts, ch 1056, §1; 2023 Acts, ch 19, §115 Referred to in §125.78, 125.84, 125.85, 229.21 Subsections 3 and 4 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.81 - Immediate custody.

125.81 Immediate custody. 1. If a person filing an application requests that a respondent be taken into immediate custody, and the court upon reviewing the application and accompanying documentation, finds probable cause to believe that the respondent is a person with a substance use disorder who is likely to injure the person or other persons if allowed to remain at liberty, the court may enter a written order directing that the respondent be taken into immediate custody by the sheriff, and be detained until the commitment hearing, which shall be held no more than five days after the date of the order, except that if the fifth day after the date of the order is a Saturday, Sunday, or a holiday, the hearing may be held on the next business day. The court may order the respondent detained for the period of time until the hearing is held, and no longer except as provided in section 125.88, in accordance with subsection 2, paragraph "a", if possible, and if not, then in accordance with subsection 2, paragraph "b", or, only if neither of these alternatives is available in accordance with subsection 2, paragraph "c". 2. Detention may be: a. In the custody of a relative, friend, or other suitable person who is willing and able to accept responsibility for supervision of the respondent, with reasonable restrictions as the court may order including but not limited to restrictions on or a prohibition of any expenditure, encumbrance, or disposition of the respondent's funds or property. b. In a suitable hospital, the chief medical officer of which shall be informed of the reasons why immediate custody has been ordered. The hospital may provide treatment which is necessary to preserve the respondent's life, or to appropriately control the respondent's behavior which is likely to result in physical injury to the person or to others if allowed to continue, and other treatment as deemed appropriate by the chief medical officer. c. In the nearest facility which is licensed to care for persons with mental illness or substance use disorder, provided that detention in a jail or other facility intended for confinement of those accused or convicted of a crime shall not be ordered. 3. A respondent shall be released from detention prior to the commitment hearing if a licensed physician or mental health professional examines the respondent and determines the respondent no longer meets the criteria for detention under subsection 1 and provides notification to the court. 4. The respondent's attorney may be allowed by the court to present evidence and arguments before the court's determination under this section. If such an opportunity is not provided at that time, respondent's attorney shall be allowed to present evidence and arguments after the issuance of the court's order of confinement and while the respondent is confined. [82 Acts, ch 1212, §9] 90 Acts, ch 1085, §15; 91 Acts, ch 108, §2; 92 Acts, ch 1072, §1; 92 Acts, ch 1165, §1; 2009 Acts, ch 41, §187; 2011 Acts, ch 121, §45, 62; 2018 Acts, ch 1056, §2; 2023 Acts, ch 19, §116, 117 Referred to in §125.12, 125.44, 125.77, 125.79, 125.80, 125.82, 125.84, 125.87, 125.88, 125.91, 125.92, 229.21 Subsection 1 amended Subsection 2, paragraph c amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.82 - Commitment hearing.

125.82 Commitment hearing. 1. At a commitment hearing, evidence in support of the contentions made in the application may be presented by the applicant, or by an attorney for the applicant, or by the county attorney. During the hearing, the applicant and the respondent shall be afforded an opportunity to testify and to present and cross-examine witnesses, and the court may receive the testimony of other interested persons. If the respondent is present at the hearing, as provided in subsection 3, and has been medicated within twelve hours, or a longer period of time as the court may designate, prior to the beginning of the hearing or a session of the hearing, the court shall be informed of that fact and of the probable effects of the medication upon convening of the hearing. 2. A person not necessary for the conduct of the hearing shall be excluded, except that the court may admit a person having a legitimate interest in the hearing. Upon motion of the applicant, the court may exclude the respondent from the hearing during the testimony of a witness if the court determines that the witness' testimony is likely to cause the respondent severe emotional trauma. 3. The person who filed the application and a licensed physician and surgeon or osteopathic physician and surgeon, mental health professional, or certified alcohol and drug counselor certified by the nongovernmental Iowa board of certification who has examined the respondent in connection with the commitment hearing shall be present at the hearing, unless the court for good cause finds that their presence or testimony is not necessary. The applicant, respondent, and the respondent's attorney may waive the presence, televised appearance, or telephonic appearance of the licensed physician and surgeon or osteopathic physician and surgeon, mental health professional, or certified alcohol and drug counselor who examined the respondent and agree to submit as evidence the written report of the licensed physician and surgeon or osteopathic physician and surgeon, mental health professional, or certified alcohol and drug counselor. The respondent's attorney shall inform the court if the respondent's attorney reasonably believes that the respondent, due to diminished capacity, cannot make an adequately considered waiver decision. "Good cause" for finding that the testimony of the licensed physician and surgeon or osteopathic physician and surgeon, mental health professional, or certified alcohol and drug counselor who examined the respondent is not necessary may include but is not limited to such a waiver. If the court determines that the testimony of the licensed physician and surgeon or osteopathic physician and surgeon, mental health professional, or certified alcohol and drug counselor is necessary, the court may allow the licensed physician and surgeon or osteopathic physician and surgeon, mental health professional, or certified alcohol and drug counselor to testify by telephone or televised means. The respondent shall be present at the hearing unless prior to the hearing the respondent's attorney stipulates in writing that the attorney has conversed with the respondent, and that in the attorney's judgment the respondent cannot make a meaningful contribution to the hearing, or that the respondent has waived the right to be present, and the basis for the attorney's conclusions. A stipulation to the respondent's absence shall be reviewed by the court before the hearing, and may be rejected if it appears that insufficient grounds are stated or that the respondent's interests would not be served by the respondent's absence. 4.

The respondent's welfare is paramount, and the hearing shall be tried as a civil matter and conducted in as informal a manner as is consistent with orderly procedure. The hearing may be held by video or telephone conference at the discretion of the court. Discovery as permitted under the Iowa rules of civil procedure is available to the respondent. The court shall receive all relevant and material evidence, but the court is not bound by the rules of evidence. A presumption in favor of the respondent exists, and the burden of evidence and support of the contentions made in the application shall be upon the person who filed the application. If upon completion of the hearing the court finds that the contention that the respondent is a person with a substance use disorder has not been sustained by clear and convincing evidence, the court shall deny the application and terminate the proceeding. 5. If the respondent is not taken into custody under section 125.81, but the court finds good cause to believe that the respondent is about to depart from the jurisdiction of the court, the court may order limited detention of the respondent as authorized in section 125.81, as is necessary to ensure that the respondent will not depart from the jurisdiction of the court without the court's approval until the proceeding relative to the respondent has been concluded. [C75, 77, §125.19(3-7, 10, 13); C79, 81, §229.52(1); 82 Acts, ch 1212, §10] 90 Acts, ch 1085, §16; 91 Acts, ch 108, §3; 2006 Acts, ch 1115, §1; 2006 Acts, ch 1116, §1; 2006 Acts, ch 1159, §30; 2011 Acts, ch 121, §46, 62; 2017 Acts, ch 34, §8; 2018 Acts, ch 1026, §44; 2018 Acts, ch 1056, §3; 2023 Acts, ch 19, §118; 2023 Acts, ch 139, §1, 2 Referred to in §125.84, 229.21, 602.8103 See Code editor's note on simple harmonization at the beginning of this Code volume Subsections 3 and 4 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.83 - Placement for evaluation.

125.83 Placement for evaluation. If upon completion of the commitment hearing, the court finds that the contention that the respondent is a person with a substance use disorder has been sustained by clear and convincing evidence, the court shall order the respondent placed at a facility or under the care of a suitable facility on an outpatient basis as expeditiously as possible for a complete evaluation and appropriate treatment. The court shall furnish to the facility at the time of admission or outpatient placement, a written statement of facts setting forth the evidence on which the finding is based. The administrator of the facility shall report to the court no more than fifteen days after the individual is admitted to or placed under the care of the facility, which shall include the chief medical officer's recommendation concerning treatment of a substance use disorder. An extension of time may be granted for a period not to exceed seven days upon a showing of good cause. A copy of the report shall be sent to the respondent's attorney who may contest the need for an extension of time if one is requested. If the request is contested, the court shall make an inquiry as it deems appropriate and may either order the respondent released from the facility or grant an extension of time for further evaluation. If the administrator fails to report to the court within fifteen days after the individual is admitted to the facility, and no extension of time has been requested, the administrator is guilty of contempt and shall be punished under chapter 665. The court shall order a rehearing on the application to determine whether the respondent should continue to be held at the facility. [C75, 77, §125.19(4); C79, 81, §229.52(2); 82 Acts, ch 1212, §11] 90 Acts, ch 1020, §1; 90 Acts, ch 1085, §17; 2011 Acts, ch 121, §47, 62; 2012 Acts, ch 1021, §43; 2023 Acts, ch 19, §119 Referred to in §125.84, 125.85, 125.87, 125.88, 125.89, 229.21 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.83A - Placement in certain federal facilities.

125.83A Placement in certain federal facilities. 1. If upon completion of the commitment hearing, the court finds that the contention that the respondent is a person with a substance use disorder has been sustained by clear and convincing evidence, and the court is furnished evidence that the respondent is eligible for care and treatment in a facility operated by the United States department of veterans affairs or another agency of the United States government and that the facility is willing to receive the respondent, the court may so order. The respondent, when so placed in a facility operated by the United States department of veterans affairs or another agency of the United States government within or outside of this state, shall be subject to the rules of the United States department of veterans affairs or other agency, but shall not lose any procedural rights afforded the respondent by this chapter. The chief officer of the facility shall have, with respect to the respondent so placed, the same powers and duties as the chief medical officer of a hospital in this state would have in regard to submission of reports to the court, retention of custody, transfer, convalescent leave, or discharge. Jurisdiction is retained in the court to maintain surveillance of the respondent's treatment and care, and at any time to inquire into the respondent's condition and the need for continued care and custody. 2. Upon receipt of a certificate stating that a respondent placed under this chapter is eligible for care and treatment in a facility operated by the United States department of veterans affairs or another agency of the United States government which is willing to receive the respondent without charge to the state of Iowa or any county in the state, the chief medical officer may transfer the respondent to that facility. Upon so doing, the chief medical officer shall notify the court which ordered the respondent's placement in the same manner as would be required in the case of a transfer under section 125.86, subsection 2, and the respondent transferred shall be entitled to the same rights as the respondent would have under that subsection. No respondent shall be transferred under this section who is confined pursuant to conviction of a public offense or whose placement was ordered upon contention of incompetence to stand trial by reason of mental illness, without prior approval of the court which ordered that respondent's placement. 3. A judgment or order of commitment by a court of competent jurisdiction of another state or the District of Columbia, under which any person is hospitalized or placed in a facility operated by the United States department of veterans affairs or another agency of the United States government, shall have the same force and effect with respect to that person while the person is in this state as the judgment or order would have if the

person were in the jurisdiction of the court which issued it. That court shall be deemed to have retained jurisdiction of the person so placed for the purpose of inquiring into that person's condition and the need for continued care and custody, as do courts in this state under this section. Consent is given to the application of the law of the state or district in which the court is situated which issued the judgment or order as regards authority of the chief officer of any facility, operated in this state by the United States department of veterans affairs or another agency of the United States government, to retain custody, transfer, place on convalescent leave, or discharge the person so committed. 97 Acts, ch 159, §2; 2009 Acts, ch 26, §8; 2011 Acts, ch 121, §48, 62; 2023 Acts, ch 19, §120 Referred to in §229.21 Subsection 1 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.84 - Evaluation report.

125.84 Evaluation report. The facility administrator's report to the court of the chief medical officer's substance use disorder evaluation of the respondent shall be made no later than the expiration of the time specified in section 125.83. At least two copies of the report shall be filed with the clerk, who shall distribute the copies in the manner described by section 125.80, subsection 2. The report shall state one of the four following alternative findings: 1. That the respondent does not, as of the date of the report, require further treatment for substance use disorder. If the report so states, the court shall order the respondent's immediate release from involuntary commitment and terminate the proceedings. 2. That the respondent is a person with a substance use disorder who is in need of full-time custody, care, and treatment in a facility, and is considered likely to benefit from treatment. If the report so states, the court shall enter an order which may require the respondent's continued placement and commitment to a facility for appropriate treatment. 3. That the respondent is a person with a substance use disorder who is in need of treatment, but does not require full-time placement in a facility. If the report so states, the report shall include the chief medical officer's recommendation for treatment of the respondent on an outpatient or other appropriate basis, and the court shall enter an order which may direct the respondent to submit to the recommended treatment. The order shall provide that if the respondent fails or refuses to submit to treatment, as directed by the court's order, the court may order that the respondent be taken into immediate custody as provided by section 125.81 and, following notice and hearing held in accordance with the procedures of sections 125.77 and 125.82, may order the respondent treated as a patient requiring full-time custody, care, and treatment as provided in subsection 2, and may order the respondent involuntarily committed to a facility. 4. That the respondent is a person with a substance use disorder who is in need of treatment, but in the opinion of the chief medical officer is not responding to the treatment provided. If the report so states, the report shall include the facility administrator's recommendation for alternative placement, and the court shall enter an order which may direct the respondent's transfer to the recommended placement or to another placement after consultation with the respondent's attorney and the facility administrator who made the report under this subsection. [82 Acts, ch 1212, §12] 90 Acts, ch 1020, §2; 90 Acts, ch 1085, §18; 2011 Acts, ch 121, §49, 62; 2023 Acts, ch 19, §121 Referred to in §125.85, 125.86, 229.21, 321J.3 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.85 - Custody, discharge, and termination of proceeding.

125.85 Custody, discharge, and termination of proceeding. 1. A respondent committed under section 125.84, subsection 2, shall remain in the custody of a facility for treatment for a period of thirty days, unless sooner discharged. The department is not required to pay the cost of any medication or procedure provided to the respondent during that period which is not necessary or appropriate to the specific objectives of detoxification and treatment of substance use disorder. At the end of the thirty-day period, the respondent shall be discharged automatically unless the administrator of the facility, before expiration of the period, obtains a court order for the respondent's recommitment pursuant to an application under section 125.75, for a further period not to exceed ninety days. 2. A respondent recommitted under subsection 1 who has not been discharged by the facility before the end of the ninety-day period shall be discharged at the expiration of that period unless the administrator of the facility, before expiration of the period, obtains a court order for the respondent's recommitment pursuant to an application under section 125.75, for a further period not to exceed ninety days. 3. Upon the filing of an application for recommitment under subsection 1 or 2, the court shall schedule a recommitment hearing for no later than ten days after the date the application is filed. A copy of the application, the notice of hearing, and any reports shall be served or provided in the manner and to the persons as required by sections 125.77 through 125.80, 125.83, and 125.84. 4. Following a respondent's discharge from a facility or from treatment, the administrator of the facility shall immediately report that fact to the court which ordered the respondent's commitment or treatment. The court shall issue an order confirming the respondent's discharge from the facility or from treatment, as the case may be, and shall terminate the proceedings pursuant to which the order was issued. Copies of the order shall be sent by regular mail to the facility and the respondent. 5. A person who is placed for evaluation at a facility under section 125.83 or who is committed to a facility under section 125.84, subsection 2, shall remain at that facility unless discharged or otherwise permitted to leave by the court or administrator of the facility. If a person placed at a facility or committed to a facility leaves the facility without permission or without having been discharged, the administrator may notify the sheriff of the person's absence and the sheriff shall take the person into custody and return the person promptly to the facility. [C75, 77, §125.19; C79, 81, §229.52(3 – 5), 229.53; 82 Acts, ch 1212, §13] 92 Acts, ch 1072, §2; 99 Acts, ch 144, §1; 2021 Acts, ch 80, §66; 2023 Acts, ch 19, §122 Referred to in §229.21 Subsection 1 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.86 - Periodic reports required.

125.86 Periodic reports required. 1. No more than thirty days after entry of a court order for commitment to a facility under section 125.84, subsection 2, and thereafter at successive intervals not to exceed ninety days for as long as involuntary commitment of the respondent continues, the administrator of the facility shall report to the court which entered the order. The report shall be submitted in the manner required by section 125.84, shall state whether in the opinion of the chief medical officer the respondent's condition has improved, remains unchanged, or has deteriorated, and shall indicate the further length of time the respondent will be required to remain at the facility. 2. No more than sixty days after entry of a court order for treatment of a respondent under section 125.84, subsection 3, and thereafter at successive intervals not to exceed ninety days for as long as involuntary treatment continues, the administrator of the facility or the psychiatrist or psychiatric advanced registered nurse practitioner treating the patient shall report to the court which entered the order. The report shall be submitted in the manner required by section 125.84, shall state whether in the opinion of the chief medical officer or the psychiatrist or psychiatric advanced registered nurse practitioner the respondent's condition has improved, remains unchanged, or has deteriorated, and shall indicate the further length of time the respondent will require treatment by the facility. If the respondent fails or refuses to submit to treatment as ordered by the court, the administrator of the facility shall at once notify the court, which shall order the respondent committed for treatment as provided by section 125.84, subsection 3, unless the court finds that the failure or refusal was with good cause, and that the respondent is willing to receive treatment as provided in the court's order, or in a revised order if the court sees fit to enter one. If the administrator of the facility reports to the court that the respondent requires full-time custody, care, and treatment in a facility, and the respondent is willing to be admitted voluntarily to the facility for these purposes, the court may enter an order approving the placement upon consultation with the administrator of the facility in which the respondent is to be placed. If the respondent is unwilling to be admitted voluntarily to the facility, the procedure for determining involuntary commitment, as provided in section 125.84, subsection 3, shall be followed. 3. a. A psychiatric advanced registered nurse practitioner treating a respondent previously committed under this chapter may complete periodic reports pursuant to this section on the respondent if the respondent has been recommended for treatment on an outpatient or other appropriate basis pursuant to section 125.84, subsection 3, and if a psychiatrist licensed pursuant to chapter 148 personally evaluates the respondent on at least an annual basis. b. An advanced registered nurse practitioner who is not certified as a psychiatric advanced registered nurse practitioner but who meets the qualifications of a mental health professional may complete periodic reports pursuant to paragraph "a". [82 Acts, ch 1212, §14] 2008 Acts, ch 1082, §2, 3; 2009 Acts, ch 133, §29; 2013 Acts, ch 90, §25; 2017 Acts, ch 34, §9 Referred to in §125.83A, 229.21, 321J.3, 462A.14

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.87 - Status during appeal.

125.87 Status during appeal. If a respondent appeals to the supreme court from a lower court's finding that commitment is warranted, the respondent shall remain committed if already in custody, pursuant to an order of immediate custody under section 125.81 or pursuant to an order for evaluation and treatment under section 125.83, before notice of appeal was filed, unless the supreme court orders otherwise. [82 Acts, ch 1212, §15] Referred to in §229.21

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.88 - Status if commitment delayed.

125.88 Status if commitment delayed. If a court directs a respondent who was previously ordered taken into immediate custody under section 125.81 to be placed at a facility for evaluation and appropriate treatment under section 125.83, and no suitable facility can immediately admit the respondent, the respondent shall remain in custody as previously ordered by the court, notwithstanding the time limits stated in section 125.81, until a suitable facility can admit the respondent. The court shall take appropriate steps to expedite the admission of the respondent to a suitable facility at the earliest feasible time. [82 Acts, ch 1212, §16] Referred to in §125.81, 229.21

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.89 - Respondents charged with or convicted of crime.

125.89 Respondents charged with or convicted of crime. 1. If a court orders a respondent placed at a facility for evaluation and treatment under section 125.83 at a time when the respondent has been convicted of a public offense, or when there is pending against the respondent an unresolved formal charge of a public offense, and the respondent's liberty has therefore been restricted in any manner, the findings of fact required by section 125.83 shall clearly so inform the administrator of the facility where the respondent is placed. 2. The commitment powers of the court under section 124.409 supersede the procedures and requirements of this subchapter. [82 Acts, ch 1212, §17] 2017 Acts, ch 54, §76 Referred to in §229.21

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.9 - Powers of director.

125.9 Powers of director. The director may: 1. Plan, establish and maintain treatment, intervention, education, and prevention programs as necessary or desirable in accordance with the comprehensive substance use disorder program. 2. Make contracts necessary or incidental to the performance of the duties and the execution of the powers of the director, including contracts with public and private agencies, organizations and individuals to pay them for services rendered or furnished to persons with a substance

use disorder. 3. Solicit and accept for use any gift of money or property made by will or otherwise, and any grant of money, services or property from the federal government, the state, or any political subdivision thereof or any private source, and do all things necessary to cooperate with the federal government or any of its agencies and the department in making an application for any grant. 4. Coordinate the activities of the department and cooperate with substance use disorder programs in this and other states, and make contracts and other joint or cooperative arrangements with state, local, or private agencies in this and other states for the treatment of persons with a substance use disorder and for the common advancement of substance use disorder programs. 5. Require that a written report, in reasonable detail, be submitted to the director at any time by any agency of this state or of any of its political subdivisions in respect to any substance use disorder prevention function, or program for the benefit of persons who are or have been involved in substance use disorder, which is being conducted by the agency. 6. Submit to the governor a written report of the pertinent facts at any time the director concludes that any agency of this state or of any of its political subdivisions is conducting any substance use disorder prevention function, or program for the benefit of persons who are or have been involved in substance use disorder in a manner not consistent with or which impairs achievement of the objectives of the state plan to combat substance use disorder, and has failed to effect appropriate changes in the function or program. 7. Keep records and engage in research and the gathering of relevant statistics. 8. Employ a deputy director who shall be exempt from the merit system. The director may employ other staff necessary to carry out the duties assigned to the director. 9. Do other acts and things necessary or convenient to execute the authority expressly granted to the director. [C62, 66, §123A.5, 123A.7, 123A.8; C71, 73, §123A.7, 123A.8, 123B.17; C75, 77, §125.9, 224B.4, 224B.6; C79, 81, §125.9] 86 Acts, ch 1245, §1128; 87 Acts, ch 8, §1; 90 Acts, ch 1085, §3; 2005 Acts, ch 175, §63; 2011 Acts, ch 121, §29, 62; 2023 Acts, ch 19, §82 Referred to in §125.3, 125.7 Merit system, see chapter 8A, subchapter IV Subsections 1, 2, 4, 5, and 6 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.90 - Judicial hospitalization referee.

125.90 Judicial hospitalization referee. Judicial hospitalization referees shall be utilized as provided in section 229.21 for performing the duties of the court prescribed by this subchapter. [C79, 81, §229.51(3); 82 Acts, ch 1212, §18] 2017 Acts, ch 54, §76 Referred to in §229.21

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.91 - Emergency detention.

125.91 Emergency detention. 1. The procedure prescribed by this section shall only be used for a person with a substance use disorder due to intoxication or substance-induced incapacitation who has threatened, attempted, or inflicted physical self-harm or harm on another, and is likely to inflict physical self-harm or harm on another unless immediately detained, or who is incapacitated by a substance, if an application has not been filed naming the person as the respondent pursuant to section 125.75 and the person cannot be ordered into immediate custody and detained pursuant to section 125.81. 2. a. A peace officer who has reasonable grounds to believe that the circumstances described in subsection 1 are applicable may, without a warrant, take or cause that person to be taken to the nearest available facility referred to in section 125.81, subsection 2, paragraph “b” or “c”. Such a person with a substance use disorder due to intoxication or substance-induced incapacitation who also demonstrates a significant degree of distress or dysfunction may also be delivered to a facility by someone other than a peace officer upon a showing of reasonable grounds. Upon delivery of the person to a facility under this section, the attending physician and surgeon or osteopathic physician and surgeon may order treatment of the person, but only to the extent necessary to preserve the person’s life or to appropriately control the person’s behavior if the behavior is likely to result in physical injury to the person or others if allowed to continue. The peace officer or other person who delivered the person to the facility shall describe the circumstances of the matter to the attending physician and surgeon or osteopathic physician and surgeon. If the person is a peace officer, the peace officer may do so either in person or by written report. b. If the attending physician and surgeon or osteopathic physician and surgeon has reasonable grounds to believe that the circumstances in subsection 1 are applicable, the facility shall have the authority to detain the person for a period of no longer than twelve hours. Within twelve hours of detaining a person pursuant to this section, the attending physician shall communicate with the nearest available magistrate. c. Once contacted pursuant to paragraph “b”, the magistrate shall, based upon the circumstances described by the attending physician and surgeon or osteopathic physician and surgeon, give the attending physician and surgeon or osteopathic physician and surgeon oral instructions either directing that the person be released forthwith, or authorizing the person’s detention in an appropriate facility. The magistrate may also give oral instructions and order that the detained person be transported to an appropriate facility. d. If the magistrate orders that the person be detained, the magistrate shall, by the close of business on the next working day, file a written order with the clerk in the county where it is anticipated that an application may be filed under section 125.75. The order may be filed by facsimile if necessary. The order shall state the circumstances under which the person was taken into custody or otherwise brought to a facility and the grounds supporting the finding of probable cause to believe that the person is a person with a substance use disorder likely to result in physical injury to the person or others if not detained. The order shall confirm the oral order authorizing the person’s detention including any order given to transport the person to an appropriate facility. The clerk shall provide a copy of that order to the attending physician and surgeon or osteopathic physician and surgeon at the facility to which the person was originally taken, any subsequent facility to which the person was transported, and to any law enforcement department or ambulance service that transported the person pursuant to the magistrate’s order. 3. The attending physician and surgeon or osteopathic physician and surgeon shall examine and may detain the

person pursuant to the magistrate's order for a period not to exceed forty-eight hours from the time the order is dated, excluding Saturdays, Sundays, and holidays, unless the order is dismissed by a magistrate. The facility may provide treatment which is necessary to preserve the person's life or to appropriately control the person's behavior if the behavior is likely to result in physical injury to the person or others if allowed to continue or is otherwise deemed medically necessary by the attending physician and surgeon or osteopathic physician and surgeon or mental health professional, but shall not otherwise provide treatment to the person without the person's consent. The person shall be discharged from the facility and released from detention no later than the expiration of the forty-eight-hour period, unless an application for involuntary commitment is filed with the clerk pursuant to section 125.75. The detention of a person by the procedure in this section, and not in excess of the period of time prescribed by this section, shall not render the peace officer, attending physician and surgeon or osteopathic physician and surgeon, or facility detaining the person liable in a criminal or civil action for false arrest or false imprisonment if the peace officer, attending physician and surgeon or osteopathic physician and surgeon, mental health professional, or facility had reasonable grounds to believe that the circumstances described in subsection 1 were applicable. 4. The cost of detention in a facility under the procedure prescribed in this section shall be paid in the same way as if the person had been committed to the facility pursuant to an application filed under section 125.75. [C75, 77, §125.17, 125.18; C79, 81, §125.34(4), 125.35; 82 Acts, ch 1212, §19] 90 Acts, ch 1085, §19; 2003 Acts, ch 68, §1, 2; 2009 Acts, ch 41, §188; 2011 Acts, ch 121, §50, 62; 2012 Acts, ch 1021, §44; 2012 Acts, ch 1079, §2; 2017 Acts, ch 34, §10; 2018 Acts, ch 1026, §45; 2022 Acts, ch 1071, §3; 2023 Acts, ch 19, §123 Referred to in §125.12, 125.34, 125.44, 125.92, 229.21, 331.910, 602.6405 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.92 - Rights and privileges of committed persons.

125.92 Rights and privileges of committed persons. A person who is detained, taken into immediate custody, or committed under this subchapter has the right to: 1. Prompt evaluation, emergency services, and care and treatment as indicated by sound clinical practice. 2. Render informed consent, except for treatment provided pursuant to sections 125.81 and 125.91. If the person is incompetent, treatment may be consented to by the person's next of kin or guardian notwithstanding the person's refusal. If the person refuses treatment which in the opinion of the chief medical officer is necessary, or if the person is incompetent and the next of kin or guardian refuses to consent to the treatment or no next of kin or guardian is available, the facility may petition a court of appropriate jurisdiction for approval to treat the person. 3. The protection of the person's constitutional rights. 4. Enjoy all legal, medical, religious, social, political, personal, and working rights and privileges, which the person would enjoy if not detained, taken into immediate custody, or committed, consistent with the effective treatment of the person and of the other persons in the facility. If the person's rights are restricted, the physician and surgeon's or osteopathic physician and surgeon's or mental health professional's direction to that effect shall be noted in the person's record. The person or the person's next of kin or guardian shall be advised of the person's rights and be provided a written copy upon the person's admission to or arrival at the facility. [82 Acts, ch 1212, §20] 2017 Acts, ch 34, §11; 2017 Acts, ch 54, §76; 2018 Acts, ch 1026, §46; 2022 Acts, ch 1032, §34 Referred to in §229.21

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.93 - Commitment records — confidentiality.

125.93 Commitment records — confidentiality. Records of the identity, diagnosis, prognosis, or treatment of a person which are maintained in connection with the provision of substance use disorder treatment services are confidential, consistent with the requirements of section 125.37, and with the federal confidentiality regulations authorized by the federal Drug Abuse Office and Treatment Act, 42 U.S.C. §290ee and the federal Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act, 42 U.S.C. §290dd-2. However, such records may be disclosed to an employee of the department of corrections, if authorized by the director of the department of corrections, or to an employee of a judicial district department of correctional services, if authorized by the director of the judicial district department of correctional services. [82 Acts, ch 1212, §21] 2014 Acts, ch 1092, §168; 2021 Acts, ch 11, §1; 2023 Acts, ch 19, §124 Referred to in §229.21 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 125 - SUBSTANCE USE DISORDERS Section 125.94 - Supreme court rules.

125.94 Supreme court rules. The supreme court may prescribe rules of pleading, practice, and procedure and the forms of process, writs, and notices under section 602.4201, for all commitment proceedings in a court of this state under this chapter. The rules shall be drawn for the purpose of simplifying and expediting the proceedings, so far as is consistent with the rights of the parties involved. The rules shall not abridge, enlarge, or modify the substantive rights of a party to a commitment proceeding under this chapter. [82 Acts, ch 1212, §22] 83 Acts, ch 186, §10045, 10201 Referred to in §229.21 Rules adopted by the supreme court are published in the compilation "Iowa Court Rules"

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 126 - DRUGS, DEVICES, AND COSMETICS Section 126.1 - Title.

126.1 Title. This chapter may be cited as the "Iowa Drug, Device, and Cosmetic Act". 89 Acts, ch 197, §1 CS89, §203B.1 C93, §126.1

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 126 - DRUGS, DEVICES, AND COSMETICS Section 126.10 - Drugs

and devices — misbranding — labeling.

126.10 Drugs and devices — misbranding — labeling. 1. A drug or device is misbranded under any of the following circumstances:

a. If its labeling is false or misleading in any particular. b. (1) If in a package form unless it bears a label containing both of the following: (a) The name and place of business of the manufacturer, packer, or distributor. (b) An accurate statement of the quantity of the contents in terms of weight, measure, or numerical count. (2) However, under subparagraph (1), subparagraph division (a), reasonable variations shall be permitted, and exemptions as to small packages shall be allowed, in accordance with rules adopted by the board. c. If any word, statement, or other information required by or under the authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness, as compared with other words, statements, designs, or devices, in the labeling, and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use. d. If it is for use by humans and contains any quantity of the narcotic or hypnotic substance alpha-eucaine, barbituric acid, beta-eucaine, bromal, cannabis, carbromal, chloral, coca, cocaine, codeine, heroin, marijuana, morphine, opium, paraldehyde, peyote, or sulphonmethane; or any chemical derivative of such a substance, which derivative, after investigation, has been designated as habit forming, by rules adopted by the board under this chapter or by regulations adopted by the secretary pursuant to section 502(d) of the federal Act; unless its label bears the name and quantity or proportion of such substance or derivative and in juxtaposition therewith the statement “Warning — May Be Habit Forming”. e. (1) If it is a drug, unless both of the following apply: (a) Its label bears, to the exclusion of any other nonproprietary name except the applicable systematic chemical name or the chemical formula: (i) The established name of the drug, as specified in subparagraph (3), if such exists; and (ii) If the drug is fabricated from two or more ingredients, the established name and quantity of each active ingredient, including the quantity, kind, and proportion of any alcohol, and also including, whether active or not, the established name and quantity or proportion of any bromides, ether, chloroform, acetanilide, acetophenetidin, amidopyrine, antipyrine, atropine, hyoscyne, hyoscyamine, arsenic, digitalis, digitalis glucosides, mercury, ouabain, strophanthin, strychnine, thyroid, or any derivative or preparation of any such substances, contained therein. However, the requirement for stating the quantity of the active ingredients, other than the quantity of those specifically named in this subparagraph subdivision, applies only to prescription drugs. (b) For a prescription drug, the established name of the prescription drug or of an ingredient is printed, on the label and on any labeling on which a name for the prescription drug or an ingredient is used, prominently and in type at least half as large as that used thereon for any proprietary name or designation for the prescription drug or ingredient. However, to the extent that compliance with subparagraph division (a), subparagraph subdivision (ii), or this subparagraph division is impracticable, exemptions shall be allowed under rules or regulations adopted by the board or the secretary under the federal Act. (2) If it is a device and it has an established name, unless its label bears, to the exclusion of any other nonproprietary name, its established name, as defined in subparagraph (4), prominently printed in type at least half as large as that used thereon for any proprietary name or designation for the device, except that to the extent compliance with this subparagraph is impracticable, exemptions shall be allowed under rules or regulations adopted by the board or the secretary under the federal Act. (3) As used in subparagraph (1), the term “established name”, with respect to a drug or ingredient thereof, means one of the following: (a) The applicable official name designated pursuant to section 508 of the federal Act. (b) If no such official name exists and the drug or ingredient is an article recognized in an official compendium, then its official title in the compendium. (c) If neither subparagraph division (a) nor (b) applies, then the common or usual name, if any, of the drug or ingredient. However, if subparagraph division (b) applies to an article recognized in the United States Pharmacopoeia National Formulary and in the Homeopathic Pharmacopoeia of the United States under different official titles, the official title used in the United States Pharmacopoeia National Formulary applies unless it is labeled and offered for sale as a homeopathic drug, in which case the official title used in the Homeopathic Pharmacopoeia of the United States applies. (4) As used in subparagraph (2), the term “established name” with respect to a device means one of the following: (a) The applicable official name of the device pursuant to section 508 of the federal Act. (b) If no such official name exists and the device is an article recognized in an official compendium, then its official title in the compendium. (c) If neither subparagraph division (a) nor (b) applies, then any common or usual name of the device. f. (1) Unless its labeling bears both of the following: (a) Adequate directions for use. (b) Adequate warnings against use in those pathological conditions, or by children, where its use may be dangerous to health, or against unsafe dosage or methods or durations of administration or application, in the manner and form necessary for the protection of users. (2) However, if a requirement of subparagraph (1), subparagraph division (a), as applied to a drug or device, is not necessary for the protection of the public health, the board or the secretary shall adopt rules or regulations exempting the drug or device from that requirement. g. If it purports to be a drug the name of which is recognized in an official compendium, unless it is packaged and labeled as prescribed in the official compendium. However, the method of packing may be modified with the consent of the board or the secretary. If a drug is recognized in both the United States Pharmacopoeia National Formulary and the Homeopathic Pharmacopoeia of the United States, it is subject to the requirements of the United States Pharmacopoeia National Formulary with respect to packaging and labeling unless it is labeled and offered for sale as a homeopathic drug, in which case it is subject to the Homeopathic Pharmacopoeia of the United States, and not to the United States Pharmacopoeia National Formulary. However, if an inconsistency exists between this paragraph and paragraph “e” as to the name by which the drug or its ingredients shall be designated, paragraph “e” prevails. h. If it has been found by the board or the secretary to be a drug liable to deterioration, unless it is packaged in the form and manner, and its label bears a statement of the precautions that the board or the secretary by rule or regulation requires as necessary for the protection of public health. Such a rule or regulation shall not be established for a drug recognized in an official compendium until the board or the secretary has informed the appropriate body charged with the revision of the official compendium of the need for such packaging or labeling requirements and that body has failed within a reasonable

time to prescribe such requirements. i. (1) If it is a drug and its container is so made, formed, or filled as to be misleading. (2) If it is an imitation of another drug. (3) If it is offered for sale under the name of another drug. j. If it is dangerous to health when used in the dosage or manner, or with the frequency or duration prescribed, recommended, or suggested in its labeling. k. If it is, or purports to be, or is represented as a drug composed wholly or partly of insulin, unless both of the following apply: (1) It is from a batch with respect to which a certificate or release has been issued pursuant to section 506 of the federal Act. (2) The certificate or release is in effect with respect to the drug. l. (1) If it is, or purports to be, or is represented as a drug, composed wholly or partly of any kind of penicillin, streptomycin, chlortetracycline, chloramphenicol, bacitracin, or any other antibiotic drug, or any derivative thereof, unless both of the following apply: (a) It is from a batch with respect to which a certificate or release has been issued pursuant to section 507 of the federal Act. (b) The certificate or release is in effect with respect to the drug. (2) However, this paragraph “l” does not apply to any drug or class of drugs exempted by regulations adopted under section 507(c) or 507(d) of the federal Act. m. If it is a color additive, the intended use of which is for the purpose of coloring only, unless its packaging and labeling are in conformity with the packaging and labeling requirements applicable to that color additive, as contained in regulations adopted under section 706 of the federal Act. n. If it is a prescription drug distributed or offered for sale in this state, unless the manufacturer, packer, or distributor includes in all advertising and other descriptive printed matter issued or caused to be issued by the manufacturer, packer, or distributor with respect to the prescription drug a true statement of all of the following: (1) The established name as defined in paragraph “e”, printed prominently and in type at least half as large as that used for any trade or brand name thereof. (2) The formula showing quantitatively each ingredient of the prescription drug to the extent required for labels under paragraph “e”. (3) Other information in brief summary relating to side effects, contraindications, and effectiveness as required in regulations adopted pursuant to section 701(e) of the federal Act. o. If it was manufactured, prepared, propagated, compounded, or processed in an establishment in this state not duly registered under section 510 of the federal Act, if it was not included on a list required by section 510(j) of the federal Act, if a notice or other information respecting it was not provided as required by that section or section 510(k) of the federal Act, or if it does not bear the symbols from the uniform system for identification of devices prescribed under section 510(e) of the federal Act that are required by regulation. p. If it is a drug and its packaging or labeling is in violation of an applicable regulation adopted pursuant to section 3 or 4 of the federal Poison Prevention Packaging Act of 1970, 15 U.S.C. §1471 et seq. q. If a trademark, trade name, or other identifying mark, imprint, or device of another trademark, trade name, mark, or imprint or any likeness of the foregoing has been placed thereon or upon its container with intent to defraud. r. In the case of a restricted device distributed or offered for sale in this state, if either of the following applies: (1) Its advertising is false or misleading in any particular. (2) It is sold, distributed, or used in violation of regulations adopted pursuant to section 520(e) of the federal Act. s. In the case of a restricted device distributed or offered for sale in this state, unless the manufacturer, packer, or distributor includes in all advertising and other descriptive printed matter issued by the manufacturer, packer, or distributor with respect to the device both of the following: (1) A true statement of the device’s established name as defined in paragraph “e”, printed prominently and in type at least half as large as that used for any trade or brand name thereof. (2) A brief statement of the intended uses of the device and relevant warnings, precautions, side effects, and contraindications; and in the case of a specific device made subject to regulations adopted pursuant to the federal Act, a full description of the components of the device or the formula showing quantitatively each ingredient of the device to the extent required in regulations under the federal Act. t. If it is a device subject to a performance standard established under section 514 of the federal Act, unless it bears labeling as prescribed in that performance standard. u. If it is a device and there was a failure or refusal to comply with any requirement prescribed under section 518 of the federal Act respecting the device, or to furnish material required by or under section 519 of the federal Act respecting the device. 2. If an article is alleged to be misbranded because the labeling or advertising is misleading, then in determining whether the labeling or advertising is misleading, there shall be taken into account, among other things, not only representations made or suggested by statement, word, design, device, or any combination thereof, but also the extent to which the labeling or advertising fails to reveal facts material in the light of such representations, or material with respect to consequences which may result from the use of the article to which the labeling or advertising relates, under the conditions of use prescribed in the labeling or advertising or under customary or usual conditions of use. 3. The representation of a drug, in its labeling, as an antiseptic shall be considered to be a representation that it is a germicide, except in the case of a drug purporting to be, or represented as, an antiseptic for inhibitory use as a wet dressing, ointment, dusting powder, or such other use as involves prolonged contact with the body. 89 Acts, ch 197, §10 CS89, §203B.10 C93, §126.10 2009 Acts, ch 41, §189 Referred to in §126.11

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 126 - DRUGS, DEVICES, AND COSMETICS Section 126.11 - Exemptions in cases of drugs and devices — dispensing by prescription only.

126.11 Exemptions in cases of drugs and devices — dispensing by prescription only. 1. The board shall adopt rules exempting from any labeling or packaging requirement of this chapter drugs and devices which are, in accordance with the practice of the trade, to be processed, labeled, or repacked in substantial quantities at establishments other than those where originally processed or packaged, on condition that such drugs and devices are not adulterated or misbranded upon removal from the processing, labeling, or repacking establishment. 2. Drug and device labeling or packaging exemptions adopted pursuant to the federal Act shall apply to drugs and devices in this state except insofar as modified or rejected by rules adopted by the board. 3. a. (1) This paragraph “a” applies to a drug intended for use by humans which is any of the following: (a) Is a habit-forming drug to which section 126.10, subsection 1, paragraph “d” applies. (b) Because of its toxicity or other potentiality for harmful effect, or the method of its use, or the collateral measures necessary to its use, is not safe for use except under the supervision of a practitioner licensed by law to

administer the drug. (c) Is limited by an approved application under section 505 of the federal Act to use under the professional supervision of a practitioner licensed by law to administer the drug. (2) Such a drug shall be dispensed only upon a written, electronic, or facsimile prescription of a practitioner licensed by law to administer the drug, or upon an oral prescription of such a practitioner which is reduced promptly to writing and filed by the pharmacist, or by refilling any such written, electronic, facsimile, or oral prescription if the refilling is authorized by the prescriber either in the original written, electronic, or facsimile prescription or by oral order which is reduced promptly to writing and filed by the pharmacist. The act of dispensing a drug contrary to this paragraph “a” while the drug is held for sale results in the drug being misbranded. b. A drug dispensed by filling or refilling a written, electronic, facsimile, or oral prescription of a practitioner licensed by law to administer the drug is exempt from section 126.10, except section 126.10, subsection 1, paragraph “a”, section 126.10, subsection 1, paragraph “i”, subparagraphs (2) and (3), and section 126.10, subsection 1, paragraphs “k” and “l”, and the packaging requirements of section 126.10, subsection 1, paragraphs “g”, “h”, and “p”, if the drug bears a label containing the name and address of the dispenser, the date of the prescription or of its filling, the name of the prescriber, and, if stated in the prescription, the name of the patient, and the directions for use and cautionary statements, if any, contained in the prescription. This exemption does not apply to a drug dispensed in the course of the conduct of the business of dispensing drugs pursuant to diagnosis by mail, or to a drug dispensed in violation of paragraph “a” of this subsection. c. The board may, by rule, remove a drug subject to section 126.10, subsection 1, paragraph “d”, and section 505 of the federal Act from the requirements of paragraph “a” of this subsection when such requirements are not necessary for the protection of the public health. d. A drug which is subject to paragraph “a” of this subsection is misbranded if, at any time prior to dispensing, its label fails to bear the statement: “Caution: Federal Law Prohibits Dispensing Without Prescription”, or “Caution: State Law Prohibits Dispensing Without Prescription”. A drug to which paragraph “a” of this subsection does not apply is misbranded if, at any time prior to dispensing, its label bears the caution statement quoted in the preceding sentence. e. Prescription drug samples dispensed by a practitioner licensed by law to administer such drugs are exempt from section 126.10. f. All electronic or facsimile prescriptions transmitted under this section shall comply with section 155A.27. 89 Acts, ch 197, §11 CS89, §203B.11 C93, §126.11 2004 Acts, ch 1036, §5 – 7; 2009 Acts, ch 41, §190; 2013 Acts, ch 30, §26; 2013 Acts, ch 140, §58

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 126 - DRUGS, DEVICES, AND COSMETICS Section 126.12 - New drugs.

126.12 New drugs. 1. A person shall not sell, deliver, offer for sale, hold for sale, or give away a new drug unless both of the following apply: a. An application with respect to the new drug has been approved and the approval has not been withdrawn under section 505 of the federal Act. b. A copy of the letter of approval or approvability issued by the United States food and drug administration is on file with the secretary of the board, if the product is manufactured in this state. 2. A person shall not use in humans a new drug limited to investigational use unless the person has filed with the United States food and drug administration a completed and signed “Notice of Claimed Investigational Exemption for a New Drug” form in accordance with 21 C.F.R. §312.1 and the exemption has not been terminated. The drug shall be plainly labeled in compliance with section 505(i) or 507(d) of the federal Act. 3. This section does not apply to either of the following: a. A drug which is not a new drug as defined in the federal Act. b. A drug which is licensed under the federal Public Health Service Act of July 1, 1944, 42 U.S.C. §201 et seq. or under the Animal Virus-Serum-Toxin Act of March 4, 1913, 21 U.S.C. §151 et seq. 89 Acts, ch 197, §12 CS89, §203B.12 C93, §126.12 2010 Acts, ch 1061, §24 Referred to in §126.3, 126.6

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 126 - DRUGS, DEVICES, AND COSMETICS Section 126.14 - Cosmetics — adulteration.

126.14 Cosmetics — adulteration. A cosmetic is adulterated if any of the following apply: 1. a. It bears or contains a poisonous or deleterious substance which may render it injurious to users under the conditions of use prescribed in its labeling or under customary or usual conditions of use. However, this does not apply to coal-tar hair dye if the label of the dye bears the following legend conspicuously displayed and the label bears adequate directions for the preliminary testing: Caution — This product contains ingredients which may cause skin irritation on certain individuals and a preliminary test according to accompanying directions should first be made. This product must not be used for dyeing the eyelashes or eyebrows; to do so may cause blindness. b. For the purposes of this subsection and subsection 5, “hair dye” does not include eyelash dyes or eyebrow dyes. 2. It consists in whole or in part of any filthy, putrid, or decomposed substance. 3. It has been produced, prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health. 4. Its container is composed, in whole or in part, of a poisonous or deleterious substance which may render the contents injurious to health. 5. It is not a hair dye and it is, or it bears or contains a color additive which is “unsafe” within the meaning of section 706(a) of the federal Act. 89 Acts, ch 197, §13 CS89, §203B.14 C93, §126.14 2018 Acts, ch 1041, §42 Referred to in §126.15

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 126 - DRUGS, DEVICES, AND COSMETICS Section 126.15 - Cosmetics — misbranding.

126.15 Cosmetics — misbranding. 1. A cosmetic is misbranded if any of the following apply: a. Its labeling is false or misleading in any particular. b. If in package form unless it bears a label containing both of the following: (1) The name and place of business of the manufacturer, packer, or distributor. (2) An accurate statement of the quantity of the contents in terms of weight, measure, or numerical count, which statement shall be separately and accurately stated in a uniform location upon the principal display panel of

the label. c. A word, statement, or other information required by or under the authority of this chapter to appear on the label or labeling is not prominently placed there with such conspicuousness, as compared with other words, statements, designs, or devices in the labeling, and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use. d. Its container is so made, formed, or filled as to be misleading. e. It is a color additive, unless its packaging and labeling are in conformity with the packaging and labeling requirements applicable to that color additive prescribed under section 706 of the federal Act. This paragraph does not apply to packages of color additives which, with respect to their use of cosmetics, are marketed and intended for use only in or on hair dyes, as specified in section 126.14, subsection 1. f. Its packaging or labeling is in violation of an applicable regulation adopted pursuant to section 3 or 4 of the federal Poison Prevention Packaging Act of 1970, 15 U.S.C. §1471 et seq. 2. The board shall adopt rules exempting from any labeling requirement of this chapter, cosmetics which are in accordance with the practice of the trade, to be processed, labeled, or repacked in substantial quantities at an establishment other than the establishment where they are originally processed or packed, on condition that such cosmetics are not adulterated or misbranded upon removal from the processing, labeling, or repacking establishment. Cosmetic labeling exemptions adopted under the federal Act apply to cosmetics in this state except as modified or rejected by rules adopted by the board. 89 Acts, ch 197, §14 CS89, §203B.15 C93, §126.15 2009 Acts, ch 41, §263

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 126 - DRUGS, DEVICES, AND COSMETICS Section 126.16 - False advertising.

126.16 False advertising. 1. The advertising of a drug, device, or cosmetic is false if it is false or misleading in any particular. 2. For the purpose of this chapter, advertising is false if it represents a drug, device, or cosmetic to have any effect in the diagnosis, prevention, or treatment of arthritis, blood disorders, bone or joint diseases, kidney diseases or disorders, cancer, diabetes, gall bladder disease or disorders, heart and vascular disease, high blood pressure, diseases or disorders of the ear, mental disease or an intellectual disability, degenerative neurological diseases, paralysis, prostate gland disorders, conditions of the scalp affecting hair loss, baldness, endocrine disorders, sexual impotence, tumors, venereal diseases, varicose ulcers, breast enlargement, purifying blood, metabolic disorders, immune system disorders or conditions affecting the immune system, extension of life expectancy, stress and tension, brain stimulation or performance, the body's natural defense mechanisms, blood flow, and depression. However, advertising not in violation of subsection 1 is not false under this subsection if it is disseminated only to members of the medical, dental, or veterinary professions, or appears only in the scientific periodicals of these professions, or is disseminated only for the purpose of public health education by persons not commercially interested, directly or indirectly, in the sale of such drugs or devices. However, if the board determines that an advance in medical science has made any type of self-medication safe as to any of the diseases named in this subsection, the board shall by rule authorize the advertising of drugs having curative or therapeutic effect for such disease, subject to the conditions and restrictions the board deems necessary in the interests of the public health. However, this subsection does not indicate that self-medication for diseases other than those named in this subsection is safe and efficacious. 89 Acts, ch 197, §15 CS89, §203B.16 C93, §126.16 2012 Acts, ch 1019, §6

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 126 - DRUGS, DEVICES, AND COSMETICS Section 126.17 - Rules — hearings.

126.17 Rules — hearings. 1. The board may adopt rules pursuant to chapter 17A for the efficient enforcement of this chapter. The board may make the rules adopted under this chapter conform, insofar as practicable, with those regulations adopted pursuant to the federal Act. 2. Hearings authorized or required by this chapter shall be conducted by the board or by an officer, agent, or employee designated by the board. 89 Acts, ch 197, §16 CS89, §203B.17 C93, §126.17

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 126 - DRUGS, DEVICES, AND COSMETICS Section 126.18 - Inspections.

126.18 Inspections. 1. a. For purposes of enforcement of this chapter, the board or any of its authorized agents, upon presenting appropriate credentials to the owner, operator, or agent in charge, may do both of the following: (1) Enter at reasonable times any factory, warehouse, or other establishment in which drugs, devices, or cosmetics are manufactured, processed, packed, or held, for introduction into commerce or after such introduction; or enter a vehicle being used to transport or hold drugs, devices, or cosmetics in commerce. (2) Inspect at reasonable times and within reasonable limits and in a reasonable manner such a factory, warehouse, establishment, or vehicle and all pertinent equipment, finished and unfinished materials, containers, and labeling therein, and obtain samples necessary to the enforcement of this chapter. In the case of a factory, warehouse, establishment, or consulting laboratory in which prescription drugs are manufactured, processed, packed, or held, the inspection shall extend to all things therein, including records, files, papers, processes, controls, and facilities, bearing on whether prescription drugs or restricted devices which are adulterated or misbranded or which may not be manufactured, introduced into commerce, or sold or offered for sale by reason of any provision of this chapter, have been or are being manufactured, processed, packed, transported, or held in violation of or bearing on a violation of this chapter. An inspection authorized for prescription drugs by the preceding sentence shall not extend to financial data, sales data other than shipment data, pricing data, personnel data other than data as to qualifications of technical and professional personnel performing functions subject to this chapter, and research data other than data relating to new drugs, and antibiotic drugs, and devices, and subject to reporting and inspection under regulations lawfully issued pursuant to section 505(i) or 505(j), or section 507(d) or 507(g), section 519, or section 520(g) of the federal Act, and data, relating to other drugs, or devices

which in the case of a new drug would be subject to reporting or inspection under lawful regulations issued pursuant to section 505(j) of the federal Act. The inspection shall be commenced and completed with reasonable promptness. b. Paragraph “a” does not apply to any of the following: (1) Pharmacies which maintain establishments in conformance with laws of this state regulating the practice of pharmacy and medicine and which are regularly engaged in dispensing prescription drugs, or devices, upon prescription of practitioners licensed to administer the drugs or devices to patients under the care of the practitioners in the course of their professional practice, and which do not, either through a subsidiary or otherwise, manufacture, prepare, propagate, compound, or process drugs or devices for sale other than in the regular course of their business of dispensing or selling drugs or devices at retail. (2) Practitioners licensed by law to prescribe or administer drugs or prescribe or use devices, and who manufacture, prepare, propagate, compound, or process drugs, or manufacture or process devices solely for use in the course of their professional practice. (3) Persons who manufacture, prepare, propagate, compound, or process drugs, or manufacture or process devices solely for use in research, teaching, or chemical analysis and not for sale. (4) Duly employed sales representatives of pharmaceutical companies acting in the normal and customary performance of their duties. (5) Other classes of persons the board exempts from the application of this section by rule upon a finding that inspection as applied to such classes of persons in accordance with this section is not necessary for the protection of the public health. 2. a. Upon completion of an inspection of a factory, warehouse, consulting laboratory, or other establishment and prior to leaving the premises, the authorized agent making the inspection shall give to the owner, operator, or agent in charge a report in writing setting forth any conditions or practices observed by the authorized agent which, in the judgment of the authorized agent, indicate that any drug, device, or cosmetic in the establishment meets either of the following: (1) Consists in whole or in part of a filthy, putrid, or decomposed substance. (2) Has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health. b. A copy of the report shall be sent promptly to the board. 3. If the authorized agent making an inspection of a factory, warehouse, or other establishment has obtained a sample in the course of the inspection, upon completion of the inspection and prior to leaving the premises the authorized agent shall give to the owner, operator, or agent in charge a receipt describing the sample obtained. 4. A person required under this chapter or section 519 or 520(g) of the federal Act to maintain records and a person who is in charge or custody of such records shall, upon request of an authorized agent designated by the board, permit the authorized agent at all reasonable times to have access and to copy and verify such records. 5. For the purposes of enforcing this chapter, carriers engaged in commerce, and persons receiving drugs, devices, or cosmetics in commerce or holding such articles so received, shall, upon the request of a duly authorized agent of the board, permit the agent, at reasonable times, to have access to and to copy all records showing the movement in commerce of a drug, device, or cosmetic, or the holding thereof during or after such movement, and the quantity, shipper, and consignee thereof. It is unlawful for any such carrier or person to fail to permit such access to and copying of any such record so requested when the request is accompanied by a statement in writing specifying the nature or kind of drug, device, or cosmetic to which the request relates. 6. Evidence obtained under this section or evidence which is directly or indirectly derived from such evidence obtained under this section, shall not be used in a criminal prosecution of the person from whom the evidence was obtained; and carriers are not subject to the other provisions of this chapter by reason of their receipt, carriage, holding, or delivery of drugs, devices, or cosmetics in the usual course of business as carriers. 89 Acts, ch 197, §17 CS89, §203B.18 C93, §126.18 2009 Acts, ch 41, §263 Referred to in §126.3

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 126 - DRUGS, DEVICES, AND COSMETICS Section 126.19 - Publicity.

126.19 Publicity. 1. The board may cause to be published from time to time reports summarizing all judgments, decrees, and court orders which have been rendered under this chapter, including the nature of the charges and their disposition. 2. The board may also cause to be disseminated information regarding drugs, devices, or cosmetics, in situations involving, in the opinion of the board, imminent danger to health, or gross deception of the consumer. This section does not prohibit the board from collecting, reporting, and illustrating the results of investigations by the board. 89 Acts, ch 197, §18 CS89, §203B.19 C93, §126.19

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 126 - DRUGS, DEVICES, AND COSMETICS Section 126.2 - Definitions.

126.2 Definitions. As used in this chapter, unless the context otherwise requires: 1. “Advertising” means any representation disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of drugs, devices, or cosmetics. 2. “Anabolic steroid” means any drug or hormonal substance, chemically and pharmacologically related to testosterone, other than estrogens, progestins, corticosteroids, or dehydroepiandrosterone, which substance is identified as an anabolic steroid in section 124.208, subsection 6, and includes any other substance designated by the board as an anabolic steroid through the adoption of rules pursuant to chapter 17A. 3. “Board” means the board of pharmacy. 4. “Contaminated with filth” means not securely protected from dust, dirt, and as far as is necessary by all reasonable means, from all foreign or injurious contaminations. 5. “Cosmetic” means any of the following, but does not include soap: a. An article intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part of a human body for cleaning, beautifying, promoting attractiveness, or altering the appearance. b. An article intended for use as a component of an article defined in paragraph “a”. 6. “Counterfeit drug” means a drug which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, or device, or any such likeness, of a drug manufacturer, processor, packer, or distributor other than the person or persons who in fact

manufactured, processed, packed, or distributed the drug and which falsely purports or is represented to be the product of, or to have been packed or distributed by, such other drug manufacturer, processor, packer, or distributor. 7. “Device” means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including any component, part, or accessory of any of these, which is any of the following: a. Recognized as a device in the official United States Pharmacopoeia National Formulary or any supplement to it. b. Intended for use in the diagnosis of diseases or other conditions, or in the cure, mitigation, treatment, or prevention of diseases or other conditions in a human. c. Intended to affect the structure or any function of the body of a human, and which does not achieve any of its principal intended purposes through chemical action within or on the body of a human and which is not dependent upon being metabolized for the achievement of any of its principal intended purposes. 8. “Drug” means any of the following, but does not include a device: a. An article recognized as a drug in the official United States Pharmacopoeia National Formulary, official Homeopathic Pharmacopoeia of the United States, or any supplement to either document. b. An article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of diseases in a human. c. An article, other than food, intended to affect the structure or any function of the body of a human. d. An article intended for use as a component of any articles specified in paragraphs “a”, “b”, or “c”. 9. “Electronic prescription” means a prescription which is transmitted by a computer device in a secure manner, including computer-to-computer transmission and computer-to-facsimile transmission. 10. “Facsimile prescription” means a prescription which is transmitted by a device which sends an exact image to the receiver. 11. “Federal Act” means the federal Food, Drug, and Cosmetic Act, which is codified in 21 U.S.C. §301 et seq. 12. “Immediate container” does not include a package liner. 13. “Label” means a display of written, printed, or graphic matter upon the immediate container of an article; and a requirement made by or under authority of this chapter that any word, statement, or other information appear on the label is not complied with unless the word, statement, or other information also appears on the outside container or wrapper of the retail package of the article, or is easily legible through the outside container or wrapper. 14. “Labeling” means all labels and other written, printed, or graphic matter upon an article or any of its containers or wrappers, or accompanying an article. 15. “New drug” means either of the following: a. Any drug, the composition of which is such that the drug is not generally recognized among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in its labeling, except that a drug not so recognized is not a new drug if at any time prior to the enactment of this chapter it was subject to the federal Act, and if at that time its labeling contained the same representations concerning the conditions of its use. b. Any drug, the composition of which is such that the drug, as a result of investigations to determine its safety and effectiveness for use under the conditions prescribed, recommended, or suggested in its labeling, has become recognized as safe and effective, but which has not, other than in such investigations, been used to a material extent or for a material time under the conditions prescribed, recommended, or suggested in its labeling. 16. “Official compendium” means the official United States Pharmacopoeia National Formulary, official Homeopathic Pharmacopoeia of the United States, or any supplement to either document. 17. “Person” means an individual, partnership, corporation, or association. 18. “Principal display panel” means that part of a label that is most likely to be displayed, presented, shown, or examined under normal and customary conditions of display for retail sale. 19. “Safe” as used in this chapter has reference to the health of a human. 20. “Secretary” means the secretary of the United States department of health and human services. 89 Acts, ch 197, §2 CS89, §203B.2 90 Acts, ch 1078, §1 C93, §126.2 2004 Acts, ch 1036, §4; 2007 Acts, ch 8, §20; 2007 Acts, ch 10, §17 Referred to in §280.16

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 126 - DRUGS, DEVICES, AND COSMETICS Section 126.20 - Chapter not applicable to commercial feed.

126.20 Chapter not applicable to commercial feed. This chapter does not apply to the Iowa Commercial Feed Law of 1974 under chapter 198 or to administrative rules adopted pursuant to chapter 198. 89 Acts, ch 197, §19 CS89, §203B.20 C93, §126.20

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 126 - DRUGS, DEVICES, AND COSMETICS Section 126.21 - Chapter not applicable to animal drugs.

126.21 Chapter not applicable to animal drugs. This chapter does not apply to drugs intended for use for animals and not for humans. 89 Acts, ch 197, §20 CS89, §203B.21 C93, §126.21

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 126 - DRUGS, DEVICES, AND COSMETICS Section 126.22 - Nitrous oxide.

126.22 Nitrous oxide. 1. Unlawful possession. Any person who possesses nitrous oxide or any substance containing nitrous oxide, with the intent to breathe, inhale, or ingest for the purpose of causing a condition of intoxication, elation, euphoria, dizziness, stupefaction, or dulling of the senses, or who knowingly and with the intent to do so is under the influence of nitrous oxide or any material containing nitrous oxide, is guilty of a serious misdemeanor. This subsection shall not apply to a person who is under the influence of nitrous oxide or any material containing nitrous oxide for the purpose of medical, surgical, or dental care by a person duly licensed to administer such an agent. 2. Unlawful distribution. Any person who distributes nitrous oxide, or possesses nitrous oxide with intent to distribute to any other person, if such distribution is with the intent to induce unlawful inhaling of the substance or is with the knowledge that the other person will unlawfully inhale the substance, is guilty of a serious misdemeanor. 97 Acts, ch 39, §6

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 126 - DRUGS, DEVICES, AND COSMETICS Section 126.23 - Gamma-hydroxybutyrate.

126.23 Gamma-hydroxybutyrate. 1. Unlawful possession. Any person who possesses gamma-hydroxybutyrate (also known as gamma-hydroxybutyric acid, or GHB), or any substance containing gamma-hydroxybutyrate, commits an aggravated misdemeanor. This subsection shall not apply to any person who obtains or possesses gamma-hydroxybutyrate or any material containing gamma-hydroxybutyrate pursuant to a lawful order of a physician or other authorized prescriber for the legitimate treatment of disease. 2. Unlawful distribution. Any person who distributes gamma-hydroxybutyrate, or possesses gamma-hydroxybutyrate with the intent to distribute to any other person, commits an aggravated misdemeanor if the person intends to promote or allow the unlawful use of the substance or if the person knows that the other person will use the substance for unlawful purposes. 97 Acts, ch 95, §1

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 126 - DRUGS, DEVICES, AND COSMETICS Section 126.23A - Pseudoephedrine retail restrictions.

126.23A Pseudoephedrine retail restrictions. 1. a. A retailer or an employee of a retailer shall not do any of the following: (1) Sell more than seven thousand five hundred milligrams of pseudoephedrine to the same person within a thirty-day period. (2) Knowingly sell more than one package of a product containing pseudoephedrine to a person in a twenty-four-hour period. (3) Sell a package of a pseudoephedrine product that can be further broken down or subdivided into two or more separate and distinct packages or offer promotions where a pseudoephedrine product is given away for free as part of any purchase transaction. b. A retailer or an employee of a retailer shall do the following: (1) Provide for the sale of a pseudoephedrine product from a locked cabinet or behind a sales counter where the public is unable to reach the product and where the public is not permitted. (2) Require a purchaser to present a government-issued photo identification card identifying the purchaser prior to purchasing a pseudoephedrine product. (3) Require the purchaser to sign a logbook and to also require the purchaser to legibly print the purchaser's name and address in the logbook. (4) Print the name of the pseudoephedrine product purchased and quantity sold next to the name of each purchaser in the logbook. (5) Determine the signature in the logbook corresponds with the name on the government-issued photo identification card. (6) Keep the logbook twenty-four months from the date of the last entry. (7) Provide notification in a clear and conspicuous manner in a location where a pseudoephedrine product is offered for sale stating the following: Iowa law prohibits the over-the-counter purchase of more than one package of a product containing pseudoephedrine in a twenty-four-hour period or of more than seven thousand five hundred milligrams of pseudoephedrine within a thirty-day period. If you purchase a product containing pseudoephedrine, you are required to sign a logbook which may be accessible to law enforcement officers. (8) Provide notification affixed to the logbook stating that a purchaser entering a false statement or misrepresentation in the logbook may subject the purchaser to criminal penalties under 18 U.S.C. §1001. (9) Disclose logbook information as provided by state and federal law. (10) Comply with training requirements pursuant to federal law. 2. A purchaser shall not do any of the following: a. Purchase more than one package of a pseudoephedrine product within a twenty-four-hour period from a retailer. b. Purchase more than seven thousand five hundred milligrams of pseudoephedrine from a retailer, either separately or collectively, within a thirty-day period. 3. A purchaser shall sign the logbook and also legibly print the purchaser's name and address in the logbook. 4. Enforcement of this section shall be implemented uniformly throughout the state. A political subdivision of the state shall not adopt an ordinance regulating the display or sale of products containing pseudoephedrine. An ordinance adopted in violation of this section is void and unenforceable and any enforcement activity of an ordinance in violation of this section is void. 5. The logbook may be kept in an electronic format upon approval by the department of public safety. 6. A pharmacy that sells a product that contains three hundred sixty milligrams or less of pseudoephedrine on a retail basis shall comply with the provisions of this section with respect to the sale of such product. However, a pharmacy is exempted from the provisions of this section when selling a pseudoephedrine product pursuant to section 124.212. 7. A retailer or an employee of a retailer that reports to any law enforcement agency any alleged criminal activity related to the purchase or sale of pseudoephedrine or who refuses to sell a pseudoephedrine product to a person is immune from civil liability for that conduct, except in cases of willful misconduct. 8. If a retailer or an employee of a retailer violates any provision of this section, a city or county may assess a civil penalty against the retailer upon hearing and notice as provided in section 126.23B. 9. An employee of a retailer who commits a violation of subsection 1 or a purchaser who commits a violation of subsection 2 commits a simple misdemeanor punishable by a scheduled fine under section 805.8C, subsection 6. 10. As used in this section, "retailer" means a person or business entity engaged in this state in the business of selling products on a retail basis. An "employee of a retailer" means any employee, contract employee, or agent of the retailer. 2004 Acts, ch 1127, §1; 2005 Acts, ch 15, §3, 14; 2005 Acts, ch 179, §115 – 117; 2009 Acts, ch 25, §7, 8; 2010 Acts, ch 1061, §25 Referred to in §124.212, 124.213, 126.23B, 602.8105, 714.7C, 805.8C(6) Theft of pseudoephedrine, see §714.7C

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 126 - DRUGS, DEVICES, AND COSMETICS Section 126.23B - Civil penalty.

126.23B Civil penalty. 1. A city or a county may enforce section 126.23A, after giving the retailer an opportunity to be heard upon ten days' written notice by restricted certified mail stating the alleged violation and the time and place at which the retailer may appear and be heard. 2. For a violation of section 126.23A by the retailer or an employee of the retailer a civil penalty shall be assessed against the retailer as follows: a. For a first violation, the retailer shall be assessed a civil penalty in the amount of three

hundred dollars. b. For a second violation within a period of two years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars. c. For a third violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of two thousand dollars. The retailer may also be prohibited from selling pseudoephedrine for up to three years from the date of assessment of the civil penalty. d. For a fourth or subsequent violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of three thousand dollars. On a fourth or subsequent violation, the retailer shall be prohibited from selling pseudoephedrine products for three years from the date of the assessment of the civil penalty. 3. The city or county that takes legal action against a retailer under this section shall report the assessment of a civil penalty to the department of public safety within thirty days of the penalty being assessed. 4. The civil penalty shall be collected by the clerk of the district court and shall be distributed as provided in section 602.8105, subsection 4. 2005 Acts, ch 15, §4, 14 Referred to in §126.23A, 602.8105

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 126 - DRUGS, DEVICES, AND COSMETICS Section 126.2A - Applicability.

126.2A Applicability. The provisions of this chapter regarding the selling of drugs, devices, or cosmetics are applicable to the manufacture, production, processing, packaging, exposure, offer, possession, and holding of any such article for sale; and the sale, dispensing, and giving of any such article, and the supplying or applying of any such article, in the conduct of any drug, device, or cosmetic establishment. C93, §126.2(un. 2) CS2007, §126.2A

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 126 - DRUGS, DEVICES, AND COSMETICS Section 126.3 - Prohibited acts.

126.3 Prohibited acts. The following acts and the causing of the acts within this state are unlawful: 1. The introduction or delivery for introduction into commerce of any drug, device, or cosmetic that is adulterated or misbranded. 2. The adulteration or misbranding of any drug, device, or cosmetic in commerce. 3. The receipt in commerce of a drug, device, or cosmetic that is adulterated or misbranded, and the delivery or proffered delivery thereof for pay or otherwise. 4. The introduction or delivery for introduction into commerce of a drug, device, or cosmetic in violation of section 126.12. 5. The dissemination of any false advertising. 6. The refusal to permit entry or inspection, or to permit the taking of a sample or to permit access to or copying of any record as authorized by section 126.18; or the failure to establish or maintain any record or make any report required under section 512(j), 512(l), or 512(m) of the federal Act, or the refusal to permit access to or verification or copying of any such required record. 7. The manufacture within this state of a drug, device, or cosmetic that is adulterated or misbranded. 8. The giving of a guaranty or undertaking referred to in section 126.5, subsection 2, if the guaranty or undertaking is false, except by a person who relied upon a guaranty or undertaking to the same effect, signed by, and containing the name and address of, the person residing in this state from whom the person received the drug, device, or cosmetic in good faith. 9. The removal or disposal of a detained or embargoed drug, device, or cosmetic in violation of section 126.6, subsection 1. 10. The alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the labeling of, or the doing of any other act with respect to a drug, device, or cosmetic, if the act is done while the article is held for sale, whether or not it would be the first sale, after shipment in commerce; and if the action results in the article being adulterated or misbranded. 11. Forging, counterfeiting, simulating, or falsely representing, or without proper authority using a mark, stamp, tag, label, or other identification device authorized or required by rules or regulations adopted under this chapter or the federal Act. 12. Making, selling, disposing of, or keeping in possession, control, or custody, or concealing a punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another trademark, trade name, mark, imprint, or device or a likeness of any trademark, trade name, mark, imprint, or device upon a drug or drug container or the labeling thereof so as to render the drug a counterfeit drug. 13. The doing of an act which causes a drug to be a counterfeit drug, or the sale or dispensing, or the holding for sale or dispensing, of a counterfeit drug. 14. The use by a person to the person's own advantage, or the revealing, other than to the board or to the person's authorized representative or to the courts when relevant in a judicial proceeding under this chapter, of any information acquired under authority of this chapter concerning any method or process which as a trade secret is entitled to protection. 15. The use, on the labeling of a drug or device or in advertising relating to a drug or device, of a representation or suggestion that approval of an application with respect to the drug or device is in effect under section 126.12 or section 505, 515, or 520(g) of the federal Act, or that the drug or device complies with the provisions of any of those sections. 16. The use, in labeling, advertising, or other sales promotion of a reference to a report or analysis furnished in compliance with section 126.18 or section 704 of the federal Act. 17. If a prescription drug is distributed or offered for sale in this state, the failure of the manufacturer, packer, or distributor of the prescription drug to maintain for transmittal, or to transmit, to any practitioner licensed by applicable law to administer the drug who makes written request for information as to the drug, true and correct copies of all printed matter which is required to be included in any package in which that drug is distributed or sold, or such other printed matter as is approved under the federal Act. This subsection does not exempt any person from a labeling requirement imposed by or under this chapter. 18. a. Placing or causing to be placed upon any drug or device or container thereof, with intent to defraud, the trademark, trade name, or other identifying mark or imprint of another trademark, trade name, mark, or imprint or any likeness of such a trademark, trade name, mark, or imprint. b. Selling, dispensing, disposing of; causing to be sold, dispensed, or disposed of; or concealing or keeping in possession, control, or custody, with intent to sell, dispense, or dispose of, a drug, device, or container thereof, with knowledge that the trademark, trade name, or other identifying mark or imprint of another trademark, trade name, mark, or imprint or any likeness of any trademark, trade name, mark, or imprint has been placed thereon in a manner prohibited by paragraph "a". c. Making, selling, disposing of; causing to be made, sold, or

disposed of; keeping in possession, control, or custody; or concealing with intent to defraud any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another trademark, trade name, mark, or imprint or any likeness of any trademark, trade name, mark, or imprint upon a drug or container or labeling thereof so as to render the drug a counterfeit drug. 19. The failure to register in accordance with section 510 of the federal Act, the failure to provide any information required by section 510(j) or 510(k) of the federal Act, or the failure to provide a notice required by section 510(j)(2) of the federal Act. 20. a. The failure or refusal to: (1) Comply with a requirement prescribed under section 518 or 520(g) of the federal Act. (2) Furnish any notification or other material or information required by or under section 519 or 520(g) of the federal Act. b. With respect to any device, the submission of any report required by or under this chapter that is false or misleading in any material respect. 21. The movement of a device in violation of an order under section 304(g) of the federal Act or the removal or alteration of any mark or label required by the order to identify the device as detained. 22. The failure to provide the notice required by section 412(b) or 412(c) of the federal Act, the failure to make the reports required by section 412(d)(1)(B) of the federal Act, or the failure to meet the requirements prescribed under section 412(d)(2) of the federal Act. 23. Selling, dispensing, or distributing; causing to be sold, dispensed, or distributed; or possessing with intent to sell, dispense, or distribute, an anabolic steroid to a person under eighteen years of age, with knowledge that the anabolic steroid is not necessary for the legitimate treatment of disease pursuant to an order of a physician. 89 Acts, ch 197, §3 CS89, §203B.3 90 Acts, ch 1078, §2 C93, §126.3 Referred to in §126.4, 126.5, 232.52, 321.215

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 126 - DRUGS, DEVICES, AND COSMETICS Section 126.4 - Injunction proceedings.

126.4 Injunction proceedings. The board may apply to the district court for, and the court has jurisdiction upon hearing and for cause shown to grant, a temporary or permanent injunction restraining any person from violating any provision of section 126.3 whether or not there exists an adequate remedy at law. 89 Acts, ch 197, §4 CS89, §203B.4 C93, §126.4

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 126 - DRUGS, DEVICES, AND COSMETICS Section 126.5 - Penalties — guaranty — false advertising liability.

126.5 Penalties — guaranty — false advertising liability. 1. A person who violates a provision of this chapter, other than a violation of section 126.3, subsection 23, is guilty of a serious misdemeanor; but if the violation is committed after a conviction of the person under this section has become final, the person is guilty of an aggravated misdemeanor. 2. A person is not subject to the penalties of subsection 1 if the person establishes a guaranty or undertaking signed by, and containing the name and address of another person residing in this state from whom the person received the article in good faith, to the effect that the article is not adulterated or misbranded. 3. A publisher, radio-broadcast licensee, or agency or medium which disseminates false advertising, except the manufacturer, packer, distributor, or seller of the article to which false advertising relates, is not liable under this section for the dissemination of the false advertising, unless the person knew or believed that the advertising was deceptive, false, or misleading or the person has refused upon the request of the board to furnish the board the name and address, if known, of the manufacturer, packer, distributor, seller, or advertising agency which caused the person to disseminate the advertisement. 4. A person who violates section 126.3, subsection 23, commits an aggravated misdemeanor. 5. A violation of this chapter is a violation of section 714.16, subsection 2, paragraph “a”. 89 Acts, ch 197, §5 CS89, §203B.5 90 Acts, ch 1078, §3, 4; 92 Acts, ch 1062, §2 C93, §126.5 Referred to in §126.3 See also §716A.3, subsection 2

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 126 - DRUGS, DEVICES, AND COSMETICS Section 126.6 - Embargo.

126.6 Embargo. 1. If a duly authorized agent of the board finds, or has probable cause to believe, that a drug, device, or cosmetic is adulterated or so misbranded as to be dangerous or fraudulent, within the meaning of this chapter, or is in violation of section 126.12, the agent shall affix to the article a tag or other appropriate marking, giving notice that the article is, or is suspected of being, adulterated or misbranded and has been detained or embargoed, and warning all persons not to remove or dispose of the article by sale or otherwise until permission for removal or disposal is given by an authorized agent or the court. It is unlawful for a person to remove or dispose of the detained or embargoed article by sale or otherwise without such permission. 2. When an article is adulterated or misbranded or is in violation of section 126.12 and has been detained or embargoed, a petition may be filed with the district court in whose jurisdiction the article is located, detained, or embargoed for an order for condemnation of the article. If a duly authorized agent has found that an article which is embargoed or detained is not adulterated or misbranded, the agent shall remove the tag or other marking. 3. If the court finds that a sampled, detained, or embargoed article is adulterated or misbranded, the article shall be destroyed at the expense of the claimant of the article, under the supervision of the agent, and all court costs and fees, and storage and other proper expenses, shall be taxed against the claimant of the article or the claimant’s agent; but if the adulteration or misbranding can be corrected by proper labeling or processing of the article, the court, after entry of the decree and after costs, fees, storage, and other expenses have been paid and a good and sufficient bond, conditioned that the article shall be so labeled or processed, has been executed, may by order direct that the article be delivered to the claimant for such labeling or processing under the supervision of a duly authorized agent of the board. The expense of supervision shall be paid by the claimant. The article shall be returned to the claimant and the bond shall be discharged on the representation to the court by the board that the article is no longer in violation of this chapter, and that the expenses of supervision have been paid. 89 Acts, ch 197, §6 CS89,

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 126 - DRUGS, DEVICES, AND COSMETICS Section 126.7 - Prosecutions.

126.7 Prosecutions. The attorney general, or a county attorney, or a city attorney to whom the board reports a violation of this chapter, shall cause appropriate court proceedings to be instituted without delay and to be prosecuted in the manner required by law. Before a violation of this chapter is reported to any such attorney for the institution of a criminal proceeding, the person against whom the proceeding is contemplated shall be given appropriate notice and an opportunity to present the person's views before the board or its agent, either orally or in writing, in person or by attorney, with regard to the contemplated proceeding. However, the drug, device, or cosmetic shall be embargoed by the duly authorized agent. 89 Acts, ch 197, §7 CS89, §203B.7 C93, §126.7 Referred to in §331.756(36)

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 126 - DRUGS, DEVICES, AND COSMETICS Section 126.8 - Minor violations.

126.8 Minor violations. This chapter does not require the board to report minor violations for prosecution, or for the institution of proceedings under this chapter, if the board believes that the public interest will be adequately served in the circumstances by a suitable written notice or warning. 89 Acts, ch 197, §8 CS89, §203B.8 C93, §126.8

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 126 - DRUGS, DEVICES, AND COSMETICS Section 126.9 - Drugs and devices — adulteration.

126.9 Drugs and devices — adulteration. A drug or device is adulterated under any of the following circumstances: 1. a. If it consists in whole or in part of any filthy, putrid, or decomposed substance. b. If it has been produced, prepared, packed, or held under insanitary conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health. c. If it is a drug and the methods used in, or the facilities or controls used for its manufacture, processing, packing, or holding do not conform to or are not operated or administered in conformity with current good manufacturing practice to assure that the drug meets the requirements of this chapter as to safety and has the identity and strength, and meets the quality and purity characteristics, which it purports or is represented to possess. d. If its container is composed, in whole or part, of any poisonous or deleterious substance which may render the contents injurious to health. 2. If it purports to be or is represented as a drug, the name of which is recognized in an official compendium, and its strength differs from, or its quality or purity falls below, the standards set forth in the official compendium. A determination as to strength, quality, or purity shall be made in accordance with the tests or methods of assay set forth in the official compendium, or in the absence of or inadequacy of such tests or methods of assay, those prescribed under authority of the federal Act. A drug defined in an official compendium is not adulterated under this subsection because it differs from the standard of strength, quality, or purity set forth in the official compendium, if its difference in strength, quality, or purity from such standards is plainly stated on its label. If a drug is recognized in both the United States Pharmacopoeia National Formulary and the Homeopathic Pharmacopoeia of the United States it is subject to the United States Pharmacopoeia National Formulary unless it is labeled and offered for sale as a homeopathic drug, in which case it is subject to the Homeopathic Pharmacopoeia of the United States and not to the United States Pharmacopoeia National Formulary. 3. If it is not subject to subsection 2 and its strength differs from, or its purity or quality falls below, that which it purports or is represented to possess. 4. If it is a drug and any substance has been mixed or packed with it so as to reduce its quality or strength, or any substance has been substituted for it wholly or in part. 5. If it is, or purports to be or is represented as, a device which is subject to a performance standard established under section 514 of the federal Act, unless the device is in all respects in conformity with such standard. 6. If it is a device banned by the board or by the United States food and drug administration. 7. If it is a device and the methods used in, or the facilities or controls used for its manufacture, packing, storage, or installation are not in conformity with applicable requirements under section 520(f)(1) of the federal Act or an applicable condition as prescribed by an order under section 520(f)(2) of the federal Act. 8. If it is a device for which an exemption has been granted under section 520(g) of the federal Act for investigational use and the person who was granted the exemption or any investigator who uses the device under the exemption fails to comply with a requirement prescribed by or under that section. 89 Acts, ch 197, §9 CS89, §203B.9 C93, §126.9

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.1 - Definitions.

135.1 Definitions. For the purposes of chapter 155* and Title IV, subtitle 2, excluding chapter 146, unless otherwise defined: 1. "Director" means the director of health and human services. 2. "Health officer" means the physician, physician assistant, advanced registered nurse practitioner, or advanced practice registered nurse who is the health officer of the local board of health. 3. "Local board" means the local board of health. 4. "Physician" means a person licensed to practice medicine and surgery, osteopathic medicine and surgery, chiropractic, podiatry, or optometry under the laws of this state; but a person licensed as a physician and surgeon shall be designated as a "physician" or "surgeon", a person licensed as an osteopathic physician and surgeon shall be designated as an "osteopathic physician" or "osteopathic surgeon", a person licensed as a chiropractor shall be designated as a "chiropractor", a person licensed as a podiatrist shall be designated as a "podiatric physician", and a person licensed as an

optometrist shall be designated as an “optometrist”. A definition or designation contained in this subsection shall not be interpreted to expand the scope of practice of such licensees. 5. “Rules” include regulations and orders. 6. “State department” or “department” means the department of health and human services. [S13, §2583-b; C24, 27, 31, 35, 39, §2181; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §135.1] 86 Acts, ch 1245, §1101; 88 Acts, ch 1199, §1; 94 Acts, ch 1023, §10; 95 Acts, ch 108, §2; 96 Acts, ch 1036, §1; 96 Acts, ch 1212, §15; 2008 Acts, ch 1058, §14; 2008 Acts, ch 1084, §10; 2008 Acts, ch 1088, §141; 2009 Acts, ch 133, §30; 2012 Acts, ch 1113, §16; 2020 Acts, ch 1083, §1; 2023 Acts, ch 19, §125 Referred to in §10A.533, 135C.1, 144.26, 237A.12, 514.21
*Reference to “chapter 155” may not be intended; corrective legislation is pending Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.100 - Definitions.

135.100 Definitions. For the purposes of this subchapter, unless the context otherwise requires: 1. “Department” means the department of health and human services. 2. “Local board” means the local board of health. 87 Acts, ch 55, §1; 2019 Acts, ch 24, §104; 2023 Acts, ch 19, §141 Subsection 1 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.101 - Childhood lead poisoning prevention program.

135.101 Childhood lead poisoning prevention program. There is established a childhood lead poisoning prevention program within the department. The department shall implement and review programs necessary to eliminate potentially dangerous toxic lead levels in children in Iowa in a year for which funds are appropriated to the department for this purpose. 87 Acts, ch 55, §2; 99 Acts, ch 141, §5; 2023 Acts, ch 19, §142 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.102 - Rules.

135.102 Rules. The department shall adopt rules, pursuant to chapter 17A, regarding the: 1. Implementation of the grant program pursuant to section 135.103. 2. Maintenance of laboratory facilities for the childhood lead poisoning prevention program. 3. Maximum blood lead levels in children living in targeted rental dwelling units. 4. Standards and program requirements of the grant program pursuant to section 135.103. 5. Prioritization of proposed childhood lead poisoning prevention programs, based on the geographic areas known with children identified with elevated blood lead level resulting from surveys completed by the department. 6. Model regulations for lead hazard remediation to be used in instances in which a child is confirmed as lead poisoned. The department shall make the model regulations available to local boards of health and shall promote the adoption of the regulations at the local level, in cities and counties implementing lead hazard remediation programs. Nothing in this subsection shall be construed as requiring the adoption of the model regulations. 7. Implementation of a requirement that children receive a blood lead test prior to the age of six and before enrolling in any elementary school in Iowa in accordance with section 135.105D. 87 Acts, ch 55, §3; 99 Acts, ch 141, §6; 2001 Acts, ch 182, §9; 2007 Acts, ch 79, §1 Referred to in §135.105D

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.103 - Grant program.

135.103 Grant program. The department shall implement a childhood lead poisoning prevention grant program which provides federal, state, or other funds to local boards of health or cities for the program after standards and requirements for the local program are developed. The department may also use federal, state, or other funds provided for the childhood lead poisoning prevention grant program to purchase environmental and blood testing services from a public health laboratory. 87 Acts, ch 55, §4; 91 Acts, ch 268, §307; 99 Acts, ch 141, §7; 2004 Acts, ch 1168, §2 Referred to in §135.102, 135.105

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.104 - Requirements.

135.104 Requirements. The program by a local board of health or city receiving funding for an approved childhood lead poisoning prevention grant program shall include: 1. A public education program about lead poisoning and dangers of lead poisoning to children. 2. An effective outreach effort to ensure availability of services in the predicted geographic area. 3. A screening program for children, with emphasis on children less than six years of age. 4. Access to laboratory services for lead analysis. 5. A program of referral of identified children for assessment and treatment. 6. An environmental assessment of suspect dwelling units. 7. Surveillance to ensure correction of the identified hazardous settings. 8. A plan of intent to continue the program on a maintenance basis after the grant is discontinued. 87 Acts, ch 55, §5; 99 Acts, ch 141, §8, 9; 2002 Acts, ch 1108, §9; 2004 Acts, ch 1168, §3

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.105 - Department duties.

135.105 Department duties. The department shall: 1. Coordinate the childhood lead poisoning prevention program with the department of natural resources, the university of Iowa poison control program, the mobile and regional child health specialty clinics, and any agency or program known for a direct interest in lead levels in the environment. 2. Survey geographic areas not

included in the grant program pursuant to section 135.103 periodically to determine prioritization of such areas for future grant programs. 87 Acts, ch 55, §6; 99 Acts, ch 141, §10; 2012 Acts, ch 1023, §24

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.105A - Lead inspector, lead abater, and lead-safe renovator training and certification program established — civil penalty.

135.105A Lead inspector, lead abater, and lead-safe renovator training and certification program established — civil penalty. Transferred to §10A.902; 2023 Acts, ch 19, §1711 .

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.105B - Voluntary guidelines — health and environmental measures — confirmed cases of lead poisoning.

135.105B Voluntary guidelines — health and environmental measures — confirmed cases of lead poisoning. 1. The department may develop voluntary guidelines which may be used to develop and administer local programs to address the health and environmental needs of children who are confirmed as lead poisoned. 2. The voluntary guidelines may be based upon existing local ordinances that address the medical case management of children's health needs and the mitigation of the environmental factors which contributed to the lead poisoning. 3. Following development of the voluntary guidelines, cities or counties may elect to utilize the guidelines in developing and administering local programs through city or county health departments on a city, county, or multicounty basis or may request that the state develop and administer the local program. However, cities and counties are not required to develop and administer local programs based upon the guidelines. 96 Acts, ch 1161, §2, 4

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.105C - Renovation, remodeling, and repainting — lead hazard notification process established.

135.105C Renovation, remodeling, and repainting — lead hazard notification process established. Transferred to §10A.903; 2023 Acts, ch 19, §1711 .

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.105D - Blood lead testing — provider education — payor of last resort.

135.105D Blood lead testing — provider education — payor of last resort. 1. For purposes of this section: a. "Blood lead testing" means taking a capillary or venous sample of blood and sending it to a laboratory to determine the level of lead in the blood. b. "Capillary" means a blood sample taken from the finger or heel for lead analysis. c. "Health care provider" means a physician who is licensed under chapter 148, or a person who is licensed as a physician assistant under chapter 148C or as an advanced registered nurse practitioner. d. "Venous" means a blood sample taken from a vein in the arm for lead analysis. 2. a. A parent or guardian of a child under the age of two is strongly encouraged to have the child tested for elevated blood lead levels by the age of two. Except as provided in paragraph "b" and subsection 4, a parent or guardian shall provide evidence to the school district elementary attendance center or the accredited nonpublic elementary school in which the parent's or guardian's child is enrolled that the child was tested for elevated blood lead levels by the age of six according to recommendations provided by the department. b. The board of directors of each school district and the authorities in charge of each nonpublic school shall, in collaboration with the department, do the following: (1) Ensure that the parent or guardian of a student enrolled in the school has complied with the requirements of paragraph "a". (2) Provide, if the parent or guardian cannot provide evidence that the child received a blood lead test in accordance with paragraph "a", the parent or guardian with community blood lead testing program information, including contact information for the department. c. Notwithstanding any other provision to the contrary, nothing in this section shall subject a parent, guardian, or legal custodian of a child of compulsory attendance age to any penalties under chapter 299. 3. The board of directors of each school district and the authorities in charge of each nonpublic school shall furnish the department, in the format specified by the department, within sixty days after the start of the school calendar, a list of the children enrolled in kindergarten. The department shall notify the school districts and nonpublic schools of the children who have not met the blood lead testing requirements set forth in this section and shall work with the school districts, nonpublic schools, and the local childhood lead poisoning prevention programs to assure that these children are tested as required by this section. 4. The department may waive the requirements of subsection 2 if the department determines that a child is of very low risk for elevated blood lead levels, or if the child's parent or legal guardian submits an affidavit, signed by the parent or legal guardian, stating that the blood lead testing conflicts with a genuine and sincere religious belief. 5. The department shall provide rules adopted pursuant to section 135.102, subsection 7, to local school boards and the authorities in charge of nonpublic schools. 6. The department shall work with health care provider associations to educate health care providers regarding requirements for testing children who are enrolled in certain federally funded programs and regarding department recommendations for testing other children for lead poisoning. 7. The department shall implement blood lead testing for children under six years of age who are not eligible for the testing services to be paid by a third-party source. The department shall contract with one or more public health laboratories to provide blood lead analysis for such children. The department shall establish by rule the procedures for health care providers to submit samples to the contracted public health

laboratories for analysis. The department shall also establish by rule a method to reimburse health care providers for drawing blood samples from such children and the dollar amount that the department will reimburse health care providers for the service. The department shall also establish by rule a method to reimburse health care providers for analyzing blood lead samples using a portable blood lead testing instrument and the dollar amount that the department will reimburse health care providers for the service. Payment for blood lead analysis and drawing blood samples shall be limited to the amount appropriated for the program in a fiscal year. 2006 Acts, ch 1184, §79; 2007 Acts, ch 79, §2, 3; 2007 Acts, ch 215, §88; 2008 Acts, ch 1020, §4 – 6; 2008 Acts, ch 1088, §87 Referred to in §135.102, 299.4 Nurse licensure, see chapter 152

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.106 - Healthy families programs — HOPES-HFI program.

135.106 Healthy families programs — HOPES-HFI program. 1. The department shall establish a healthy opportunities for parents to experience success (HOPES) – healthy families Iowa (HFI) program to provide services to families and children during the prenatal through preschool years. The program shall be designed to do all of the following: a. Promote optimal child health and development. b. Improve family coping skills and functioning. c. Promote positive parenting skills and intrafamilial interaction. d. Prevent child abuse and neglect and infant mortality and morbidity. 2. The HOPES-HFI program shall be developed by the department, and may be implemented, in whole or in part, by contracting with a nonprofit child abuse prevention organization, local nonprofit certified home health program or other local nonprofit organizations, and shall include, but is not limited to, all of the following components: a. Identification of barriers to positive birth outcomes, encouragement of collaboration and cooperation among providers of health care, social and human services, and other services to pregnant women and infants, and encouragement of pregnant women and women of childbearing age to seek health care and other services which promote positive birth outcomes. b. Provision of community-based home-visiting family support to pregnant women and new parents who are identified through a standardized screening process to be at high risk for problems with successfully parenting their child. c. Provision by family support workers of individual guidance, information, and access to health care and other services through care coordination and community outreach, including transportation. d. Provision of systematic screening, prenatally or upon the birth of a child, to identify high-risk families. e. Interviewing by a HOPES-HFI program worker or hospital social worker of families identified as high risk and encouragement of acceptance of family support services. f. Provision of services including, but not limited to, home visits, support services, and instruction in child care and development. g. Individualization of the intensity and scope of services based upon the family’s needs, goals, and level of risk. h. Assistance by a family support worker to participating families in creating a link to a “medical home” in order to promote preventive health care. i. Evaluation and reporting on the program, including an evaluation of the program’s success in reducing participants’ risk factors and provision of services and recommendations for changes in or expansion of the program. j. Provision of continuous follow-up contact with a family served by the program until identified children reach age three or age four in cases of continued high need or until the family attains its individualized goals for health, functioning, and self-sufficiency. k. Provision or employment of family support workers who have experience as a parent, knowledge of health care services, social and human services, or related community services and have participated in a structured training program. l. Provision of a training program that meets established standards for the education of family support workers. The structured training program shall include at a minimum the fundamentals of child health and development, dynamics of child abuse and neglect, and principles of effective parenting and parenting education. m. Provision of crisis child care through utilization of existing child care services to participants in the program. n. Program criteria shall include a required match of one dollar provided by the organization contracting to deliver services for each two dollars provided by the state grant. This requirement shall not restrict the department from providing unmatched grant funds to communities to plan new or expanded programs for HOPES-HFI. The department shall establish a limit on the amount of administrative costs that can be supported with state funds. o. Involvement with the community assessment and planning process in the community served by HOPES-HFI programs to enhance collaboration and integration of family support programs. p. Collaboration, to the greatest extent possible, with other family support programs funded or operated by the state. q. Utilization of private party, third party, and medical assistance for reimbursement to defray the costs of services provided by the program to the extent possible. 3. It is the intent of the general assembly to provide communities with the discretion and authority to redesign existing local programs and services targeted at and assisting families expecting babies and families with children who are newborn through five years of age. The department, department of education, and other state agencies and programs, as appropriate, shall provide technical assistance and support to communities desiring to redesign their local programs and shall facilitate the consolidation of existing state funding appropriated and made available to the community for family support services. Funds which are consolidated in accordance with this subsection shall be used to support the redesigned service delivery system. In redesigning services, communities are encouraged to implement a single uniform family risk assessment mechanism and shall demonstrate the potential for improved outcomes for children and families. Requests by local communities for the redesigning of services shall be submitted to the department and the department of education, and are subject to the approval of the early childhood Iowa state board in consultation with the departments, based on the practices utilized with early childhood Iowa areas under chapter 256I. 4. It is the intent of the general assembly that priority for family support funding be given to approaches using evidence-based or promising models for family support. 92 Acts, 2nd Ex, ch 1001, §419; 97 Acts, ch 138, §1; 98 Acts, ch 1206, §10; 2004 Acts, ch 1086, §35; 2006 Acts, ch 1157, §15; 2010 Acts, ch 1031, §290; 2011 Acts, ch 129, §84, 156; 2016 Acts, ch 1113, §1; 2023 Acts, ch 19, §143 – 145 Referred to in §232.69, 256I.13 Subsection 1, unnumbered paragraph 1 amended Subsection 2, unnumbered paragraph 1 amended Subsection 3 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.107 - Rural health and primary care — duties.

135.107 Rural health and primary care — duties. 1. The department shall do all of the following: a. Provide technical planning assistance to rural communities and counties exploring innovative means of delivering rural health services through community health services assessment, planning, and implementation, including but not limited to hospital conversions, cooperative agreements among hospitals, physician and health practitioner support, recruitment and retention of primary health care providers, public health services, emergency medical services, medical assistance facilities, rural health care clinics, and alternative means which may be included in the long-term community health services assessment and developmental plan. The department shall encourage collaborative efforts of the local boards of health, hospital governing boards, and other public and private entities located in rural communities to adopt a long-term community health services assessment and developmental plan pursuant to rules adopted by the department and perform the duties required of the department in section 135B.33. b. Provide technical assistance to assist rural communities in improving Medicare reimbursements through the establishment of rural health clinics, defined pursuant to 42 U.S.C. §1395x, and distinct part skilled nursing facility beds. c. Coordinate services to provide research for the following items: (1) Examination of the prevalence of rural occupational health injuries in the state. (2) Assessment of training and continuing education available through local hospitals and others relating to diagnosis and treatment of diseases associated with rural occupational health hazards. (3) Determination of continuing education support necessary for rural health practitioners to diagnose and treat illnesses caused by exposure to rural occupational health hazards. (4) Determination of the types of actions that can help prevent agricultural accidents. (5) Surveillance and reporting of disabilities suffered by persons engaged in agriculture resulting from diseases or injuries, including identifying the amount and severity of agricultural-related injuries and diseases in the state, identifying causal factors associated with agricultural-related injuries and diseases, and indicating the effectiveness of intervention programs designed to reduce injuries and diseases. d. Cooperate with the center for agricultural safety and health established under section 262.78, the center for health effects of environmental contamination established under section 263.17, and the department of agriculture and land stewardship. The agencies shall coordinate programs to the extent practicable. e. Administer grants for farm safety education efforts directed to rural families for the purpose of preventing farm-related injuries to children. 2. The department shall establish a primary care provider recruitment and retention endeavor, to be known as PRIMECARRE. The endeavor shall include a health care workforce and community support grant program and a primary care provider loan repayment program. The endeavor shall be developed and implemented in a manner to promote and accommodate local creativity in efforts to recruit and retain health care professionals to provide services in the locality. The focus of the endeavor shall be to promote and assist local efforts in developing health care provider recruitment and retention programs. The department may enter into an agreement with the college student aid commission for the administration of the department's grant and loan repayment programs. a. Health care workforce and community support grant program. (1) The department shall adopt rules establishing flexible application processes based upon the department's strategic plan to be used by the department to establish a grant assistance program as provided in this paragraph "a", and establishing the criteria to be used in evaluating the applications. Selection criteria shall include a method for prioritizing grant applications based on illustrated efforts to meet the health care provider needs of the locality and surrounding area. Such assistance may be in the form of a forgivable loan, grant, or other nonfinancial assistance as deemed appropriate by the department. An application submitted may contain a commitment of matching funds for the grant assistance. Application may be made for assistance by a single community or group of communities or in response to programs recommended in the strategic plan to address health workforce shortages. (2) Grants awarded under the program shall be awarded to rural, underserved areas or special populations as identified by the department's strategic plan or evidence-based documentation. b. Primary care provider loan repayment program. (1) A primary care provider loan repayment program is established to increase the number of health professionals practicing primary care in federally designated health professional shortage areas of the state. Under the program, loan repayment may be made to a recipient for educational expenses incurred while completing an accredited health education program directly related to obtaining credentials necessary to practice the recipient's health profession. (2) The department shall adopt rules relating to the establishment and administration of the primary care provider loan repayment program. Rules adopted pursuant to this paragraph shall provide, at a minimum, for all of the following: (a) Determination of eligibility requirements and qualifications of an applicant to receive loan repayment under the program, including but not limited to years of obligated service, clinical practice requirements, and residency requirements. One year of obligated service shall be provided by the applicant in exchange for each year of loan repayment, unless federal requirements otherwise require. Loan repayment under the program shall not be approved for a health provider whose license or certification is restricted by a medical regulatory authority of any jurisdiction of the United States, other nations, or territories. (b) Identification of federally designated health professional shortage areas of the state and prioritization of such areas according to need. (c) Determination of the amount and duration of the loan repayment an applicant may receive, giving consideration to the availability of funds under the program, and the applicant's outstanding educational loans and professional credentials. (d) Determination of the conditions of loan repayment applicable to an applicant. (e) Enforcement of the state's rights under a loan repayment program contract, including the commencement of any court action. (f) Cancellation of a loan repayment program contract for reasonable cause unless federal requirements otherwise require. (g) Participation in federal programs supporting repayment of loans of health care providers and acceptance of gifts, grants, and other aid or amounts from any person, association, foundation, trust, corporation, governmental agency, or other entity for the purposes of the program. (h) Upon availability of state funds, determination of eligibility criteria and qualifications for participating communities and applicants not located in federally designated shortage areas. (i) Other rules as necessary. 3. a. Eligibility under any of the programs established

under the primary care provider recruitment and retention endeavor shall be based upon a community health services assessment completed under subsection 2, paragraph “a”. Participation in a community health services assessment process shall be documented by the community or region. b. Assistance under this subsection shall not be granted until such time as the community or region making application has completed a community health services assessment and adopted a long-term community health services assessment and developmental plan. In addition to any other requirements, an applicant’s plan shall include, to the extent possible, a clear commitment to informing high school students of the health care opportunities which may be available to such students. c. The department shall seek additional assistance and resources from other state departments and agencies, federal agencies and grant programs, private organizations, and any other person, as appropriate. The department is authorized and directed to accept on behalf of the state any grant or contribution, federal or otherwise, made to assist in meeting the cost of carrying out the purpose of this subsection. All federal grants to and the federal receipts of the department are appropriated for the purpose set forth in such federal grants or receipts. Funds appropriated by the general assembly to the department for implementation of this subsection shall first be used for securing any available federal funds requiring a state match, with remaining funds being used for the health care workforce and community support grant program. d. The department may, to further the purposes of this subsection, provide financial assistance in the form of grants to support the effort of a community which is clearly part of the community’s long-term community health services assessment and developmental plan. Efforts for which such grants may be awarded include but are not limited to the procurement of clinical equipment, clinical facilities, and telecommunications facilities, and the support of locum tenens arrangements and primary care provider mentor programs. 89 Acts, ch 304, §702; 90 Acts, ch 1207, §1, 2; 90 Acts, ch 1223, §18 C93, §135.13 94 Acts, ch 1168, §2 C95, §135.107 95 Acts, ch 67, §10; 96 Acts, ch 1128, §2, 3; 97 Acts, ch 23, §14; 97 Acts, ch 203, §14; 98 Acts, ch 1100, §15; 2000 Acts, ch 1058, §16, 17; 2000 Acts, ch 1140, §23 – 25; 2000 Acts, ch 1223, §20, 21; 2005 Acts, ch 89, §5; 2009 Acts, ch 41, §41; 2010 Acts, ch 1031, §396; 2010 Acts, ch 1061, §26; 2017 Acts, ch 148, §13 – 15; 2019 Acts, ch 85, §70; 2022 Acts, ch 1032, §35; 2023 Acts, ch 19, §146 Referred to in §262.78, 263.17 Legislative findings; 94 Acts, ch 1168, §1 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.108 - Definitions.

135.108 Definitions. As used in this subchapter, unless the context otherwise requires: 1. “Department” means the department of health and human services. 2. “Director” means the director of health and human services. 3. “Domestic abuse death” means a homicide or suicide that involves or is a result of an assault as defined in section 708.1 and to which any of the following circumstances apply to the parties involved: a. The alleged or convicted perpetrator is related to the decedent as spouse, separated spouse, or former spouse. b. The alleged or convicted perpetrator resided with the decedent at the time of the assault that resulted in the homicide or suicide. c. The alleged or convicted perpetrator and the decedent resided together in the past but did not reside together at the time of the assault that resulted in the homicide or suicide. d. The alleged or convicted perpetrator and decedent are parents of the same minor child, whether they were married or lived together at any time. e. The alleged or convicted perpetrator was in an ongoing personal relationship with the decedent. f. The alleged or convicted perpetrator was arrested for or convicted of stalking or harassing the decedent, or an order or court-approved agreement was entered against the perpetrator under chapter 232, 236, 598, or 915 to restrict contact by the perpetrator with the decedent. g. The decedent was related by blood or affinity to an individual who lived in the same household with or was in the workplace or proximity of the decedent, and that individual was threatened with assault by the perpetrator. 4. “Team” means the domestic abuse death review team established in section 135.109. 2000 Acts, ch 1136, §1; 2019 Acts, ch 24, §104; 2023 Acts, ch 19, §147 Referred to in §135.112 Subsections 1 and 2 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.109 - Iowa domestic abuse death review team membership.

135.109 Iowa domestic abuse death review team membership. 1. An Iowa domestic abuse death review team is established in the department. 2. The department shall provide staffing and administrative support to the team. 3. The team shall include the following members: a. The state medical examiner or the state medical examiner’s designee. b. A licensed physician, physician assistant, or nurse who is knowledgeable concerning domestic abuse injuries and deaths, including suicides. c. A licensed mental health professional who is knowledgeable concerning domestic abuse. d. A representative or designee of the Iowa coalition against domestic violence. e. A certified or licensed professional who is knowledgeable concerning substance use disorder. f. A law enforcement official who is knowledgeable concerning domestic abuse. g. A law enforcement investigator experienced in domestic abuse investigation. h. An attorney experienced in prosecuting domestic abuse cases. i. A judicial officer appointed by the chief justice of the supreme court. j. A clerk of the district court appointed by the chief justice of the supreme court. k. An employee or subcontractor of the department of corrections who is a trained batterers’ education program facilitator. l. An attorney licensed in this state who provides criminal defense assistance or child custody representation, and who has experience in dissolution of marriage proceedings. m. Both a female and a male victim of domestic abuse. n. A family member of a decedent whose death resulted from domestic abuse. 4. The following individuals shall each designate a liaison to assist the team in fulfilling the team’s duties: a. The attorney general. b. The director of the Iowa department of corrections. c. The director of health and human services. d. The commissioner of public safety. e. The director of the department of education. f. The state court administrator. g. The director of the state law enforcement academy. 5. a. The director, in consultation with the attorney general, shall appoint review team members who are not designated by another appointing authority. b. A membership vacancy shall be filled in the same manner as

the original appointment. c. The membership of the review team is subject to the provisions of sections 69.16 and 69.16A, relating to political affiliation and gender balance. d. A member of the team may be reappointed to serve additional terms on the team, subject to the provisions of chapter 69. 6. Membership terms shall be three-year staggered terms. 7. Members of the team are eligible for reimbursement of actual and necessary expenses incurred in the performance of their official duties. 8. Team members and their agents are immune from any liability, civil or criminal, which might otherwise be incurred or imposed as a result of any act, omission, proceeding, decision, or determination undertaken or performed, or recommendation made as a team member or agent provided that the team members or agents acted reasonably and in good faith and without malice in carrying out their official duties in their official capacity. A complainant bears the burden of proof in establishing malice or unreasonableness or lack of good faith in an action brought against team members involving the performance of their duties and powers. 2000 Acts, ch 1136, §2; 2006 Acts, ch 1184, §80, 81; 2022 Acts, ch 1066, §4; 2023 Acts, ch 19, §148 Referred to in §135.108, 135.112, 216A.133 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.11 - Public health duties of department.

135.11 Public health duties of department. The department shall: 1. Exercise general supervision over the public health, promote public hygiene and sanitation, prevent substance use disorder, and, unless otherwise provided, enforce the laws relating to the same. 2. Conduct campaigns for the education of the people in hygiene and sanitation. 3. Issue health bulletins containing fundamental health principles and other health data deemed of public interest. 4. Make investigations and surveys in respect to the causes of disease and epidemics, and the effect of locality, employment, and living conditions upon the public health. For this purpose the department may use the services of the experts connected with the state hygienic laboratory. 5. Establish stations throughout the state for the distribution of antitoxins and vaccines to physicians, pharmacists, and other persons, at cost. All antitoxin and vaccine thus distributed shall be labeled “Iowa Department of Health and Human Services”. 6. Exercise general supervision over the administration and enforcement of the sexually transmitted diseases and infections law, chapter 139A, subchapter II. 7. Exercise sole jurisdiction over the disposal and transportation of the dead bodies of human beings and prescribe the methods to be used in preparing such bodies for disposal and transportation. However, the department may approve a request for an exception to the application of specific embalming and disposition rules adopted pursuant to this subsection if such rules would otherwise conflict with tenets and practices of a recognized religious denomination to which the deceased individual adhered or of which denomination the deceased individual was a member. The department shall inform the board of mortuary science of any such approved exception which may affect services provided by a funeral director licensed pursuant to chapter 156. 8. Establish, publish, and enforce rules which require companies, corporations, and other entities to obtain a permit from the department prior to scattering cremated human remains. 9. Exercise general supervision over the administration and enforcement of the vital statistics law, chapter 144. 10. Administer healthy aging and essential public health services by approving grants of state funds to the local boards of health for the purposes of promoting healthy aging throughout the lifespan and enhancing health promotion and disease prevention services, and by providing guidelines for the approval of the grants and allocation of the state funds. Guidelines, evaluation requirements, and formula allocation procedures for the services shall be established by the department by rule. 11. Administer chapters 125, 136A, 136C, 139A, 142, 142A, 144, and 147A. 12. Consult with the office of statewide clinical education programs at the university of Iowa college of medicine and annually submit a report to the general assembly by January 15 verifying the number of physicians in active practice in Iowa by county who are engaged in providing obstetrical care. To the extent data are readily available, the report shall include information concerning the number of deliveries per year by specialty and county, the age of physicians performing deliveries, and the number of current year graduates of the university of Iowa college of medicine and the Des Moines university — osteopathic medical center entering into residency programs in obstetrics, gynecology, and family practice. The report may include additional data relating to access to obstetrical services that may be available. 13. Administer the statewide maternal and child health program and the program for children with disabilities by conducting mobile and regional child health specialty clinics and conducting other activities to improve the health of low-income women and children and to promote the welfare of children with actual or potential conditions which may cause disabilities and children with chronic illnesses in accordance with the requirements of Tit. V of the federal Social Security Act. The department shall provide technical assistance to encourage the coordination and collaboration of state agencies in developing outreach centers which provide publicly supported services for pregnant women, infants, and children. The department shall also, through cooperation and collaborative agreements with the mobile and regional child health specialty clinics, establish common intake proceedings for maternal and child health services. The department shall work in cooperation with the legislative services agency in monitoring the effectiveness of the maternal and child health centers, including the provision of transportation for patient appointments and the keeping of scheduled appointments. 14. Establish, publish, and enforce rules requiring prompt reporting of methemoglobinemia, pesticide poisoning, and the reportable poisonings and illnesses established pursuant to section 139A.21. 15. Collect and maintain reports of pesticide poisonings and other poisonings, illnesses, or injuries caused by selected chemical or physical agents, including methemoglobinemia and pesticide and fertilizer hypersensitivity; and compile and publish, annually, a statewide and county-by-county profile based on the reports. 16. Adopt rules which require personnel of a licensed hospice, of a homemaker-home health aide provider agency which receives state homemaker-home health aide funds, or of an agency which provides respite care services and receives funds to complete training concerning blood-borne pathogens, including human immunodeficiency virus and viral hepatitis, consistent with standards from the federal occupational safety and health administration. 17. Adopt rules which require all emergency medical services personnel, fire fighters, and law enforcement personnel to complete training concerning blood-borne pathogens, including human

immunodeficiency virus and viral hepatitis, consistent with standards from the federal occupational safety and health administration.

18. Adopt rules which provide for the testing of a convicted or alleged offender for the human immunodeficiency virus pursuant to sections 915.40 through 915.43. The rules shall provide for the provision of counseling, health care, and support services to the victim.

19. Establish ad hoc and advisory committees to the director in areas where technical expertise is not otherwise readily available. Members may be compensated for their actual and necessary expenses incurred in the performance of their duties. To encourage health consumer participation, public members may also receive a per diem as specified in section 7E.6 if funds are available and the per diem is determined to be appropriate by the director. Expense moneys paid to the members shall be paid from funds appropriated to the department. A majority of the members of such a committee constitutes a quorum.

20. Administer annual grants to county boards of health for the purpose of conducting programs for the testing of private water supply wells, the closing of abandoned private water supply wells, and the renovation or rehabilitation of private water supply wells. Grants shall be funded through moneys transferred to the department from the agriculture management account of the groundwater protection fund pursuant to section 455E.11, subsection 2, paragraph “b”, subparagraph (2), subparagraph division (b). The department shall adopt rules relating to the awarding of the grants.

21. Establish and administer, if sufficient funds are available to the department, a program to assess and forecast health workforce supply and demand in the state for the purpose of identifying current and projected workforce needs. The program may collect, analyze, and report data that furthers the purpose of the program. The program shall not release information that permits identification of individual respondents of program surveys.

22. In consultation with the advisory committee for perinatal guidelines, develop and maintain the statewide perinatal program based on the recommendations of the American academy of pediatrics and the American college of obstetricians and gynecologists contained in the most recent edition of the guidelines for perinatal care, and adopt rules in accordance with chapter 17A to implement those recommendations. Hospitals within the state shall determine whether to participate in the statewide perinatal program, and select the hospital’s level of participation in the program. A hospital having determined to participate in the program shall comply with the guidelines appropriate to the level of participation selected by the hospital. Perinatal program surveys and reports are privileged and confidential and are not subject to discovery, subpoena, or other means of legal compulsion for their release to a person other than the affected hospital, and are not admissible in evidence in a judicial or administrative proceeding other than a proceeding involving verification of the participating hospital under this subsection.

23. In consultation with the department of corrections, the antibiotic resistance task force, and the American federation of state, county and municipal employees, develop educational programs to increase awareness and utilization of infection control practices in institutions listed in section 904.102.

24. Administer the Iowa youth survey, in collaboration with other state agencies, as appropriate, every two years to students in grades six, eight, and eleven in Iowa’s public and nonpublic schools. Survey data shall be evaluated and reported, with aggregate data available online at the Iowa youth survey internet site.

25. Adopt rules requiring ambulatory surgical centers to report quality data to the department of health and human services that is consistent with the data required to be reported to the centers for Medicare and Medicaid services of the United States department of health and human services as authorized by the Medicare Improvements and Extension Act of 2006 under Tit. I of the Tax Relief and Health Care Act of 2006, Pub. L. No. 109-432, and the regulations adopted under such Acts. Notwithstanding any provision of law to the contrary, nothing in this subsection shall require an ambulatory surgical center to provide health data to the department of health and human services or any other public or private entity that is in addition to, different than, or exceeds the quality data required to be reported to the centers for Medicare and Medicaid services of the United States department of health and human services.

1. [C97, §2565; C24, 27, 31, 35, 39, §2191; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §135.11(1)] 2, 3. [C24, 27, 31, 35, 39, §2191; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §135.11(2, 3)] 4. [C97, §2565; C24, 27, 31, 35, 39, §2191; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §135.11(4)] 5, 6. [C24, 27, 31, 35, 39, §2191; C46, 50, 54, 58, 62, 66, 71, §135.11(8, 9); C73, 75, 77, 79, 81, §135.11(7, 8)] 7. [S13, §2572-a, -b, -c; C24, 27, 31, 35, 39, §2191; C46, 50, 54, 58, 62, 66, 71, §135.11(11); C73, §135.11(10); C75, 77, 79, 81, §135.11(9)] 8. [C24, 27, 31, 35, 39, §2191; C46, 50, 54, 58, 62, 66, 71, §135.11(12); C73, §135.11(11); C75, 77, 79, 81, §135.11(10)] 9. [S13, §2575-a42; C24, 27, 31, 35, 39, §2191; C46, 50, 54, 58, 62, 66, 71, §135.11(13); C73, §135.11(12); C75, 77, 79, 81, §135.11(11)] 10. [C97, §2565; C24, 27, 31, 35, 39, §2191; C46, 50, 54, 58, 62, 66, 71, §135.11(14); C73, §135.11(13); C75, 77, 79, 81, §135.11(12)] 11, 12. [C24, 27, 31, 35, 39, §2191; C46, 50, 54, 58, 62, 66, 71, §135.11(15, 16); C73, §135.11(14, 15); C75, 77, 79, 81, §135.11(13, 14)] 13. [C97, §2565; C24, 27, 31, 35, 39, §2191; C46, 50, 54, 58, 62, 66, 71, §135.11(17); C73, §135.11(16); C75, 77, 79, 81, §135.11(15)] 14. [C75, 77, 79, 81, §135.11(16)] 15. [82 Acts, ch 1260, §55] 83 Acts, ch 27, §7; 86 Acts, ch 1245, §1104; 87 Acts, ch 8, §2; 87 Acts, ch 115, §22; 87 Acts, ch 225, §202; 88 Acts, ch 1224, §12; 89 Acts, ch 304, §103; 90 Acts, ch 1259, §10; 91 Acts, ch 258, §29; 93 Acts, ch 140, §4; 94 Acts, ch 1023, §11; 94 Acts, ch 1132, §9; 96 Acts, ch 1036, §2; 96 Acts, ch 1128, §1; 96 Acts, ch 1129, §23; 97 Acts, ch 23, §13; 97 Acts, ch 197, §1; 98 Acts, ch 1053, §1; 98 Acts, ch 1087, §1; 98 Acts, ch 1090, §60, 84; 98 Acts, ch 1221, §12; 99 Acts, ch 141, §2; 2000 Acts, ch 1058, §14; 2000 Acts, ch 1066, §37; 2000 Acts, ch 1223, §18; 2001 Acts, ch 58, §3; 2001 Acts, ch 122, §1; 2001 Acts, ch 184, §6 ; 2001 Acts, 2nd Ex, ch 1, §25, 28 ; 2002 Acts, ch 1108, §7; 2003 Acts, ch 33, §8, 11; 2003 Acts, ch 35, §45, 49; 2003 Acts, ch 44, §36; 2004 Acts, ch 1167, §1; 2005 Acts, ch 89, §2, 3; 2007 Acts, ch 10, §18; 2007 Acts, ch 159, §17; 2008 Acts, ch 1058, §1, 2, 15; 2008 Acts, ch 1084, §11; 2008 Acts, ch 1088, §83; 2008 Acts, ch 1180, §20; 2009 Acts, ch 41, §263; 2009 Acts, ch 151, §30; 2010 Acts, ch 1088, §4 – 6; 2011 Acts, ch 63, §33; 2012 Acts, ch 1113, §22; 2013 Acts, ch 129, §49; 2014 Acts, ch 1106, §1; 2017 Acts, ch 148, §2, 20; 2018 Acts, ch 1041, §127; 2019 Acts, ch 91, §1; 2023 Acts, ch 16, §31; 2023 Acts, ch 19, §126 Referred to in §231B.4, 237.3, 455E.11 Laboratory tests, §263.7, 263.8 Requirement for department to collaborate with Iowa Medicaid and child health speciality clinics to integrate initiative for first five years of a child’s life with various integrated care models; 2013 Acts, ch 138, §3, 133 ; 2014 Acts, ch 1140, §3 ; 2015 Acts, ch 137, §3, 123; 2016 Acts, ch 1139, §3; 2017 Acts, ch 174, §3, 42; 2018 Acts,

ch 1165, §6; 2019 Acts, ch 85, §3; 2020 Acts, ch 1121, §1; 2021 Acts, ch 182, §3; 2022 Acts, ch 1131, §3 ; 2023 Acts, ch 19, §1358; 2023 Acts, ch 112, §6 Section amended

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTHSection 135.110 - Iowa domestic abuse death review team powers and duties.

135.110 Iowa domestic abuse death review team powers and duties. 1. The review team shall perform the following duties: a. Prepare a biennial report for the governor, supreme court, attorney general, and the general assembly concerning the following subjects: (1) The causes and manner of domestic abuse deaths, including an analysis of factual information obtained through review of domestic abuse death certificates and domestic abuse death data, including patient records and other pertinent confidential and public information concerning domestic abuse deaths. (2) The contributing factors of domestic abuse deaths. (3) Recommendations regarding the prevention of future domestic abuse deaths, including actions to be taken by communities, based on an analysis of these contributing factors. b. Advise and consult the agencies represented on the team and other state agencies regarding program and regulatory changes that may prevent domestic abuse deaths. c. Develop protocols for domestic abuse death investigations and team review. 2. In performing duties pursuant to subsection 1, the review team shall review the relationship between the decedent victim and the alleged or convicted perpetrator from the point where the abuse allegedly began, until the domestic abuse death occurred, and shall review all relevant documents pertaining to the relationship between the parties, including but not limited to protective orders and dissolution, custody, and support agreements and related court records, in order to ascertain whether a correlation exists between certain events in the relationship and any escalation of abuse, and whether patterns can be established regarding such events in relation to domestic abuse deaths in general. The review team shall consider such conclusions in making recommendations pursuant to subsection 1. 3. The team shall meet upon the call of the chairperson, upon the request of a state agency, or as determined by a majority of the team. 4. The team shall annually elect a chairperson and other officers as deemed necessary by the team. 5. The team may establish committees or panels to whom the team may assign some or all of the team's responsibilities. 6. Members of the team who are currently practicing attorneys or current employees of the judicial branch of state government shall not participate in the following: a. An investigation by the team that involves a case in which the team member is presently involved in the member's professional capacity. b. Development of protocols by the team for domestic abuse death investigations and team review. c. Development of regulatory changes related to domestic abuse deaths. 2000 Acts, ch 1136, §3; 2000 Acts, ch 1232, §48; 2002 Acts, ch 1119, §131; 2006 Acts, ch 1184, §82 Referred to in §135.112

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTHSection 135.111 - Confidentiality of domestic abuse death records.

135.111 Confidentiality of domestic abuse death records. 1. A person in possession or control of medical, investigative, or other information pertaining to a domestic abuse death and related incidents and events preceding the domestic abuse death, shall allow for the inspection and review of written or photographic information related to the death, whether the information is confidential or public in nature, by the department upon the request of the department and the team, to be used only in the administration and for the official duties of the team. Information and records produced under this section that are confidential under the law of this state or under federal law, or because of any legally recognized privilege, and information or records received from the confidential records, remain confidential under this section. 2. A person does not incur legal liability by reason of releasing information to the department as required under and in compliance with this section. 3. A person who releases or discloses confidential data, records, or any other type of information in violation of this section is guilty of a serious misdemeanor. 2000 Acts, ch 1136, §4 Referred to in §135.112

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTHSection 135.112 - Rulemaking.

135.112 Rulemaking. The department shall adopt rules pursuant to chapter 17A relating to the administration of the domestic abuse death review team and sections 135.108 through 135.111. 2000 Acts, ch 1136, §5

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTHSection 135.118 - Child protection center grant program.

135.118 Child protection center grant program. 1. A child protection center grant program is established in the department in accordance with this section. The department shall establish requirements for the grant program and shall award grants. A grant may be used for establishment of a new center or for support of an existing center. 2. The eligibility requirements for a child protection center grant shall include but are not limited to all of the following: a. A grantee must meet or be in the process of meeting the standards established by the national children's alliance for children's advocacy centers. b. A grantee must have in place an interagency memorandum of understanding regarding participation in the operation of the center and for coordinating the activities of the government entities that respond to cases of child abuse in order to facilitate the appropriate disposition of child abuse cases through the juvenile and criminal justice systems. Agencies participating under the memorandum must include the following that are operating in the area served by the grantee: (1) Department of human services county offices assigned to child protection. (2) County and municipal law enforcement agencies. (3) Office of the county attorney. (4) Other government agencies involved with child abuse assessments or service provision. c. The interagency memorandum must provide for a cooperative team approach to

responding to child abuse, reducing the number of interviews required of a victim of child abuse, and establishing an approach that emphasizes the best interest of the child and that provides investigation, assessment, and rehabilitative services. d. As necessary to address serious cases of child abuse such as those involving sexual abuse, serious physical abuse, and substance use disorder, a grantee must be able to involve or consult with persons from various professional disciplines who have training and expertise in addressing special types of child abuse. These persons may include but are not limited to physicians and other health care professionals, mental health professionals, social workers, child protection workers, attorneys, juvenile court officers, public health workers, child development experts, child educators, and child advocates. 3. The director shall create a committee to consider grant proposals and to make grant recommendations to the director. The committee membership may include but is not limited to representatives of the following: departments of health and human services and justice, Iowa medical society, Iowa hospital association, Iowa nurses association, and an association representing social workers. 4. Implementation of the grant program is subject to the availability of funding for the grant program. 2001 Acts, ch 166, §1; 2023 Acts, ch 19, §149 – 151 Subsection 1 amended Subsection 2, paragraph d amended Subsection 3 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.119 - Shaken baby syndrome prevention program.

135.119 Shaken baby syndrome prevention program. 1. For the purposes of this section: a. “Birth center” and “birthing hospital” mean the same as defined in section 135.131. b. “Child care provider” means the same as a child care facility, as defined in section 237A.1, that is providing child care to a child who is newborn through age three. c. “Family support program” means a program offering instruction and support for families in which home visitation is the primary service delivery mechanism. d. “Parent” means the same as “custodian”, “guardian”, or “parent”, as defined in section 232.2, of a child who is newborn through age three. e. “Person responsible for the care of a child” means the same as defined in section 232.68, except that it is limited to persons responsible for the care of a child who is newborn through age three. f. “Shaken baby syndrome” means the collection of signs and symptoms resulting from the vigorous shaking of a child who is three years of age or younger. Shaken baby syndrome may result in bleeding inside the child’s head and may cause one or more of the following conditions: irreversible brain damage; blindness, retinal hemorrhage, or eye damage; cerebral palsy; hearing loss; spinal cord injury, including paralysis; seizures; learning disability; central nervous system injury; closed head injury; rib fracture; subdural hematoma; or death. Shaken baby syndrome also includes the symptoms included in the diagnosis code for shaken infant syndrome utilized by Iowa hospitals. 2. a. The department shall establish a statewide shaken baby syndrome prevention program to educate parents and persons responsible for the care of a child about the dangers to children three years of age or younger caused by shaken baby syndrome and to discuss ways to reduce the syndrome’s risks. The program plan shall allow for voluntary participation by parents and persons responsible for the care of a child. b. The program plan shall describe strategies for preventing shaken baby syndrome by providing education and support to parents and persons responsible for the care of a child and shall identify multimedia resources, written materials, and other resources that can assist in providing the education and support. c. The department shall consult with experts with experience in child abuse prevention, child health, and parent education in developing the program plan. d. The program plan shall incorporate a multiyear, collaborative approach for implementation of the plan. The plan shall address how to involve those who regularly work with parents and persons responsible for the care of a child, including but not limited to child abuse prevention programs, child care resource and referral programs, child care providers, family support programs, programs receiving funding through the early childhood Iowa initiative, public and private schools, health care providers, local health departments, birth centers, and birthing hospitals. e. The program plan shall identify the methodology to be used for improving the tracking of shaken baby syndrome incidents and for evaluating the effectiveness of the plan’s education and support efforts. f. The program plan shall describe how program results will be reported. g. The program plan may provide for implementation of the program through a contract with a private agency or organization experienced in furnishing the services set forth in the program plan. 3. The department shall implement the program plan to the extent of the amount appropriated or made available for the program for a fiscal year. 2009 Acts, ch 7, §1; 2010 Acts, ch 1031, §291

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.11A - Licensing boards — expenses — fees.

135.11A Licensing boards — expenses — fees. Transferred to §10A.503; 2023 Acts, ch 19, §1711 .

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.11B - Appointment of certain executive directors.

135.11B Appointment of certain executive directors. Transferred to §10A.504; 2023 Acts, ch 19, §1711 .

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.12 - Statutory board, commission, committee, or council of committee — teleconference option.

135.12 Statutory board, commission, committee, or council of committee — teleconference option. Any statutorily established board, commission, committee, or council established under the purview of the department shall provide for a teleconference option

for board, commission, committee, or council members to participate in official meetings. 2019 Acts, ch 85, §80 Former §135.12 repealed by 2017 Acts, ch 174, §99

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.131 - Universal newborn and infant hearing screening.

135.131 Universal newborn and infant hearing screening. 1. For the purposes of this section, unless the context otherwise requires: a. “Birth center” means birth center as defined in section 10A.711. b. “Birthing hospital” means a private or public hospital licensed pursuant to chapter 135B that has a licensed obstetric unit or is licensed to provide obstetric services. 2. All newborns and infants born in this state shall be screened for hearing loss in accordance with this section. The person required to perform the screening shall use at least one of the following procedures: a. Automated or diagnostic auditory brainstem response. b. Otoacoustic emissions. c. Any other technology approved by the department. 3. a. A birthing hospital shall screen every newborn delivered in the hospital for hearing loss prior to discharge of the newborn from the birthing hospital. A birthing hospital that transfers a newborn for acute care prior to completion of the hearing screening shall notify the receiving facility of the status of the hearing screening. The receiving facility shall be responsible for completion of the newborn hearing screening. b. The birthing hospital or other facility completing the hearing screening under this subsection shall report the results of the screening to the parent or guardian of the newborn and to the department in a manner prescribed by rule of the department. The birthing hospital or other facility shall also report the results of the hearing screening to the primary care provider of the newborn or infant upon discharge from the birthing hospital or other facility. If the newborn or infant was not tested prior to discharge, the birthing hospital or other facility shall report the status of the hearing screening to the primary care provider of the newborn or infant. 4. A birth center shall refer the newborn to a licensed audiologist, physician, or hospital for screening for hearing loss prior to discharge of the newborn from the birth center. The hearing screening shall be completed within thirty days following discharge of the newborn. The person completing the hearing screening shall report the results of the screening to the parent or guardian of the newborn and to the department in a manner prescribed by rule of the department. Such person shall also report the results of the screening to the primary care provider of the newborn. 5. If a newborn is delivered in a location other than a birthing hospital or a birth center, the physician or other health care professional who undertakes the pediatric care of the newborn or infant shall ensure that the hearing screening is performed within three months of the date of the newborn’s or infant’s birth. The physician or other health care professional shall report the results of the hearing screening to the parent or guardian of the newborn or infant, to the primary care provider of the newborn or infant, and to the department in a manner prescribed by rule of the department. 6. A birthing hospital, birth center, physician, or other health care professional required to report information under subsection 3, 4, or 5 shall report all of the following information to the department relating to a newborn’s or infant’s hearing screening, as applicable: a. The name, address, and telephone number, if available, of the mother of the newborn or infant. b. The primary care provider at the time of the newborn’s or infant’s discharge from the birthing hospital or birth center. c. The results of the hearing screening. d. Any rescreenings and the diagnostic audiological assessment procedures used. e. Any known risk indicators for hearing loss of the newborn or infant. f. Other information specified in rules adopted by the department. 7. The department may share information with agencies and persons involved with newborn and infant hearing screenings, follow-up, and intervention services, including the local birth-to-three coordinator or similar agency, the local area education agency, and local health care providers. The department shall adopt rules to protect the confidentiality of the individuals involved. 8. An audiologist who provides services addressed by this section shall conduct diagnostic audiological assessments of newborns and infants in accordance with standards specified in rules adopted by the department. The audiologist shall report all of the following information to the department relating to a newborn’s or infant’s hearing, follow-up, diagnostic audiological assessment, and intervention services, as applicable: a. The name, address, and telephone number, if available, of the mother of the newborn or infant. b. The results of the hearing screening and any rescreenings, including the diagnostic audiological assessment procedures used. c. The nature of any follow-up or other intervention services provided to the newborn or infant. d. Any known risk indicators for hearing loss of the newborn or infant. e. Other information specified in rules adopted by the department. 9. a. If the results of the newborn hearing screening performed under this section demonstrate that the newborn has hearing loss, the birthing hospital, birth center, physician, or other health care professional required to ensure that the hearing screening is performed on the newborn under this section, shall do all of the following: (1) Test the newborn or ensure that the newborn is tested for congenital cytomegalovirus before the newborn is twenty-one days of age. (2) Provide information to the parent of the newborn including information regarding the birth defects caused by congenital cytomegalovirus and early intervention and treatment resources and services available for children diagnosed with congenital cytomegalovirus. b. This subsection shall not apply if the parent objects to the testing. If a parent objects to the testing, the birthing hospital, birth center, physician, or other health care professional required to test or to ensure that the newborn is tested for congenital cytomegalovirus under this subsection shall obtain a written refusal from the parent, shall document the refusal in the newborn’s or infant’s medical record, and shall report the refusal to the department in the manner prescribed by rule of the department. 10. This section shall not apply if the parent objects to the screening. If a parent objects to the screening, the birthing hospital, birth center, physician, or other health care professional required to report information under subsection 3, 4, or 5 to the department shall obtain a written refusal from the parent, shall document the refusal in the newborn’s or infant’s medical record, and shall report the refusal to the department in the manner prescribed by rule of the department. 11. A person who acts in good faith in complying with this section shall not be civilly or criminally liable for reporting the information required to be reported by this section. 2003 Acts, ch 102, §1; 2009 Acts, ch 37, §3; 2017 Acts, ch 77, §2 Referred to in §135.119, 135B.18A Section not amended; internal reference change applied

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.14 - State public health dental program.

135.14 State public health dental program. The department shall perform all of the following duties: 1. Plan and direct all work activities of the statewide public health dental program. 2. Develop comprehensive dental initiatives for prevention activities. 3. Evaluate the effectiveness of the statewide public health dental program and of program personnel. 4. Other related work as required. 2007 Acts, ch 159, §13; 2021 Acts, ch 76, §28; 2023 Acts, ch 19, §127 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.140 - Definitions.

135.140 Definitions. As used in this subchapter, unless the context otherwise requires: 1. “Bioterrorism” means the intentional use of any microorganism, virus, infectious substance, or biological product that may be engineered as a result of biotechnology, or any naturally occurring or bioengineered component of any such microorganism, virus, infectious substance, or biological product, to cause death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism. 2. “Department” means the department of health and human services. 3. “Director” means the director of health and human services or the director’s designee. 4. “Disaster” means disaster as defined in section 29C.2. 5. “Public health disaster” means a state of disaster emergency proclaimed by the governor in consultation with the department pursuant to section 29C.6 for a disaster which specifically involves an imminent threat of an illness or health condition that meets any of the following conditions of paragraphs “a” and “b”: a. Is reasonably believed to be caused by any of the following: (1) Bioterrorism or other act of terrorism. (2) The appearance of a novel or previously controlled or eradicated infectious agent or biological toxin. (3) A chemical attack or accidental release. (4) An intentional or accidental release of radioactive material. (5) A nuclear or radiological attack or accident. (6) A natural occurrence or incident, including but not limited to fire, flood, storm, drought, earthquake, tornado, or windstorm. (7) A man-made occurrence or incident, including but not limited to an attack, spill, or explosion. b. Poses a high probability of any of the following: (1) A large number of deaths in the affected population. (2) A large number of serious or long-term disabilities in the affected population. (3) Widespread exposure to an infectious or toxic agent that poses a significant risk of substantial future harm to a large number of the affected population. (4) Short-term or long-term physical or behavioral health consequences to a large number of the affected population. 6. “Public health response team” means a team of professionals, including licensed health care providers, nonmedical professionals skilled and trained in disaster or emergency response, and public health practitioners, which is sponsored by a hospital or other entity and approved by the department to provide disaster assistance in the event of a disaster or threatened disaster. 2003 Acts, ch 33, §1, 11; 2003 Acts, ch 179, §64; 2005 Acts, ch 89, §6, 7; 2006 Acts, ch 1184, §83; 2009 Acts, ch 37, §4, 5; 2019 Acts, ch 24, §104; 2023 Acts, ch 19, §152 Referred to in §29C.6, 135M.1, 135M.3, 135M.4, 137.116, 139A.2 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.141 - Department duties related to acute disease prevention and emergency response.

135.141 Department duties related to acute disease prevention and emergency response. 1. The department shall coordinate the administration of this subchapter with federal, state, and local agencies and officials. 2. The department shall do all of the following: a. Coordinate with the department of homeland security and emergency management the administration of emergency planning matters which involve the public health, including development, administration, and execution of the public health components of the comprehensive emergency plan and emergency management program pursuant to section 29C.8. b. Coordinate with federal, state, and local agencies and officials, and private agencies, organizations, companies, and persons, the administration of emergency planning, response, and recovery matters that involve the public health. c. If a public health disaster exists, or if there is reasonable cause to believe that a public health disaster is imminent, conduct a risk assessment of any present or potential danger to the public health from chemical, radiological, or other potentially dangerous agents. d. For the purpose of paragraph “c”, an employee or agent of the department may enter into and examine any premises containing potentially dangerous agents with the consent of the owner or person in charge of the premises or, if the owner or person in charge of the premises refuses admittance, with an administrative search warrant obtained under section 808.14. Based on findings of the risk assessment and examination of the premises, the director may order reasonable safeguards or take any other action reasonably necessary to protect the public health pursuant to rules adopted to administer this subsection. e. Coordinate the location, procurement, storage, transportation, maintenance, and distribution of medical supplies, drugs, antidotes, and vaccines to prepare for or in response to a public health disaster, including receiving, distributing, and administering items from the strategic national stockpile program of the centers for disease control and prevention of the United States department of health and human services. f. Conduct or coordinate public information activities regarding emergency and disaster planning, response, and recovery matters that involve the public health. g. Apply for and accept grants, gifts, or other funds to be used for programs authorized by this subchapter. h. Establish and coordinate other programs or activities as necessary for the prevention, detection, management, and containment of public health disasters, and for the recovery from such disasters. i. Adopt rules pursuant to chapter 17A for the administration of this subchapter including rules adopted in cooperation with the Iowa pharmacy association and the Iowa hospital association for the development of a surveillance system to monitor supplies of drugs, antidotes, and vaccines to assist in detecting a potential public health disaster. Prior to adoption, the rules shall be approved by the council on health and human services and the director of the department of homeland security and emergency management. 2003 Acts, ch 33, §2, 11; 2003 Acts, ch 179, §157; 2005 Acts, ch 89, §8; 2009 Acts, ch 37, §6; 2009 Acts, ch 41, §42;

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.142 - Health care supplies.

135.142 Health care supplies. 1. The department may purchase and distribute antitoxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents or medical supplies as deemed advisable in the interest of preparing for or controlling a public health disaster. 2. If a public health disaster exists or there is reasonable cause to believe that a public health disaster is imminent and if the public health disaster or belief that a public health disaster is imminent results in a statewide or regional shortage or threatened shortage of any product described under subsection 1, whether or not such product has been purchased by the department, the department may control, restrict, and regulate by rationing and using quotas, prohibitions on shipments, allocation, or other means, the use, sale, dispensing, distribution, or transportation of the relevant product necessary to protect the public health, safety, and welfare of the people of this state. The department shall collaborate with persons who have control of the products when reasonably possible. 3. In making rationing or other supply and distribution decisions, the department shall give preference to health care providers, disaster response personnel, and mortuary staff. 4. During a public health disaster, the department may procure, store, or distribute any antitoxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents or medical supplies located within the state as may be reasonable and necessary to respond to the public health disaster, and may take immediate possession of these pharmaceutical agents and supplies. If a public health disaster affects more than one state, this section shall not be construed to allow the department to obtain antitoxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents or medical supplies for the primary purpose of hoarding such items or preventing the fair and equitable distribution of these pharmaceutical and medical supplies among affected states. The department shall collaborate with affected states and persons when reasonably possible. 5. The state shall pay just compensation to the owner of any product lawfully taken or appropriated by the department for the department's temporary or permanent use in accordance with this section. The amount of compensation shall be limited to the costs incurred by the owner to procure the item. 2003 Acts, ch 33, §3, 11; 2004 Acts, ch 1086, §34

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.143 - Public health response teams.

135.143 Public health response teams. 1. The department shall approve public health response teams to supplement and support disrupted or overburdened local medical and public health personnel, hospitals, and resources. Assistance shall be rendered under the following circumstances: a. At or near the site of a disaster or threatened disaster by providing direct medical care to victims or providing other support services. b. If local medical or public health personnel or hospitals request the assistance of a public health response team to provide direct medical care to victims or to provide other support services in relation to any of the following incidents: (1) During an incident resulting from a novel or previously controlled or eradicated infectious agent, disease, or biological toxin. (2) After a chemical attack or accidental chemical release. (3) After an intentional or accidental release of radioactive material. (4) In response to a nuclear or radiological attack or accident. (5) Where an incident poses a high probability of a large number of deaths or long-term disabilities in the affected population. (6) During or after a natural occurrence or incident, including but not limited to fire, flood, storm, drought, earthquake, tornado, or windstorm. (7) During or after a man-made occurrence or incident, including but not limited to an attack, spill, or explosion. 2. The department shall provide by rule a process for registration and approval of public health response team members and sponsor entities and shall authorize specific public health response teams, which may include but are not limited to disaster assistance teams and environmental health response teams. The department may expedite the registration and approval process during a disaster, threatened disaster, or other incident described in subsection 1. 3. A member of a public health response team acting pursuant to this subchapter shall be considered an employee of the state under section 29C.21 and chapter 669, shall be afforded protection as an employee of the state under section 669.21, and shall be considered an employee of the state for purposes of workers' compensation, disability, and death benefits, provided that the member has done all of the following: a. Registered with and received approval to serve on a public health response team from the department. b. Provided direct medical care or other support services during a disaster, threatened disaster, or other incident described in subsection 1; or participated in a training exercise to prepare for a disaster or other incident described in subsection 1. 4. The department shall provide the department of administrative services with a list of individuals who have registered with and received approval from the department to serve on a public health response team. The department shall update the list on a quarterly basis, or as necessary for the department of administrative services to determine eligibility for coverage. 5. Upon notification of a compensable loss, the department of administrative services shall seek authorization from the executive council to pay as an expense from the appropriations addressed in section 7D.29 those costs associated with covered workers' compensation benefits. 2003 Acts, ch 33, §4, 11; 2003 Acts, ch 145, §286; 2005 Acts, ch 89, §9; 2009 Acts, ch 37, §7, 8; 2011 Acts, ch 131, §25, 158; 2019 Acts, ch 24, §101 Referred to in §29C.20

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.144 - Additional duties of the department related to a public health disaster.

135.144 Additional duties of the department related to a public health disaster. If a public health disaster exists, the department, in

conjunction with the governor, may do any of the following: 1. Decontaminate or cause to be decontaminated, to the extent reasonable and necessary to address the public health disaster, any facility or material if there is cause to believe the contaminated facility or material may endanger the public health. 2. Adopt and enforce measures to provide for the identification and safe disposal of human remains, including performance of postmortem examinations, transportation, embalming, burial, cremation, interment, disinterment, and other disposal of human remains. To the extent possible, religious, cultural, family, and individual beliefs of the deceased person or the deceased person's family shall be considered when disposing of any human remains. 3. Take reasonable measures as necessary to prevent the transmission of infectious disease and to ensure that all cases of communicable disease are properly identified, controlled, and treated. 4. Take reasonable measures as necessary to ensure that all cases of chemical, biological, and radiological contamination are properly identified, controlled, and treated. 5. Order physical examinations and tests and collect specimens as necessary for the diagnosis or treatment of individuals, to be performed by any qualified person authorized to do so by the department. An examination or test shall not be performed or ordered if the examination or test is reasonably likely to lead to serious harm to the affected individual. The department may isolate or quarantine, pursuant to chapter 139A and the rules implementing chapter 139A and this subchapter, any individual whose refusal of medical examination or testing results in uncertainty regarding whether the individual has been exposed to or is infected with a communicable or potentially communicable disease or otherwise poses a danger to public health. 6. Vaccinate or order that individuals be vaccinated against an infectious disease and to prevent the spread of communicable or potentially communicable disease. Vaccinations shall be administered by any qualified person authorized to do so by the department. The vaccination shall not be provided or ordered if it is reasonably likely to lead to serious harm to the affected individual. To prevent the spread of communicable or potentially communicable disease, the department may isolate or quarantine, pursuant to chapter 139A and the rules implementing chapter 139A and this subchapter, any person who is unable or unwilling to undergo vaccination pursuant to this subsection. 7. Treat or order that individuals exposed to or infected with disease receive treatment or prophylaxis. Treatment or prophylaxis shall be administered by any qualified person authorized to do so by the department. Treatment or prophylaxis shall not be provided or ordered if the treatment or prophylaxis is reasonably likely to lead to serious harm to the affected individual. To prevent the spread of communicable or potentially communicable disease, the department may isolate or quarantine, pursuant to chapter 139A and the rules implementing chapter 139A and this subchapter, any individual who is unable or unwilling to undergo treatment or prophylaxis pursuant to this section. 8. Isolate or quarantine individuals or groups of individuals pursuant to chapter 139A and the rules implementing chapter 139A and this subchapter. 9. Inform the public when a public health disaster has been declared or terminated, about protective measures to take during the disaster, and about actions being taken to control the disaster. 10. Accept grants and loans from the federal government pursuant to section 29C.6 or available provisions of federal law. 11. If a public health disaster or other public health emergency situation exists which poses an imminent threat to the public health, safety, and welfare, the department, in conjunction with the governor, may provide financial assistance, from funds appropriated to the department that are not otherwise encumbered, to political subdivisions as needed to alleviate the disaster or the emergency. If the department does not have sufficient unencumbered funds, the governor may request the executive council to authorize the payment of up to one million dollars as an expense from the appropriations addressed in section 7D.29 to alleviate the disaster or the emergency. If additional financial assistance is required in excess of one million dollars, approval by the legislative council is also required. 12. Temporarily reassign department employees for purposes of response and recovery efforts, to the extent such employees consent to the reassignments. 13. Order, in conjunction with the department of education, temporary closure of any public school or nonpublic school, as defined in section 280.2, to prevent or control the transmission of a communicable disease as defined in section 139A.2. 2003 Acts, ch 33, §5, 11; 2003 Acts, ch 179, §65; 2004 Acts, ch 1097, §1; 2005 Acts, ch 19, §32; 2009 Acts, ch 37, §9; 2010 Acts, ch 1088, §1; 2011 Acts, ch 131, §26, 158; 2019 Acts, ch 24, §102

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.145 - Information sharing.

135.145 Information sharing. 1. When the department of public safety or other federal, state, or local law enforcement agency learns of a case of a disease or health condition, unusual cluster, or a suspicious event that may be the cause of a public health disaster, the department or agency shall immediately notify the department, the director of the department of homeland security and emergency management, the department of agriculture and land stewardship, and the department of natural resources as appropriate. 2. When the department learns of a case of a disease or health condition, an unusual cluster, or a suspicious event that may be the cause of a public health disaster, the department shall immediately notify the department of public safety, the department of homeland security and emergency management, and other appropriate federal, state, and local agencies and officials. 3. Sharing of information on diseases, health conditions, unusual clusters, or suspicious events between the department and public safety authorities and other governmental agencies shall be restricted to sharing of only the information necessary for the prevention, control, and investigation of a public health disaster. 4. Release of information pursuant to this section shall be consistent with the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191. 2003 Acts, ch 33, §6, 11; 2003 Acts, ch 179, §157; 2006 Acts, ch 1079, §1; 2013 Acts, ch 29, §46 Communicable and infectious diseases and poisonings, see chapter 139A

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.146 - First responder vaccination program.

135.146 First responder vaccination program. 29 C.F.R. §1910.1030 . First responders who are so classified shall be required to

receive the vaccinations as described in subsection 1. A first responder shall be exempt from this requirement, however, when a written statement from a licensed physician or physician assistant is presented indicating that a vaccine is medically contraindicated for that person or the first responder signs a written statement that the administration of a vaccination conflicts with religious tenets. 3. The department shall establish first responder notification procedures regarding the existence of the program by rule, and shall develop, and distribute to first responders, educational materials on methods of preventing exposure to infectious diseases. In administering the program, the department may contract with county and local health departments, not-for-profit home health care agencies, hospitals, physicians, and military unit clinics. 2004 Acts, ch 1012, §1, 2; 2005 Acts, ch 3, §31; 2022 Acts, ch 1066, §5

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.147 - Immunity for emergency aid — exceptions.

135.147 Immunity for emergency aid — exceptions. 1. A person, corporation, or other legal entity, or an employee or agent of such person, corporation, or entity, who, during a public health disaster, in good faith and at the request of or under the direction of the department or the department of public defense renders emergency care or assistance to a victim of the public health disaster shall not be liable for civil damages for causing the death of or injury to a person, or for damage to property, unless such acts or omissions constitute recklessness. 2. The immunities provided in this section shall not apply to any person, corporation, or other legal entity, or an employee or agent of such person, corporation, or entity, whose act or omission caused in whole or in part the public health disaster and who would otherwise be liable therefor. 2007 Acts, ch 159, §21

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.15 - Oral and health delivery systems.

135.15 Oral and health delivery systems. The department shall be responsible for all of the following: 1. Providing population-based oral health services, including public health training, improvement of dental support systems for families, technical assistance, awareness-building activities, and educational services, at the state and local level to assist Iowans in maintaining optimal oral health throughout all stages of life. 2. Performing infrastructure building and enabling services through the administration of state and federal grant programs targeting access improvement, prevention, and local oral health programs utilizing maternal and child health programs, Medicaid, and other new or existing programs. 3. Leveraging federal, state, and local resources for programs under the purview of the department. 4. Facilitating ongoing strategic planning and application of evidence-based research in oral health care policy development that improves oral health care access and the overall oral health of all Iowans. 5. Developing and implementing an ongoing oral health surveillance system for the evaluation and monitoring of the oral health status of children and other underserved populations. 6. Facilitating the provision of oral health services through dental homes. For the purposes of this section, “dental home” means a network of individualized care based on risk assessment, which includes oral health education, dental screenings, preventive services, diagnostic services, treatment services, and emergency services. 2007 Acts, ch 159, §14; 2017 Acts, ch 148, §4; 2018 Acts, ch 1165, §110; 2021 Acts, ch 76, §29; 2023 Acts, ch 19, §128 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.150 - Gambling treatment program — standards and licensing.

135.150 Gambling treatment program — standards and licensing. 1. a. The department shall operate a gambling treatment program to provide programs which may include but are not limited to outpatient and follow-up treatment for persons affected by problem gambling, rehabilitation and residential treatment programs, information and referral services, crisis call access, education and preventive services, and financial management and credit counseling services. b. A person shall not maintain or conduct a gambling treatment program funded through the department unless the person has obtained a license for the program from the department. The department shall adopt rules to establish standards for the licensing and operation of gambling treatment programs under this section. The rules shall specify, but are not limited to specifying, the qualifications for persons providing gambling treatment services, standards for the organization and administration of gambling treatment programs, and a mechanism to monitor compliance with this section and the rules adopted under this section. 2. The department shall report annually to the general assembly’s standing committees on government oversight regarding the operation of the gambling treatment program. The report shall include but is not limited to information on the moneys expended and grants awarded for operation of the gambling treatment program. 2004 Acts, ch 1136, §55; 2005 Acts, ch 175, §77; 2009 Acts, ch 182, §106; 2010 Acts, ch 1069, §15; 2017 Acts, ch 148, §3

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.16 - Special supplemental nutrition program for women, infants, and children — methamphetamine education.

135.16 Special supplemental nutrition program for women, infants, and children — methamphetamine education. As a component of the federal funding received by the department as the administering agency for the special supplemental nutrition program for women, infants, and children, from the United States department of agriculture, food and nutrition service, the department shall incorporate a methamphetamine education program into its nutrition and health-related education services. The department shall be responsible for the development of the education program to be delivered, and for the selection of qualified contract agencies to

deliver the instruction under the program. 99 Acts, ch 195, §8; 2021 Acts, ch 76, §30

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.163 - Health care access.

135.163 Health care access. The department shall coordinate public and private efforts to develop and maintain an appropriate health care delivery infrastructure and a stable, well-qualified, diverse, and sustainable health care workforce in this state. The health care delivery infrastructure and the health care workforce shall address the broad spectrum of health care needs of Iowans throughout their lifespan. The department shall, at a minimum, do all of the following: 1. Develop a strategic plan for health care delivery infrastructure and health care workforce resources in this state. 2. Provide for the continuous collection of data to provide a basis for health care strategic planning and health care policymaking. 3. Make recommendations regarding the health care delivery infrastructure and the health care workforce that assist in monitoring current needs, predicting future trends, and informing policymaking. 2008 Acts, ch 1188, §57; 2017 Acts, ch 148, §16 Referred to in §84A.11, 135.175

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.166 - Health data — collection and use — collection from hospitals.

135.166 Health data — collection and use — collection from hospitals. 1996 Iowa Acts, ch. 1212, §5, subsection 1, paragraph “a” . b. The memorandum of understanding shall include but is not limited to provisions that address the duties of the department and the contractor regarding the collection, reporting, disclosure, storage, and confidentiality of the data. 2. Unless otherwise authorized or required by state or federal law, data collected under this section shall not include the social security number or name of the individual subject of the data. 2009 Acts, ch 118, §57; 2014 Acts, ch 1026, §143; 2017 Acts, ch 148, §104; 2019 Acts, ch 85, §96; 2022 Acts, ch 1131, §61; 2023 Acts, ch 19, §154 Subsection 1, paragraph a amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.16A - Vendors participating in federal nutrition program — egg sales.

135.16A Vendors participating in federal nutrition program — egg sales. 1. As used in this section, unless the context otherwise requires: a. “Conventional eggs” means eggs other than specialty eggs. b. “Eggs” means shell eggs that are graded as “AA”, “A”, or “B” pursuant to 7 C.F.R. pt. 56, subpt. A , and that are sold at retail in commercial markets. c. “Federal nutrition program” means the special supplemental nutrition program for women, infants, and children as provided in 42 U.S.C. §1786 et seq. d. “Grocery store” means a food establishment as defined in section 137F.1 licensed by the department of inspections, appeals, and licensing pursuant to section 137F.4, to sell food or food products to customers intended for preparation or consumption off premises. e. “Specialty eggs” means eggs produced by domesticated chickens, and sold at retail in commercial markets if the chickens producing such eggs are advertised as being housed in any of the following environments: (1) Cage-free. (2) Free-range. (3) Enriched colony cage. 2. a. The department of inspections, appeals, and licensing shall assist the department in adopting rules necessary to implement and administer this section. b. If necessary to implement, administer, and enforce this section, the department, in cooperation with the department of agriculture and land stewardship, shall submit a request to the United States department of agriculture for a waiver or other exception from regulations as deemed feasible by the department. The department shall regularly report the status of such request to the legislative services agency. 3. A grocery store that is a vendor participating in a federal nutrition program and offering specialty eggs for retail sale shall maintain an inventory of conventional eggs for retail sale sufficient to meet federal and state requirements for participation in the federal nutrition program. 4. This section does not require a grocery store to do any of the following: a. Stock or sell specialty eggs. b. Stock or sell eggs, if the grocery store elects not to stock or sell conventional eggs for retail sale as part of its normal business. c. Comply with the provisions of this section, if the grocery store’s inventory of eggs for retail sale was limited to specialty eggs prior to January 1, 2018. 5. A violation of subsection 3 by a grocery store shall not be construed to disqualify a grocery store from participating in a federal nutrition program unless otherwise authorized by the United States department of agriculture. 2018 Acts, ch 1025, §1; 2018 Acts, ch 1172, §19; 2021 Acts, ch 76, §31; 2023 Acts, ch 19, §129, 1880, 1881 See Code editor’s note on simple harmonization at the beginning of this Code volume Subsection 1, paragraph d amended Subsection 2 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.16B - Raw milk — associated products.

135.16B Raw milk — associated products. The department of health and human services may demand that a raw milk producer provide the department with all records required to be retained by the raw milk producer as provided in section 195.6, including any of the following: 1. The coliform count and standard plate count of dairy animals maintained at a raw milk dairy owned or operated by the raw milk producer. 2. The administration of antibiotic drugs to dairy animals maintained at a raw milk dairy owned or operated by the raw milk producer. 2023 Acts, ch 75, §1 NEW section

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.17 - Dental screening of children.

135.17 Dental screening of children. 1. a. Except as provided in paragraphs “c” and “d”, the parent or guardian of a child enrolled in

elementary school shall provide evidence to the school district or accredited nonpublic elementary school in which the child is enrolled of the child having, no earlier than three years of age but no later than four months after enrollment, at a minimum, a dental screening performed by a licensed physician, a licensed nurse, a licensed physician assistant, or a licensed dental hygienist or dentist. Except as provided in paragraphs “c” and “d”, the parent or guardian of a child enrolled in high school shall provide evidence to the school district or accredited nonpublic high school in which the child is enrolled of the child having, at a minimum, a dental screening performed no earlier than one year prior to enrollment and not later than four months after enrollment by a licensed dental hygienist or dentist. A school district or accredited nonpublic school shall provide access to a process to complete the screenings described in this paragraph as appropriate. b. A person authorized to perform a dental screening required by this section shall record that the screening was completed, and such additional information required by the department, on uniform forms developed by the department in cooperation with the department of education. The form shall include a space for the person to summarize any condition that may indicate a need for special services. c. The department shall specify the procedures that constitute a dental screening and authorize a waiver signed by a licensed physician, nurse, physician assistant, dental hygienist, or dentist for a person who is unduly burdened by the screening requirement. d. The dental screening requirement shall not apply to a person who submits an affidavit signed by the person or, if the person is a minor, the person’s parent or legal guardian, stating that the dental screening conflicts with a genuine and sincere religious belief. 2. Each public and nonpublic school shall, in collaboration with the department, do the following: a. Ensure that the parent or guardian of a student enrolled in the school has complied with the requirements of subsection 1. b. Provide, if a student has not had a dental screening performed in accordance with subsection 1, the parent or guardian of the student with community dental screening referral resources, including contact information for the i-smile coordinator, department, or dental society. 3. By May 31 annually, each local board shall furnish the department with evidence that each student enrolled in any public or nonpublic school within the local board’s jurisdiction has met the dental screening requirement in this section. 4. The department shall adopt rules to administer this section. 2007 Acts, ch 146, §1, 2; 2008 Acts, ch 1020, §1 – 3; 2009 Acts, ch 41, §39; 2009 Acts, ch 133, §31; 2010 Acts, ch 1088, §2, 3 Dental clinics, see §280.7

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.171 - Alzheimer’s disease service needs.

135.171 Alzheimer’s disease service needs. 1. The department shall regularly analyze Iowa’s population by county and age to determine the existing service utilization and future service needs of persons with Alzheimer’s disease and similar forms of irreversible dementia. The analysis shall also address the availability of existing caregiver services for such needs and the appropriate service level for the future. 2. The department shall modify its community needs assessment activities to include questions to identify and quantify the numbers of persons with Alzheimer’s disease and similar forms of irreversible dementia at the community level. 3. The department shall collect data on the numbers of persons demonstrating combative behavior related to Alzheimer’s disease and similar forms of irreversible dementia. The department shall also collect data on the number of physicians and geropsychiatric units available in the state to provide treatment and services to such persons. Health care facilities that serve such persons shall provide information to the department for the purposes of the data collection required by this subsection. 4. The department’s implementation of the requirements of this section shall be limited to the extent of the funding appropriated or otherwise made available for the requirements. 2008 Acts, ch 1140, §1 See also §231.62

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.173A - Child care advisory committee.

135.173A Child care advisory committee. 1. The early childhood stakeholders alliance shall establish a state child care advisory committee as part of the stakeholders alliance. The advisory committee shall advise and make recommendations to the governor, general assembly, department, and other state agencies concerning child care. 2. The membership of the advisory committee shall consist of a broad spectrum of parents and other persons from across the state with an interest in or involvement with child care. 3. Except as otherwise provided, the voting members of the advisory committee shall be appointed by the stakeholders alliance from a list of names submitted by a nominating committee to consist of one member of the advisory committee, one member of the department’s child care staff, three consumers of child care, and one member of a professional child care organization. Two names shall be submitted for each appointment. The voting members shall be appointed for terms of three years. 4. The voting membership of the advisory committee shall be appointed in a manner so as to provide equitable representation of persons with an interest in child care and shall include all of the following: a. Two parents of children served by a registered child development home. b. Two parents of children served by a licensed center. c. Two not-for-profit child care providers. d. Two for-profit child care providers. e. One child care home provider. f. Three child development home providers. g. One child care resource and referral service grantee. h. One nongovernmental child advocacy group representative. i. One designee of the department. j. One designee of the department of education. k. One head start program provider. l. One person who is a business owner or executive officer from nominees submitted by the Iowa chamber of commerce executives. m. One person who is a member of the Iowa afterschool alliance. n. One person who is part of a local program implementing the statewide preschool program for four-year-old children under chapter 256C. o. One person who represents the early childhood stakeholders alliance. 5. In addition to the voting members of the advisory committee, the membership shall include four legislators as ex officio, nonvoting members. The four legislators shall be appointed one each by the majority leader of the senate, the minority leader of the senate, the speaker of the house of representatives, and the minority leader of the house of representatives for terms as provided in section 69.16B. 6. In fulfilling the advisory committee’s role, the committee

shall do all of the following: a. Consult with the department and make recommendations concerning policy issues relating to child care. b. Advise the department concerning services relating to child care, including but not limited to any of the following: (1) Resource and referral services. (2) Provider training. (3) Quality improvement. (4) Public-private partnerships. (5) Standards review and development. (6) The federal child care and development block grant, state funding, grants, and other funding sources for child care. c. Assist the department in developing an implementation plan to provide seamless service to recipients of public assistance, which includes child care services. For the purposes of this subsection, “seamless service” means coordination, where possible, of the federal and state requirements which apply to child care. d. Advise and provide technical services to the director of the department of education or the director’s designee relating to prekindergarten, kindergarten, and before and after school programming and facilities. e. Make recommendations concerning child care expansion programs that meet the needs of children attending a core education program by providing child care before and after the core program hours and during times when the core program does not operate. f. Make recommendations for improving collaborations between the child care programs involving the department and programs supporting the education and development of young children including but not limited to the federal head start program; the statewide preschool program for four-year-old children; and the early childhood, at-risk, and other early education programs administered by the department of education. g. Make recommendations for eliminating duplication and otherwise improving the eligibility determination processes used for the state child care assistance program and other programs supporting low-income families, including but not limited to the federal head start, early head start, and even start programs; the early childhood, at-risk, and preschool programs administered by the department of education; the family and self-sufficiency grant program; and the family investment program. h. Make recommendations as to the most effective and efficient means of managing the state and federal funding available for the state child care assistance program. i. Review program data from the department and other departments concerning child care as deemed to be necessary by the advisory committee, although a department shall not provide personally identifiable data or information. j. Advise and assist the early childhood stakeholders alliance in developing the strategic plan required pursuant to section 256I.4, subsection 4. 7. The department shall provide information to the advisory committee semiannually on all of the following: a. Federal, state, local, and private revenues and expenditures for child care including but not limited to updates on the current and future status of the revenues and expenditures. b. Financial information and data relating to regulation of child care by the department and the usage of the state child care assistance program. c. Utilization and availability data relating to child care regulation, quantity, and quality from consumer and provider perspectives. d. Statistical and demographic data regarding child care providers and the families utilizing child care. e. Statistical data regarding the processing time for issuing notices of decision to state child care assistance applicants and for issuing payments to child care providers. 8. The advisory committee shall coordinate with the early childhood stakeholders alliance its reporting annually in December to the governor and general assembly concerning the status of child care in the state, providing findings, and making recommendations. The annual report may be personally presented to the general assembly’s standing committees on health and human services by a representative of the advisory committee. 2010 Acts, ch 1031, §354, 361; 2015 Acts, ch 30, §55 – 57; 2021 Acts, ch 76, §35; 2023 Acts, ch 19, §155 Referred to in §237A.1, 256.9 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.175 - Health care workforce support initiative — workforce shortage fund — accounts.

135.175 Health care workforce support initiative — workforce shortage fund — accounts. 1. a. A health care workforce support initiative is established to provide for the coordination and support of various efforts to address the health care workforce shortage in this state. This initiative shall include the medical residency training state matching grants program created in section 135.176, the nurse residency state matching grants program created in section 135.178, and the fulfilling Iowa’s need for dentists matching grant program created in section 135.179. b. A health care workforce shortage fund is created in the state treasury as a separate fund under the control of the department, in cooperation with the entities identified in this section as having control over the accounts within the fund. The fund and the accounts within the fund shall be controlled and managed in a manner consistent with the principles specified and the strategic plan developed pursuant to section 135.163. 2. The fund and the accounts within the fund shall consist of moneys appropriated from the general fund of the state for the purposes of the fund or the accounts within the fund; moneys received from the federal government for the purposes of addressing the health care workforce shortage; contributions, grants, and other moneys from communities and health care employers; and moneys from any other public or private source available. 3. The department and any entity identified in this section as having control over any of the accounts within the fund, may receive contributions, grants, and in-kind contributions to support the purposes of the fund and the accounts within the fund. Not more than five percent of the moneys allocated to any account within the fund may be used for administrative costs. 4. The fund and the accounts within the fund shall be separate from the general fund of the state and shall not be considered part of the general fund of the state. The moneys in the fund and the accounts within the fund shall not be considered revenue of the state, but rather shall be moneys of the fund or the accounts. The moneys in the fund and the accounts within the fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered, except to provide for the purposes of this section. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund and the accounts within the fund. 5. The fund shall consist of the following accounts: a. The medical residency training account. The medical residency training account shall be under the control of the department and the moneys in the account shall be used for the purposes of the medical residency training state matching grants program as specified in section 135.176. Moneys in the account shall consist of moneys appropriated or allocated for deposit in or received by the fund or the account and specifically dedicated to

the medical residency training state matching grants program or account for the purposes of such account. b. The nurse residency state matching grants program account. The nurse residency state matching grants program account shall be under the control of the department and the moneys in the account shall be used for the purposes of the nurse residency state matching grants program as specified in section 135.178. Moneys in the account shall consist of moneys appropriated or allocated for deposit in or received by the fund or the account and specifically dedicated to the nurse residency state matching grants program account for the purposes of such account. c. The health care workforce shortage national initiatives account. The health care workforce shortage national initiatives account shall be under the control of the state entity identified for receipt of the federal funds by the federal government entity through which the federal funding is available for a specified health care workforce shortage initiative. Moneys in the account shall consist of moneys appropriated or allocated for deposit in or received by the fund or the account and specifically dedicated to health care workforce shortage national initiatives or the account and for a specified health care workforce shortage initiative. d. The fulfilling Iowa's need for dentists matching grant program account. The fulfilling Iowa's need for dentists matching grant program account shall be under the control of the department and the moneys in the account shall be used for the purposes of the fulfilling Iowa's need for dentists matching grant program as specified in section 135.179. Moneys in the account shall consist of moneys appropriated or allocated for deposit in the account or received by the fund or the account and specifically dedicated to the fulfilling Iowa's need for dentists matching grant program account for the purposes of such account. 6. a. Moneys in the fund and the accounts in the fund shall only be appropriated in a manner consistent with the principles specified and the strategic plan developed pursuant to section 135.163 to support the medical residency training state matching grants program, the nurse residency state matching grants program, the fulfilling Iowa's need for dentists matching grant program, and to provide funding for state health care workforce shortage programs as provided in this section. b. State programs that may receive funding from the fund and the accounts in the fund, if specifically designated for the purpose of drawing down federal funding, are the primary care recruitment and retention endeavor (PRIMECARRE), the Iowa affiliate of the national rural recruitment and retention network, the dental program of the department, the primary care office and shortage designation program, and the state office of rural health of the department; any entity identified by the federal government entity through which federal funding for a specified health care workforce shortage initiative is received; and a program developed in accordance with the strategic plan developed by the department in accordance with section 135.163. c. Any federal funding received for the purposes of addressing state health care workforce shortages shall be deposited in the health care workforce shortage national initiatives account, unless otherwise specified by the source of the funds, and shall be used as required by the source of the funds. If use of the federal funding is not designated, the funds shall be used in accordance with the strategic plan developed by the department in accordance with section 135.163, or to address workforce shortages as otherwise designated by the department. Other sources of funding shall be deposited in the fund or account and used as specified by the source of the funding. 7. No more than five percent of the moneys in any of the accounts within the fund shall be used for administrative purposes, unless otherwise provided by the appropriation, allocation, or source of the funds. 8. The department, in cooperation with the entities identified in this section as having control over any of the accounts within the fund, shall submit an annual report to the governor and the general assembly regarding the status of the health care workforce support initiative, including the balance remaining in and appropriations from the health care workforce shortage fund and the accounts within the fund. 2015 Acts, ch 30, §212, 218, 219; 2016 Acts, ch 1073, §55, 56, 187, 189; 2017 Acts, ch 148, §17, 18; 2018 Acts, ch 1165, §111 – 113; 2023 Acts, ch 19, §156 Referred to in §135.176, 135.178, 135.179, 249M.4 Subsection 6, paragraphs b and c amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.176 - Medical residency training state matching grants program.

135.176 Medical residency training state matching grants program. 1. The department shall establish a medical residency training state matching grants program to provide matching state funding to sponsors of accredited graduate medical education residency programs in this state to establish, expand, or support medical residency training programs. Funding for the program may be provided through the health care workforce shortage fund or the medical residency training account created in section 135.175. For the purposes of this section, unless the context otherwise requires, “accredited” means a graduate medical education program approved by the accreditation council for graduate medical education or the American osteopathic association. The grant funds may be used to support medical residency programs through any of the following: a. The establishment of new or alternative campus accredited medical residency training programs. For the purposes of this paragraph, “new or alternative campus accredited medical residency training program” means a program that is accredited by a recognized entity approved for such purpose by the accreditation council for graduate medical education or the American osteopathic association with the exception that a new medical residency training program that, by reason of an insufficient period of operation is not eligible for accreditation on or before the date of submission of an application for a grant, may be deemed accredited if the accreditation council for graduate medical education or the American osteopathic association finds, after consultation with the appropriate accreditation entity, that there is reasonable assurance that the program will meet the accreditation standards of the entity prior to the date of graduation of the initial class in the program. b. The provision of new residency positions within existing accredited medical residency or fellowship training programs. c. The funding of residency positions which are in excess of the federal residency cap. For the purposes of this paragraph, “in excess of the federal residency cap” means a residency position for which no federal Medicare funding is available because the residency position is a position beyond the cap for residency positions established by the federal Balanced Budget Act of 1997, Pub. L. No. 105-33. d. For the period beginning July 1, 2021, and ending June 30, 2026, the payment by the sponsor of medical residency program liability costs subject to provision by the sponsor of dollar-for-dollar matching funds used for payment of such costs. This

paragraph shall not apply to medical residency programs to which chapter 669 applies. 2. The department shall adopt rules pursuant to chapter 17A to provide for all of the following: a. Eligibility requirements for and qualifications of a sponsor of an accredited graduate medical education residency program to receive a grant. The requirements and qualifications shall include but are not limited to all of the following: (1) A sponsor shall demonstrate that funds have been budgeted and will be expended by the sponsor in the amount required to provide matching funds for each residency position proposed in the request for state matching funds. (2) A sponsor shall demonstrate, through objective evidence as prescribed by rule of the department, a need for such residency program in the state. b. The application process for the grant. c. Criteria for preference in awarding of the grants, including preference in the residency specialty and preference for candidates who are residents of Iowa, attended and earned an undergraduate degree from an Iowa college or university, or attended and earned a medical degree from a medical school in Iowa. d. Determination of the amount of a grant. The total amount of a grant awarded to a sponsor proposing the establishment of a new or alternative campus accredited medical residency training program as defined in subsection 1, paragraph “a”, shall be limited to no more than one hundred percent of the amount the sponsor has budgeted as demonstrated under paragraph “a”. The total amount of a grant awarded to a sponsor proposing the provision of a new residency position within an existing accredited medical residency or fellowship training program as specified in subsection 1, paragraph “b”, or the funding of residency positions which are in excess of the federal residency cap as defined in subsection 1, paragraph “c”, shall be limited to no more than twenty-five percent of the amount that the sponsor has budgeted for each residency position sponsored for the purpose of the residency program. e. The maximum award of grant funds to a particular individual sponsor per year. An individual sponsor that establishes a new or alternative campus accredited medical residency training program as defined in subsection 1, paragraph “a”, shall not receive more than fifty percent of the state matching funds available each year to support the program. An individual sponsor proposing the provision of a new residency position within an existing accredited medical residency or fellowship training program as specified in subsection 1, paragraph “b”, the funding of residency positions which are in excess of the federal residency cap as defined in subsection 1, paragraph “c”, or the funding of the payment by the sponsor of medical residency program liability costs subject to provision by the sponsor of dollar-for-dollar matching funds used for payment of such costs as specified in subsection 1, paragraph “d”, shall not receive more than twenty-five percent of the state matching funds available each year to support the program. f. Use of the funds awarded. Funds may be used to pay the costs of establishing, expanding, or supporting an accredited graduate medical education program as specified in this section, including but not limited to the costs associated with residency stipends and physician faculty stipends. For the period beginning July 1, 2021, and ending June 30, 2026, use of the funds awarded may include payment by the sponsor of medical residency program liability costs in accordance with subsection 1, paragraph “d”, and subject to provision by the sponsor of dollar-for-dollar matching funds used for payment of such costs. g. A requirement that the residency program offer persons to whom a primary care residency position is awarded, the opportunity to participate in a rural rotation to expose the resident to the rural areas of the state. For the purposes of this paragraph, “primary care” shall include psychiatry, obstetrics, gynecology, family medicine, internal medicine, and emergency medicine. 2015 Acts, ch 30, §213, 218, 219; 2015 Acts, ch 57, §18 – 21; 2016 Acts, ch 1073, §57; 2019 Acts, ch 55, §1, 2; 2020 Acts, ch 1082, §1; 2021 Acts, ch 182, §63, 64 Referred to in §135.175

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.178 - Nurse residency state matching grants program.

135.178 Nurse residency state matching grants program. The department shall establish a nurse residency state matching grants program to provide matching state funding to sponsors of nurse residency programs in this state to establish, expand, or support nurse residency programs that meet standards adopted by rule of the department. Funding for the program may be provided through the health care workforce shortage fund or the nurse residency state matching grants program account created in section 135.175. The department, in cooperation with the Iowa board of nursing, the department of education, Iowa institutions of higher education with board of nursing-approved programs to educate nurses, and the Iowa nurses association, shall adopt rules pursuant to chapter 17A to establish minimum standards for nurse residency programs to be eligible for a matching grant that address all of the following: 1. Eligibility requirements for and qualifications of a sponsor of a nurse residency program to receive a grant, including that the program includes both rural and urban components. 2. The application process for the grant. 3. Criteria for preference in awarding of the grants. 4. Determination of the amount of a grant. 5. Use of the funds awarded. Funds may be used to pay the costs of establishing, expanding, or supporting a nurse residency program as specified in this section, including but not limited to the costs associated with residency stipends and nursing faculty stipends. 2015 Acts, ch 30, §215, 218, 219; 2016 Acts, ch 1139, §76, 78, 79 Referred to in §135.175

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.179 - Fulfilling Iowa’s need for dentists.

135.179 Fulfilling Iowa’s need for dentists. 1. The department, in cooperation with a dental nonprofit health service corporation, shall create the fulfilling Iowa’s need for dentists matching grant program. 2. Funding for the program may be provided through the health care workforce shortage fund or the fulfilling Iowa’s need for dentists matching grant program account created in section 135.175. The purpose of the program is to establish, expand, or support the placement of dentists in dental or rural shortage areas across the state by providing education loan repayments. 3. The department shall contract with a dental nonprofit health service corporation to implement and administer the program. The dental nonprofit health service corporation shall provide loan repayments to dentists who practice in a dental or rural shortage area as defined by the department. 2014 Acts, ch 1106, §10 Referred to in

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.18 - Conflicting statutes.

135.18 Conflicting statutes. Provisions of this chapter in conflict with the state building code, as adopted pursuant to section 103A.7, shall not apply where the state building code has been adopted or when the state building code applies throughout the state. [C73, 75, 77, 79, 81, §135.18] 2004 Acts, ch 1086, §33

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.180 - State-funded psychiatry residency and fellowship program — fund — appropriations.

135.180 State-funded psychiatry residency and fellowship program — fund — appropriations. 1. a. The university of Iowa hospitals and clinics shall administer a state-funded psychiatry residency and fellowship program for up to nine residents and up to two fellows, annually. The university of Iowa hospitals and clinics shall expand the psychiatry residency program to provide additional residency positions by providing financial support for residency positions which are in excess of the federal residency cap established by the federal Balanced Budget Act of 1997, Pub. L. No. 105-33. b. The university of Iowa hospitals and clinics shall cooperate with the state mental health institutes at Independence and Cherokee, the state resource center at Woodward, the state training school at Eldora, and the Iowa medical and classification center at Oakdale in administering the program. Participating residents and fellows shall complete a portion of their psychiatry training at one of the state mental health institutes, the state resource center, the state training school, or the Iowa medical and classification center at Oakdale. For accreditation-required clinical experiences not available at the state mental health institutes, the state resource center, the state training school, or the Iowa medical and classification center at Oakdale, the residents of the psychiatry residency and fellowship program may utilize clinical rotations at the university of Iowa hospitals and clinics and its affiliates across the state. 2. The university of Iowa hospitals and clinics shall apply to the accreditation council for graduate medical education for approval of nine additional residency positions for each class of residents and the psychiatry residency and fellowship program shall award the total number of residency positions approved for each class of residents. The university of Iowa hospitals and clinics shall approve and award up to two fellowship positions annually. Preference in the awarding of residency and fellowship positions shall be given to candidates who are residents of Iowa, attended and earned an undergraduate degree from an Iowa college or university, or attended and earned a medical degree from a medical school in Iowa. 3. A psychiatry residency and fellowship program fund is created in the state treasury consisting of the moneys appropriated or credited to the fund by law. Notwithstanding section 8.33, moneys in the fund at the end of each fiscal year shall not revert to any other fund but shall remain in the psychiatry residency and fellowship program fund for use in subsequent fiscal years. Moneys in the fund are appropriated to the university of Iowa hospitals and clinics to be used for the purposes of the program. For the fiscal years beginning on or after July 1, 2023, there is appropriated from the general fund of the state to the psychiatry residency and fellowship program fund one hundred thousand dollars for each residency position approved and awarded under the program and one hundred fifty thousand dollars for each fellowship position approved and awarded under the program. 2022 Acts, ch 1131, §82; 2023 Acts, ch 37, §1 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.181 - Board-certified behavior analyst and board-certified assistant behavior analyst grants program — fund.

135.181 Board-certified behavior analyst and board-certified assistant behavior analyst grants program — fund. 1. The department shall establish a board-certified behavior analyst and board-certified assistant behavior analyst grants program to provide grants to Iowa resident and nonresident applicants who have been accepted for admission or are attending a university, community college, or an accredited private institution, within or outside the state of Iowa, are enrolled in a program that is accredited and meets coursework requirements to prepare the applicant to be eligible for board certification as a behavior analyst or assistant behavior analyst, and demonstrate financial need. 2. The department, in cooperation with the department of education, shall adopt rules pursuant to chapter 17A to establish minimum standards for applicants to be eligible for a grant that address all of the following: a. Eligibility requirements for and qualifications of an applicant to receive a grant. The applicant shall agree to practice in the state of Iowa for a period of time, not to exceed four years, as specified in the contract entered into between the applicant and the department at the time the grant is awarded. In addition, the applicant shall agree, as specified in the contract, that during the contract period, the applicant will assist in supervising an individual working toward board certification as a behavior analyst or assistant behavior analyst or to consult with schools and service providers that provide services and supports to individuals with autism. b. The application process for the grant. c. Criteria for preference in awarding of the grants. Priority in the awarding of a grant shall be given to applicants who are residents of Iowa. d. Determination of the amount of a grant. The amount of funding awarded to each applicant shall be based on the applicant's enrollment status, the number of applicants, and the total amount of available funds. The total amount of funds awarded to an individual applicant shall not exceed fifty percent of the total costs attributable to program tuition and fees, annually. e. Use of the funds awarded. Funds awarded may be used to offset the costs attributable to tuition and fees for the accredited behavior analyst or assistant behavior analyst program. 3. a. A board-certified behavior analyst and board-certified assistant behavior analyst grants program fund is created in the state treasury as a separate fund under the control of the department. The fund shall consist of moneys appropriated from the general fund of the state for the purposes of the fund and moneys from any

other public or private source available. b. The department may receive contributions, grants, and in-kind contributions to support the purposes of the fund. Not more than five percent of the moneys in the fund may be used annually for administrative costs. c. The fund shall be separate from the general fund of the state and shall not be considered part of the general fund of the state. The moneys in the fund shall not be considered revenue of the state, but rather shall be moneys of the fund. Moneys within the fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered, except to provide for the purposes of this section. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund. d. The moneys in the fund are appropriated to the department and shall be used to provide grants to individuals who meet the criteria established under this section. 4. The department shall submit a report to the governor and the general assembly no later than January 1, annually, that includes but is not limited to all of the following: a. The number of applications received for the immediately preceding fiscal year. b. The number of applications approved and the total amount of funding awarded in grants in the immediately preceding fiscal year. c. The cost of administering the program in the immediately preceding fiscal year. d. Recommendations for any changes to the program. 2015 Acts, ch 137, §68, 162, 163; 2016 Acts, ch 1139, §57, 58

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.185 - Epinephrine auto-injector supply.

135.185 Epinephrine auto-injector supply. 1. For purposes of this section, unless the context otherwise requires: a. “Epinephrine auto-injector” means the same as provided in section 280.16. b. “Facility” means a food establishment as defined in section 137F.1, a carnival as defined in section 88A.1, a recreational camp, a youth sports facility, or a sports arena. c. “Licensed health care professional” means the same as provided in section 280.16. d. “Personnel authorized to administer epinephrine” means an employee or agent of a facility who is trained and authorized to administer an epinephrine auto-injector. 2. Notwithstanding any other provision of law to the contrary, a licensed health care professional may prescribe epinephrine auto-injectors in the name of a facility to be maintained for use as provided in this section. 3. A facility may obtain a prescription for epinephrine auto-injectors and maintain a supply of such auto-injectors in a secure location at each location where a member of the public may be present for use as provided in this section. A facility that obtains such a prescription shall replace epinephrine auto-injectors in the supply upon use or expiration. Personnel authorized to administer epinephrine may possess and administer epinephrine auto-injectors from the supply as provided in this section. 4. Personnel authorized to administer epinephrine may provide or administer an epinephrine auto-injector from the facility’s supply to an individual present at the facility if such personnel reasonably and in good faith believe the individual is having an anaphylactic reaction. 5. The following persons, provided they have acted reasonably and in good faith, shall not be liable for any injury arising from the provision, administration, or assistance in the administration of an epinephrine auto-injector as provided in this section: a. Any personnel authorized to administer epinephrine who provide, administer, or assist in the administration of an epinephrine auto-injector to an individual present at the facility who such personnel believe to be having an anaphylactic reaction. b. The owner or operator of the facility. c. The prescriber of the epinephrine auto-injector. 6. The department, the board of medicine, the board of nursing, and the board of pharmacy shall adopt rules pursuant to chapter 17A to implement and administer this section, including but not limited to standards and procedures for the prescription, distribution, storage, replacement, and administration of epinephrine auto-injectors, and for training and authorization to be required for personnel authorized to administer epinephrine. 2015 Acts, ch 68, §1; 2016 Acts, ch 1073, §58; 2023 Acts, ch 19, §157 Referred to in §155A.27 Subsection 6 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.19 - Viral hepatitis program — awareness, vaccinations, and testing.

135.19 Viral hepatitis program — awareness, vaccinations, and testing. 1. If sufficient funds are appropriated by the general assembly, the department shall establish and administer a viral hepatitis program. The goal of the program shall be to distribute information to citizens of this state who are at an increased risk for exposure to viral hepatitis regarding the higher incidence of hepatitis C exposure and infection among these populations, the dangers presented by the disease, and contacts for additional information and referrals. The program shall also make available hepatitis A and hepatitis B vaccinations, and hepatitis C testing. 2. The department shall establish by rule a list of individuals by category who are at increased risk for viral hepatitis exposure. The list shall be consistent with recommendations developed by the centers for disease control and prevention of the United States department of health and human services, and shall be developed in consultation with the Iowa viral hepatitis task force and the Iowa department of veterans affairs. The department shall also establish by rule what information is to be distributed and the form and manner of distribution. The rules shall also establish a vaccination and testing program, to be coordinated by the department through local health departments and clinics and other appropriate locations. 2006 Acts, ch 1045, §1; 2009 Acts, ch 182, §88; 2021 Acts, ch 76, §32

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.190 - Possession and administration of opioid antagonists — immunity.

135.190 Possession and administration of opioid antagonists — immunity. 1. For purposes of this section, unless the context otherwise requires: a. “Community-based organization” means a public or private organization that provides health or human services to meet the needs of a community including but not limited to a nonprofit organization, a social service provider, or an organization providing substance abuse disorder prevention, treatment, recovery, or harm reduction services. b. “Licensed health

care professional” means the same as defined in section 280.16. c. “Opioid antagonist” means the same as defined in section 147A.1. d. “Opioid-related overdose” means the same as defined in section 147A.1. e. “Person in a position to assist” means a family member, friend, caregiver, community-based organization, health care provider, employee of a substance use disorder treatment facility, school employee, first responder as defined in section 147A.1, or other person who may be in a place to render aid to a person at risk of experiencing an opioid-related overdose. f. “Secondary distributor” means a law enforcement agency, emergency medical services program, fire department, school district, health care provider, licensed behavioral health provider, county health department, or the department of health and human services. 2. a. Notwithstanding any other provision of law to the contrary, a licensed health care professional may prescribe an opioid antagonist to a person in a position to assist or to a secondary distributor. b. (1) Notwithstanding any other provision of law to the contrary, a pharmacist licensed under chapter 155A may, by standing order or through collaborative agreement, dispense, furnish, or otherwise provide an opioid antagonist to a person in a position to assist or to a secondary distributor. (2) A pharmacist or secondary distributor who dispenses, furnishes, or otherwise provides an opioid antagonist pursuant to a valid prescription, standing order, or collaborative agreement shall provide written instruction, which shall include emergency, crisis, and substance use referral contact information, to the recipient in accordance with any protocols and instructions developed by the department under this section. 3. A person in a position to assist may possess and provide or administer an opioid antagonist to an individual if the person in a position to assist reasonably and in good faith believes that such individual is experiencing an opioid-related overdose. 4. Notwithstanding any other provision of law to the contrary, the chief medical officer of the department may issue a standing order that does not identify individual patients at the time it is issued for the purpose of dispensing opioid antagonists to a person in a position to assist. 5. A person in a position to assist may distribute an opioid antagonist to any individual pursuant to this section. 6. A person in a position to assist, a secondary distributor, or a prescriber of an opioid antagonist who has acted reasonably and in good faith shall not be liable for any injury arising from the provision, administration, or assistance in the administration of an opioid antagonist as provided in this section. 7. A school district may obtain a valid prescription for an opioid antagonist and maintain a supply of opioid antagonists in a secure location at each location where a student may be present for use as provided in this section. 8. The department may adopt rules pursuant to chapter 17A to implement and administer this section. 2016 Acts, ch 1061, §1; 2016 Acts, ch 1139, §68 – 70, 72 – 75; 2022 Acts, ch 1121, §2, 3; 2023 Acts, ch 19, §158; 2023 Acts, ch 86, §15 – 18 Referred to in §147A.18, 155A.3, 155A.27 See Code editor’s note on simple harmonization at the beginning of this Code volume Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.190A - Opioid antagonist medication fund.

135.190A Opioid antagonist medication fund. 1. An opioid antagonist medication fund for first responders is created within the state treasury under the control of the department. The fund shall consist of moneys appropriated to or deposited into the fund. 2. Moneys in the fund are appropriated to the department for the purchase, maintenance, and replacement of opioid antagonist medication administered by first responders to persons experiencing an opioid-related overdose. The department is authorized to designate moneys in the fund for the purchase, maintenance, and replacement of opioid antagonist medication used by the department or other entities under this section. 3. First responders may contact the department for the procurement of opioid antagonist medication. The department shall keep a record of the distribution of moneys from the fund. 4. The fund may consist of available federal or state moneys available, as well as any available opioid lawsuit settlement moneys. Funds may be transferred between other state agencies and the fund as appropriate. 5. Notwithstanding section 8.33, moneys in the fund that remain unencumbered or unobligated at the close of a fiscal year shall not revert but shall remain available for expenditure for the purposes designated unless federal regulations otherwise require. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund. 6. The department shall submit a report to the general assembly on or before December 31 of each year which shall contain a list of deposits and expenditures from the fund for the prior fiscal year and the amount of carryover funds, if any, to be distributed in the next fiscal year. 7. For purposes of this section: a. “First responder” means an emergency medical care provider, a registered nurse staffing an authorized service program under section 147A.12, a physician assistant staffing an authorized service program under section 147A.13, a fire fighter, or a peace officer as defined in section 801.4 who is trained and authorized to administer an opioid antagonist. b. “Opioid antagonist” means the same as defined in section 147A.1. c. “Opioid-related overdose” means the same as defined in section 147A.1. 2022 Acts, ch 1121, §4; 2023 Acts, ch 19, §159 Referred to in §12.51 Subsection 6 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.191 - Stroke care — continuous quality improvement.

135.191 Stroke care — continuous quality improvement. 1. A nationally certified comprehensive stroke center or a nationally certified primary stroke center operating in the state shall report to the statewide stroke database data consistent with nationally recognized guidelines on the treatment of individuals with confirmed cases of stroke within the state. If a nationally certified comprehensive stroke center or nationally certified primary stroke center does not comply with this subsection by reporting data consistent with nationally recognized guidelines, the department may request a review of the certification of the comprehensive stroke center or the primary stroke center by the certifying entity. 2. The department, in partnership with the university of Iowa college of public health, department of epidemiology, shall do all of the following: a. Maintain or utilize a statewide stroke database that compiles information and statistics on stroke care which aligns with nationally recognized stroke consensus metrics. b. Utilize the get with the guidelines-stroke data set platform or a data tool with equivalent data measures and with confidentiality standards

consistent with federal and state law and other health information and data collection, storage, and sharing requirements of the department. c. Partner with national voluntary health organizations and stroke advocacy organizations that plan for achieving stroke care quality improvement to avoid duplication and redundancy. d. Encourage nationally certified acute stroke-ready hospitals and emergency medical services agencies to report data consistent with nationally recognized guidelines on the treatment of individuals with confirmed cases of stroke within the state. 2017 Acts, ch 26, §1 Implementation of section contingent upon utilization of existing resources by the department of health and human services and shall not require appropriation of additional funding; 2017 Acts, ch 26, §2

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.192 - Protections of certain prospective recipients of anatomical gifts.

135.192 Protections of certain prospective recipients of anatomical gifts. 42 C.F.R. §121.7 . 3. A person with a disability shall not be required to demonstrate postoperative independent living abilities in order to be placed on the list of potential transplant recipients pursuant to 42 C.F.R. §121.7 if there is evidence that the person will have sufficient, compensatory support and assistance. 4. A court shall accord priority on its calendar and handle expeditiously any action brought to seek any remedy authorized by law for purposes of enforcing compliance with this section. 5. This section shall not be deemed to require referrals or recommendations for, or the performance of, a medically inappropriate transplant of a part. 6. As used in this section: a. “Anatomical gift” means the same as defined in section 142C.2. b. “Disability” means the same as defined in the federal Americans with Disabilities Act of 1990, 42 U.S.C. §12101 et seq. 2020 Acts, ch 1101, §1

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.193 - State-funded family medicine obstetrics fellowship program — fund.

135.193 State-funded family medicine obstetrics fellowship program — fund. 1. The department shall establish a state-funded family medicine obstetrics fellowship program to increase access to family medicine obstetrics practitioners in rural and underserved areas of the state. A person who has completed an accreditation council for graduate medical education residency program in family medicine is eligible for participation in the fellowship program. Participating fellows shall enter into a program agreement with a participating teaching hospital which, at a minimum, requires the fellow to complete a one-year fellowship and to engage in full-time family medicine obstetrics practice in a rural or underserved area of the state for a period of at least five years within nine months following completion of the fellowship and receipt of a license to practice medicine in the state. 2. Each fellow participating in the program shall be eligible for a salary and benefits including a stipend as determined by the participating teaching hospital which shall be funded through the family medicine obstetrics fellowship program fund. 3. The department shall adopt rules pursuant to chapter 17A to administer the program, including defining rural and underserved areas for the purpose of the required full-time practice of a person following completion of the fellowship. 4. a. A family medicine obstetrics fellowship program fund is created in the state treasury consisting of the moneys appropriated or credited to the fund by law. Notwithstanding section 8.33, moneys in the fund at the end of each fiscal year shall not revert to any other fund but shall remain in the fund for use in subsequent fiscal years. Moneys in the fund are appropriated to the department to be used to fund fellowship positions as provided in this section. b. For the fiscal year beginning July 1, 2023, and each fiscal year beginning July 1 thereafter, there is appropriated from the general fund of the state for deposit in the family medicine obstetrics fellowship program fund an amount sufficient to support the creation of four fellowship positions as provided in this section. 5. The department and the participating teaching hospitals shall regularly evaluate and document their experiences including identifying ways the program may be modified or expanded to facilitate increased access to family medicine obstetrics practitioners in rural and underserved areas of the state. The department shall submit an annual report to the general assembly by January 1. The report shall include the number of fellowships funded to date and any other information identified by the department and the participating teaching hospitals as indicators of outcomes and the effectiveness of the program. 6. For the purposes of this section, “teaching hospital” means a hospital or medical center that provides medical education to prospective and current health professionals. 2023 Acts, ch 112, §67 NEW section

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.21 - Pay toilets.

135.21 Pay toilets. No person shall make a charge or require any special device, key or slug for the use of a toilet located in a room provided for use of the public. Violation of this section is a simple misdemeanor. [C24, 27, 31, 35, 39, §2839; C46, 50, 54, 58, 62, 66, 71, 73, 75, §170.34; C77, §732.25; C79, 81, §135.21]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.22 - Central registry for brain or spinal cord injuries.

135.22 Central registry for brain or spinal cord injuries. 1. As used in this section: a. “Brain injury” means clinically evident damage to the brain resulting directly or indirectly from trauma, infection, anoxia, vascular lesions, or tumor of the brain, not primarily related to a degenerative disease or aging process, which temporarily or permanently impairs a person’s physical, cognitive, or behavioral functions, and is diagnosed by a physician. The diagnoses of clinically evident damage to the brain used for a diagnosis of brain injury shall be the same as specified by rule for eligibility for the home and community-based services waiver for persons

with brain injury under the medical assistance program. b. “Spinal cord injury” means the occurrence of an acute traumatic lesion of neural elements in the spinal cord including the spinal cord and cauda equina, resulting in temporary or permanent sensory deficit, motor deficit, or bladder or bowel dysfunction. 2. The director shall establish and maintain a central registry of persons with brain or spinal cord injuries in order to facilitate prevention strategies and the provision of appropriate rehabilitative services to the persons by the department and other state agencies. Hospitals shall report patients who are admitted with a brain or spinal cord injury and their diagnoses to the director no later than forty-five days after the close of a quarter in which the patient was discharged. The report shall contain the name, age, and residence of the person, the date, type, and cause of the brain or spinal cord injury, and additional information as the director requires, except that where available, hospitals shall report the Glasgow coma scale. The director shall consult with health care providers concerning the availability of additional relevant information. The department shall maintain the confidentiality of all information which would identify any person named in a report. However, the identifying information may be released for bona fide research purposes if the confidentiality of the identifying information is maintained by the researchers, or the identifying information may be released by the person with the brain or spinal cord injury or by the person’s guardian or, if the person is a minor, by the person’s parent or guardian. 89 Acts, ch 320, §10; 92 Acts, ch 1237, §6; 94 Acts, ch 1068, §3; 99 Acts, ch 141, §3; 2012 Acts, ch 1120, §66 Referred to in §135.22A, 225C.23, 335.25, 414.22

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.22A - Advisory council on brain injuries.

135.22A Advisory council on brain injuries. 1. For purposes of this section, unless the context otherwise requires: a. “Brain injury” means a brain injury as defined in section 135.22. b. “Council” means the advisory council on brain injuries. 2. The advisory council on brain injuries is established. The following persons or their designees shall serve as ex officio, nonvoting members of the council: a. The director of health and human services or the director’s designee. b. The director of the department of education. c. The chief of the special education bureau of the department of education. d. The administrator of the division of vocational rehabilitation services of the department of workforce development. e. The director of the department for the blind. 3. The council shall be composed of a minimum of nine members appointed by the governor in addition to the ex officio members, and the governor may appoint additional members. Insofar as practicable, the council shall include persons with brain injuries; family members of persons with brain injuries; representatives of industry, labor, business, and agriculture; representatives of federal, state, and local government; and representatives of religious, charitable, fraternal, civic, educational, medical, legal, veteran, welfare, and other professional groups and organizations. Members shall be appointed representing every geographic and employment area of the state and shall include members of both sexes. A simple majority of the members appointed by the governor shall constitute a quorum. 4. Members of the council appointed by the governor shall be appointed for terms of two years. Vacancies on the council shall be filled for the remainder of the term of the original appointment. Members whose terms expire may be reappointed. 5. The voting members of the council shall appoint a chairperson and a vice chairperson and other officers as the council deems necessary. The officers shall serve until their successors are appointed and qualified. Members of the council shall receive actual expenses for their services. Members may also be eligible to receive compensation as provided in section 7E.6. The council shall adopt rules pursuant to chapter 17A. 6. The council shall do all of the following: a. Promote meetings and programs for the discussion of methods to reduce the debilitating effects of brain injuries, and disseminate information in cooperation with any other department, agency, or entity on the prevention, evaluation, care, treatment, and rehabilitation of persons affected by brain injuries. b. Study and review current prevention, evaluation, care, treatment, and rehabilitation technologies and recommend appropriate preparation, training, retraining, and distribution of personnel and resources in the provision of services to persons with brain injuries through private and public residential facilities, day programs, and other specialized services. c. Participate in developing and disseminating criteria and standards which may be required for future funding or licensing of facilities, day programs, and other specialized services for persons with brain injuries in this state. d. Make recommendations to the governor for developing and administering a state plan to provide services for persons with brain injuries. e. Meet at least quarterly. 7. The department is designated as Iowa’s lead agency for brain injury. For the purposes of this section, the designation of lead agency authorizes the department to perform or oversee the performance of those functions specified in subsection 6, paragraphs “a” through “c”. The council is assigned to the department for administrative purposes. The director shall be responsible for budgeting, program coordination, and related management functions. 8. The council may receive gifts, grants, or donations made for any of the purposes of its programs and disburse and administer them in accordance with their terms and under the direction of the director. 92 Acts, ch 1237, §7; 94 Acts, ch 1068, §4; 94 Acts, ch 1109, §2; 97 Acts, ch 203, §13; 99 Acts, ch 141, §4; 2000 Acts, ch 1058, §15; 2005 Acts, ch 89, §4; 2006 Acts, ch 1184, §77; 2013 Acts, ch 124, §2; 2023 Acts, ch 19, §130 Referred to in §135.22B Recognition of “brain injury” as a disability, §225C.23 Subsection 2 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.22B - Brain injury services program.

135.22B Brain injury services program. 1. Definitions. For the purposes of this section, “brain injury services waiver” means the state’s medical assistance home and community-based services waiver for persons with brain injury implemented under chapter 249A. 2. Program created. a. A brain injury services program is created and shall be administered by the department in cooperation with counties. b. The department’s duties shall include but are not limited to serving as the fiscal agent and contract administrator for the program and providing program oversight. c. The department shall consult with the advisory council on brain injuries,

established pursuant to section 135.22A, regarding the program and shall report to the council concerning the program at least quarterly. The council shall make recommendations to the department concerning the program's operation. 3. Purpose. The purpose of the brain injury services program is to provide services, service funding, or other support for persons with a brain injury under the cost-share program component or other components established pursuant to this section. Implementation of the cost-share component or any other component of the program is subject to the funding made available for the program. 4. General requirements — cost-share component. The cost-share component of the brain injury services program shall be directed to persons who have been determined to be ineligible for the brain injury services waiver or persons who are eligible for the waiver but funding was not authorized or available to provide waiver eligibility for the persons. The cost-share component is subject to general requirements which shall include but are not limited to all of the following: a. Services offered are consistent with the services offered through the brain injury services waiver. b. Each service consumer has a service plan developed prior to service implementation and the service plan is reviewed and updated at least quarterly. c. All other funding sources for which the service consumer is eligible are utilized to the greatest extent possible. The funding sources potentially available include but are not limited to community resources and public and private benefit programs. d. The maximum monthly cost of the services provided shall be based on the maximum monthly amount authorized for the brain injury services waiver. e. Assistance under the cost-share component shall be made available to a designated number of service consumers who are eligible, as determined from the funding available for the cost-share component, on a first-come, first-served basis. f. Nothing in this section shall be construed or is intended as, or shall imply, a grant of entitlement to services to persons who are eligible for participation in the cost-share component based upon the eligibility provisions adopted consistent with the requirements of this section. Any obligation to provide services pursuant to this section is limited to the extent of the funds appropriated or provided for the cost-share component. 5. Cost-share component eligibility. An individual must meet all of the following requirements in order to be eligible for the cost-share component of the brain injury services program: a. The individual is age one month through sixty-four years. b. The individual has a diagnosis of brain injury that meets the diagnosis eligibility criteria for the brain injury services waiver. c. The individual is a resident of this state and either a United States citizen or a qualified alien as defined in 8 U.S.C. §1641. d. The individual meets the cost-share component's financial eligibility requirements and is willing to pay a cost-share for the cost-share component. e. The individual does not receive services or funding under any type of medical assistance home and community-based services waiver. 6. Cost-share requirements. a. The cost-share component's financial eligibility requirements shall be established in administrative rule. In establishing the requirements, the department shall consider the eligibility and cost-share requirements used for the Hawki program under chapter 514I. b. An individual's cost-share responsibility for services under the cost-share component shall be determined on a sliding scale based upon the individual's family income. An individual's cost-share shall be assessed as a copayment, which shall not exceed thirty percent of the cost payable for the service. c. The service provider shall bill the department for the portion of the cost payable for the service that is not covered by the individual's copayment responsibility. 7. Application process. a. The application materials for services under the cost-share component of the brain injury services program shall use the application form and other materials of the brain injury services waiver. In order to apply for the brain injury services program, the applicant must authorize the department to provide the applicant's waiver application materials to the brain injury services program. The application materials provided shall include but are not limited to the waiver application and any denial letter, financial assessment, and functional assessment regarding the person. b. If a functional assessment for the waiver has not been completed due to a person's financial ineligibility for the waiver, the brain injury services program may provide for a functional assessment to determine the person's needs by reimbursing the department for the assessment. c. The department shall file copies of the individual's application and needs assessment with the program resource facilitator assigned to the individual's geographic area. d. The department shall make a final determination as to whether program funding will be authorized under the cost-share component. 8. Service providers and reimbursement. All of the following requirements apply to service providers and reimbursement rates payable for services under the cost-share component: a. A service provider must either be certified to provide services under the brain injury services waiver or have a contract with a county to provide services and will become certified to provide services under such waiver within a reasonable period of time specified in rule. b. The reimbursement rate payable for the cost of a service provided under the cost-share component is the rate payable under the medical assistance program. However, if the service provided does not have a medical assistance program reimbursement rate, the rate shall be the amount payable under the county contract. 9. Resource facilitation. The program shall utilize resource facilitators to facilitate program services. The resource facilitator shall be available to provide ongoing support for individuals with brain injury in coping with the issues of living with a brain injury and in assisting such individuals in transitioning back to employment and living in the community. The resource facilitator is intended to provide a linkage to existing services and increase the capacity of the state's providers of services to persons with brain injury by doing all of the following: a. Providing brain injury-specific information, support, and resources. b. Enhancing the usage of support commonly available to an individual with brain injury from the community, family, and personal contacts and linking such individuals to appropriate services and community resources. c. Training service providers to provide appropriate brain injury services. d. Accessing, securing, and maximizing the private and public funding available to support an individual with a brain injury. 2006 Acts, ch 1114, §1; 2007 Acts, ch 126, §35; 2008 Acts, ch 1058, §3; 2008 Acts, ch 1187, §106 – 108; 2023 Acts, ch 19, §131 Subsections 1, 2, 6, and 7 amended

135.24 Volunteer health care provider program established — immunity from civil liability. 1. The director shall establish within the department a program to provide to eligible hospitals, clinics, free clinics, field dental clinics, specialty health care provider offices, or other health care facilities, health care referral programs, or charitable organizations, free medical, dental, chiropractic, pharmaceutical, nursing, optometric, psychological, social work, behavioral science, podiatric, physical therapy, occupational therapy, respiratory therapy, and emergency medical care services given on a voluntary basis by health care providers. A participating health care provider shall register with the department and obtain from the department a list of eligible, participating hospitals, clinics, free clinics, field dental clinics, specialty health care provider offices, or other health care facilities, health care referral programs, or charitable organizations. 2. The department shall adopt rules to implement the volunteer health care provider program which shall include the following: a. Procedures for registration of health care providers deemed qualified by the board of medicine, the board of physician assistants, the dental board, the board of nursing, the board of chiropractic, the board of psychology, the board of social work, the board of behavioral science, the board of pharmacy, the board of optometry, the board of podiatry, the board of physical and occupational therapy, the board of respiratory care and polysomnography, and the department of inspections, appeals, and licensing, as applicable. b. Procedures for registration of free clinics, field dental clinics, and specialty health care provider offices. c. Criteria for and identification of hospitals, clinics, free clinics, field dental clinics, specialty health care provider offices, or other health care facilities, health care referral programs, or charitable organizations, eligible to participate in the provision of free medical, dental, chiropractic, pharmaceutical, nursing, optometric, psychological, social work, behavioral science, podiatric, physical therapy, occupational therapy, respiratory therapy, or emergency medical care services through the volunteer health care provider program. A free clinic, a field dental clinic, a specialty health care provider office, a health care facility, a health care referral program, a charitable organization, or a health care provider participating in the program shall not bill or charge a patient for any health care provider service provided under the volunteer health care provider program. d. Identification of the services to be provided under the program. The services provided may include but shall not be limited to obstetrical and gynecological medical services, psychiatric services provided by a physician licensed under chapter 148, dental services provided under chapter 153, or other services provided under chapter 147A, 148A, 148B, 148C, 149, 151, 152, 152B, 152E, 154, 154B, 154C, 154D, 154F, or 155A. 3. A health care provider providing free care under this section shall be considered an employee of the state under chapter 669, shall be afforded protection as an employee of the state under section 669.21, and shall not be subject to payment of claims arising out of the free care provided under this section through the health care provider's own professional liability insurance coverage, provided that the health care provider has done all of the following: a. Registered with the department pursuant to subsection 1. b. Provided medical, dental, chiropractic, pharmaceutical, nursing, optometric, psychological, social work, behavioral science, podiatric, physical therapy, occupational therapy, respiratory therapy, or emergency medical care services through a hospital, clinic, free clinic, field dental clinic, specialty health care provider office, or other health care facility, health care referral program, or charitable organization listed as eligible and participating by the department pursuant to subsection 1. 4. A free clinic providing free care under this section shall be considered a state agency solely for the purposes of this section and chapter 669 and shall be afforded protection under chapter 669 as a state agency for all claims arising from the provision of free care by a health care provider registered under subsection 3 who is providing services at the free clinic in accordance with this section or from the provision of free care by a health care provider who is covered by adequate medical malpractice insurance as determined by the department, if the free clinic has registered with the department pursuant to subsection 1. 5. A field dental clinic providing free care under this section shall be considered a state agency solely for the purposes of this section and chapter 669 and shall be afforded protection under chapter 669 as a state agency for all claims arising from the provision of free care by a health care provider registered under subsection 3 who is providing services at the field dental clinic in accordance with this section or from the provision of free care by a health care provider who is covered by adequate medical malpractice insurance, as determined by the department, if the field dental clinic has registered with the department pursuant to subsection 1. 6. A specialty health care provider office providing free care under this section shall be considered a state agency solely for the purposes of this section and chapter 669 and shall be afforded protection under chapter 669 as a state agency for all claims arising from the provision of free care by a health care provider registered under subsection 3 who is providing services at the specialty health care provider office in accordance with this section or from the provision of free care by a health care provider who is covered by adequate medical malpractice insurance, as determined by the department, if the specialty health care provider office has registered with the department pursuant to subsection 1. 7. For the purposes of this section: a. "Charitable organization" means a charitable organization within the meaning of section 501(c)(3) of the Internal Revenue Code. b. "Field dental clinic" means a dental clinic temporarily or periodically erected at a location utilizing mobile dental equipment, instruments, or supplies, as necessary, to provide dental services. c. "Free clinic" means a facility, other than a hospital or health care provider's office which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code and which has as its sole purpose the provision of health care services without charge to individuals who are otherwise unable to pay for the services. d. "Health care provider" means a physician licensed under chapter 148; a chiropractor licensed under chapter 151; a physical therapist licensed pursuant to chapter 148A; an occupational therapist licensed pursuant to chapter 148B; a podiatrist licensed pursuant to chapter 149; a physician assistant licensed pursuant to chapter 148C; a licensed practical nurse, a registered nurse, or an advanced registered nurse practitioner licensed pursuant to chapter 152 or 152E; a respiratory therapist licensed pursuant to chapter 152B; a dentist, dental hygienist, or dental assistant registered or licensed to practice under chapter 153; an optometrist licensed pursuant to chapter 154; a psychologist licensed pursuant to chapter 154B; a social worker licensed pursuant to chapter 154C; a mental health counselor, marital and family therapist, behavior analyst, or assistant behavior analyst licensed pursuant to chapter 154D; a speech pathologist or audiologist licensed pursuant to chapter 154F;

a pharmacist licensed pursuant to chapter 155A; or an emergency medical care provider certified pursuant to chapter 147A. e. “Specialty health care provider office” means the private office or clinic of an individual specialty health care provider or group of specialty health care providers, but does not include a field dental clinic, a free clinic, or a hospital. 93 Acts, ch 65, §1; 95 Acts, ch 121, §1; 98 Acts, ch 1027, §1 – 6; 2001 Acts, ch 176, §31; 2002 Acts, ch 1108, §8; 2003 Acts, ch 89, §1; 2005 Acts, ch 118, §1 – 6; 2007 Acts, ch 10, §20; 2007 Acts, ch 95, §1; 2007 Acts, ch 159, §18; 2007 Acts, ch 218, §101, 193; 2008 Acts, ch 1088, §84, 85; 2009 Acts, ch 118, §43; 2009 Acts, ch 133, §32; 2015 Acts, ch 70, §1; 2018 Acts, ch 1106, §1, 14; 2019 Acts, ch 85, §66; 2023 Acts, ch 19, §132, 1581; 2023 Acts, ch 73, §1 Referred to in §135.24A, 135M.2 Subsection 2, unnumbered paragraph 1 amended Subsection 2, paragraph a amended Subsection 7, paragraph d amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.24A - Free clinics — volunteer record check.

135.24A Free clinics — volunteer record check. 1. For purposes of this section, “free clinic” means a free clinic as defined in section 135.24 that is also a network of free clinics in this state that offers operational and collaborative opportunities to free clinics. 2. Persons who are potential volunteers or volunteers in a free clinic in a position having direct individual contact with patients of the free clinic shall be subject to criminal history and child and dependent adult abuse record checks in accordance with this section. The free clinic shall request that the department of public safety perform the criminal history check and the record check evaluation system of the department of health and human services perform child and dependent adult abuse record checks of the person in this state and may request these checks in other states. 3. A free clinic subject to this section shall establish an evaluation process to determine whether a crime of founded child or dependent adult abuse warrants prohibition of the person’s participation as a volunteer in the free clinic. The evaluation process shall not be less stringent than the evaluation process performed by the record check evaluation system and shall be approved by the department. 2018 Acts, ch 1104, §1, 5; 2023 Acts, ch 19, §133 Referred to in §235A.15, 235B.6 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.25 - Emergency medical services fund.

135.25 Emergency medical services fund. An emergency medical services fund is created in the state treasury under the control of the department. The fund includes, but is not limited to, amounts appropriated by the general assembly, amounts transferred pursuant to section 602.8108, subsection 4, and other moneys available from federal or private sources which are to be used for purposes of this section. Funds remaining in the fund at the end of each fiscal year shall not revert to the general fund of the state but shall remain in the emergency medical services fund, notwithstanding section 8.33. The fund is established to assist counties by matching, on a dollar-for-dollar basis, moneys spent by a county for the acquisition of equipment for the provision of emergency medical services and by providing grants to counties for education and training in the delivery of emergency medical services, as provided in this section and section 422D.6. A county seeking matching funds under this section shall apply to the department. The department shall adopt rules concerning the application and awarding process for the matching funds and the criteria for the allocation of moneys in the fund if the moneys are insufficient to meet the emergency medical services needs of the counties. Moneys allocated by the department to a county for emergency medical services purposes may be used for equipment or training and education as determined by the board of supervisors pursuant to section 422D.6. 93 Acts, ch 58, §1; 2000 Acts, ch 1043, §1; 2020 Acts, ch 1074, §49, 93; 2023 Acts, ch 19, §134 Referred to in §144.45A, 147A.6, 147A.23, 321.34, 602.8108 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.27 - Iowa healthy communities initiative — grant program.

135.27 Iowa healthy communities initiative — grant program. 1. Program goals. The department shall establish a grant program to energize local communities to transform the existing culture into a culture that promotes healthy lifestyles and leads collectively, community by community, to a healthier state. The grant program shall expand an existing healthy communities initiative to assist local boards of health, in collaboration with existing community resources, to build community capacity in addressing the prevention of chronic disease that results from risk factors including overweight and obesity conditions. 2. Distribution of grants. The department shall distribute the grants on a competitive basis and shall support the grantee communities in planning and developing wellness strategies and establishing methodologies to sustain the strategies. Grant criteria shall be consistent with the existing statewide initiative between the department and the department’s partners that promotes increased opportunities for physical activity and healthy eating for Iowans of all ages, or its successor, and the statewide comprehensive plan developed by the existing statewide initiative to increase physical activity, improve nutrition, and promote healthy behaviors. Grantees shall demonstrate an ability to maximize local, state, and federal resources effectively and efficiently. 3. Departmental support. The department shall provide support to grantees including capacity-building strategies, technical assistance, consultation, and ongoing evaluation. 4. Eligibility. Local boards of health representing a coalition of health care providers and community and private organizations are eligible to submit applications. 2006 Acts, ch 1006, §1, 2; 2008 Acts, ch 1188, §60

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.30A - Breast-feeding in public places.

135.30A Breast-feeding in public places. Notwithstanding any other provision of law to the contrary, a woman may breast-feed the woman's own child in any public place where the woman's presence is otherwise authorized. 2000 Acts, ch 1140, §21

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.31 - Location of boards of certain health care professions — rulemaking.

135.31 Location of boards of certain health care professions — rulemaking. Transferred to §10A.505; 2023 Acts, ch 19, §1711 .

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.33 - Refusal of board to enforce rules.

135.33 Refusal of board to enforce rules. If any local board shall fail to enforce the rules of the state department or carry out its lawful directions, the department may enforce the same within the territorial jurisdiction of such local board, and for that purpose it may exercise all of the powers given by statute to the local board, and may employ the necessary assistants to carry out its lawful directions. [C97, §2572; S13, §2569-a, 2572; C24, 27, 31, 35, 39, §2212; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §135.33] Powers of local board, chapter 137

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.34 - Expenses for enforcing rules.

135.34 Expenses for enforcing rules. All expenses incurred by the state department in determining whether its rules are enforced by a local board, and in enforcing the same when a local board has failed to do so, shall be paid in the same manner as the expenses of enforcing such rules when enforced by the local board. [S13, §2572; C24, 27, 31, 35, 39, §2213; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §135.34]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.35 - Duty of peace officers.

135.35 Duty of peace officers. All peace officers of the state when called upon by the department shall enforce its rules and execute the lawful orders of the department within their respective jurisdictions. [C97, §2572; S13, §2572; C24, 27, 31, 35, 39, §2214; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §135.35]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.36 - Interference with department officer — penalties.

135.36 Interference with department officer — penalties. Any person resisting or interfering with the department, its employees, or authorized agents, in the discharge of any duty imposed by law shall be guilty of a simple misdemeanor. [C24, 27, 31, 35, 39, §2215; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §135.36] 2023 Acts, ch 19, §135 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.37 - Tattooing — permit requirement — penalty.

135.37 Tattooing — permit requirement — penalty. Transferred to §10A.531; 2023 Acts, ch 19, §1711.

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.37A - Natural hair braiding.

135.37A Natural hair braiding. Transferred to §10A.532; 2023 Acts, ch 19, §1711 .

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.38 - Penalty.

135.38 Penalty. Any person who knowingly violates any provision of this chapter, or of the rules of the department, or any lawful order, written or oral, of the department or of its officers, or authorized agents, shall be guilty of a simple misdemeanor. [C73, §419; C97, §2573; S13, §2575-a6; C24, 27, 31, 35, 39, §2217; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §135.38] Referred to in §135.39E

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.39 - Federal aid.

135.39 Federal aid. The department may accept financial aid from the government of the United States for the purpose of assisting in carrying on public health or substance use disorder responsibility in the state of Iowa. [C31, 35, §2217-c1; C39, §2217.1; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §135.39] 86 Acts, ch 1245, §1108; 2023 Acts, ch 19, §136 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.39A - Gifts and grants fund — appropriation.

135.39A Gifts and grants fund — appropriation. The department is authorized to accept gifts, grants, or allotments of funds from

any source to be used for programs authorized by this chapter or any other chapter which the department is responsible for administering. A public health gifts and grants fund is created as a separate fund in the state treasury under the control of the department. The fund shall consist of gift or grant moneys obtained from any source, including the federal government. The moneys collected under this section and deposited in the fund are appropriated to the department for the public health purposes specified in the gift or grant. Moneys in the fund shall not be subject to appropriation or expenditure for any other purpose. Notwithstanding section 8.33, moneys in the public health gifts and grants fund at the end of each fiscal year shall not revert to any other fund but shall remain in the public health gifts and grants fund for expenditure for subsequent fiscal years. 2004 Acts, ch 1168, §1

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.39B - Early childhood immunizations — content.

135.39B Early childhood immunizations — content. 1. Beginning January 1, 2006, early childhood immunizations administered in this state shall not contain more than trace amounts of mercury. 2. For the purposes of this section: a. “Early childhood immunizations” means immunizations administered to children under eight years of age, unless otherwise provided in this section. b. “Trace amounts” means trace amounts as defined by the United States food and drug administration. 3. The prohibition under this section shall not apply to early childhood immunizations for influenza or in times of emergency or epidemic as determined by the director. If an emergency or epidemic is determined to exist by the director under this subsection, the director shall notify the council on health and human services, the governor, and the legislative council, and shall notify the public upon request. 2004 Acts, ch 1159, §1; 2023 Acts, ch 19, §137 Subsection 3 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.39C - Elderly wellness services — payor of last resort.

135.39C Elderly wellness services — payor of last resort. The department shall implement elderly wellness services in a manner that ensures that the services provided are not payable by a third-party source. 2005 Acts, ch 175, §76

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.39D - Vision screening.

135.39D Vision screening. 1. The parent or guardian of a child to be enrolled in a public or accredited nonpublic elementary school shall ensure that the child is screened for vision impairment at least once before enrollment in kindergarten and again before enrollment in grade three. The parent or guardian of the child shall ensure that evidence of the vision screening is provided to the school district or accredited nonpublic school in which the child is enrolled. Evidence of the vision screening may be provided either directly from the parent or guardian or from a vision screening provider referred to in subsection 2, and may be provided in either written or electronic form. 2. The requirement for vision screening may be satisfied by any of the following: a. A vision screening or comprehensive eye examination by a licensed ophthalmologist or licensed optometrist. b. A vision screening conducted at a pediatrician’s or family practice physician’s office, a free clinic, a child care center, a local public health department, a public or accredited nonpublic school, or a community-based organization, or by an advanced registered nurse practitioner or physician assistant. c. An online vision screening, which may be conducted by a child’s parent or guardian. d. A photostereoscopic vision screening, including a vision screening by Iowa kidsight. 3. All vision screening methods pursuant to subsection 2, including emerging vision screening technologies, shall be age-appropriate and shall be approved by the department in consultation with leading vision organizations in the state, licensed ophthalmologists, and licensed optometrists. 4. A person who performs a vision screening required pursuant to this section shall report the results of the vision screening to the department. The department may collect and maintain such reports through the statewide immunization registry or a private contractor. 5. Each public and accredited nonpublic elementary school shall, in collaboration with the department, do the following: a. Provide the parents or guardians of students with vision screening referral resources. b. Arrange for evidence of vision screenings provided pursuant to subsection 1 to be forwarded to the department. 6. A child shall not be prohibited from attending school based upon the failure of a parent or guardian to ensure that the child has received the vision screening required by this section. 7. If a vision screening required pursuant to this section identifies potential vision impairment in a child, the person who performed the vision screening shall, if the person is not a licensed ophthalmologist or licensed optometrist, refer the child to a licensed ophthalmologist or licensed optometrist for a comprehensive eye examination. 8. The department shall establish procedures to contact parents or guardians of children identified as having potential vision impairment based on the results of a vision screening required pursuant to subsection 1 or a comprehensive eye examination required pursuant to subsection 7 in order to provide information on obtaining necessary vision correction. 9. The department may share information with licensed health care providers, agencies, and other persons involved with vision screenings, eye examinations, follow-up services, and intervention services as necessary to administer this section. The department shall adopt rules to protect the confidentiality of the individuals involved. 10. The vision screening requirement shall not apply if the vision screening conflicts with a parent’s or guardian’s genuine and sincere religious belief. 11. A person who acts in good faith in complying with this section shall not be civilly or criminally liable for reporting the information required to be reported by this section. 12. The department shall adopt rules necessary to administer this section. 2013 Acts, ch 76, §1 See also §280.7A

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.39E - Fluoridation in public water supply — notice of discontinuance.

135.39E Fluoridation in public water supply — notice of discontinuance. 1. At least ninety days prior to taking any action to permanently discontinue fluoridation in its water supply, an owner or operator of a public water supply system, as defined in section 455B.171, shall provide notice to the department and the public water supply system's customers. 2. In order to provide notice to its customers, the owner or operator of the public water supply system shall place a notice on each customer's water bill or provide notice in a way that is reasonably calculated so that all customers will receive the notice. 3. Section 135.38 does not apply to violations of this section. 2021 Acts, ch 63, §1; 2023 Acts, ch 19, §138 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.40 - Collection and distribution of information.

135.40 Collection and distribution of information. 1. Any person, hospital, sanatorium, nursing or rest home, or other organization may provide information, interviews, reports, statements, memoranda, or other data relating to the condition and treatment of any person to the department, the Iowa medical society or any of its allied medical societies, the Iowa osteopathic medical association, any in-hospital staff committee, or the Iowa healthcare collaborative, to be used in the course of any study for the purpose of reducing morbidity or mortality, and no liability of any kind or character for damages or other relief shall arise or be enforced against any person or organization that has acted reasonably and in good faith, by reason of having provided such information or material, or by reason of having released or published the findings and conclusions of such groups to advance medical research and medical education, or by reason of having released or published generally a summary of such studies. 2. For the purposes of this section, and section 135.41, the "Iowa healthcare collaborative" means an organization which is exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code and which is established to provide direction to promote quality, safety, and value improvement collaborative efforts by hospitals and physicians. [C66, 71, 73, 75, 77, 79, 81, §135.40] 2006 Acts, ch 1128, §1

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.41 - Publication.

135.41 Publication. The department, the Iowa medical society or any of its allied medical societies, the Iowa osteopathic medical association, any in-hospital staff committee, or the Iowa healthcare collaborative shall use or publish said material only for the purpose of advancing medical research or medical education in the interest of reducing morbidity or mortality, except that a summary of such studies may be released by any such group for general publication. In all events the identity of any person whose condition or treatment has been studied shall be confidential and shall not be revealed under any circumstances. A violation of this section shall constitute a simple misdemeanor. [C66, 71, 73, 75, 77, 79, 81, §135.41] 2006 Acts, ch 1128, §2 Referred to in §135.40

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.42 - Unlawful use.

135.42 Unlawful use. All information, interviews, reports, statements, memoranda, or other data furnished in accordance with this subchapter and any findings or conclusions resulting from such studies shall not be used or offered or received in evidence in any legal proceedings of any kind or character, but nothing contained in this subchapter shall be construed as affecting the admissibility as evidence of the primary medical or hospital records pertaining to the patient or of any other writing, record or reproduction thereof not contemplated by this subchapter. [C66, 71, 73, 75, 77, 79, 81, §135.42] 2019 Acts, ch 24, §104; 2020 Acts, ch 1063, §59

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.43 - Iowa child death review team established — duties.

135.43 Iowa child death review team established — duties. 1. An Iowa child death review team is established in the department. The department shall provide staffing and administrative support to the team. 2. The membership of the review team is subject to the provisions of sections 69.16 and 69.16A, relating to political affiliation and gender balance. Review team members who are not designated by another appointing authority shall be appointed by the director. Membership terms shall be for three years. A membership vacancy shall be filled in the same manner as the original appointment. The review team shall elect a chairperson and other officers as deemed necessary by the review team. The review team shall meet upon the call of the director or as determined by the review team. The review team shall include the following: a. The state medical examiner or the state medical examiner's designee. b. A certified or licensed professional who is knowledgeable concerning sudden infant death syndrome. c. A pediatrician who is knowledgeable concerning deaths of children. d. A family practice physician who is knowledgeable concerning deaths of children. e. One mental health professional who is knowledgeable concerning deaths of children. f. One social worker who is knowledgeable concerning deaths of children. g. A certified or licensed professional who is knowledgeable concerning domestic violence. h. A professional who is knowledgeable concerning substance use disorder. i. A local law enforcement official. j. A county attorney. k. An emergency room nurse who is knowledgeable concerning the deaths of children. l. A perinatal expert. m. A representative of the health insurance industry. n. One other member who is appointed at large. 3. The review team shall perform the following duties: a. Collect, review, and analyze child death certificates and child death data, including patient records or other pertinent confidential information concerning the deaths of children under age eighteen, and other information as the review team deems appropriate for use in preparing an annual report to the governor and the general assembly concerning the causes and manner

of child deaths. The report shall include analysis of factual information obtained through review and recommendations regarding prevention of child deaths. b. Recommend to the governor and the general assembly interventions to prevent deaths of children based on an analysis of the cause and manner of such deaths. c. Recommend to the agencies represented on the review team changes which may prevent child deaths. d. Except as authorized by this section, maintain the confidentiality of any patient records or other confidential information reviewed. e. Recommend to the department, appropriate law enforcement agencies, and any other person involved with child protection, interventions that may prevent harm to a child who is related to or is living in the same home as a child whose case is reviewed by the team. f. If the sharing of information is necessary to assist in or initiate a child death investigation or criminal prosecution and the office or agency receiving the information does not otherwise have access to the information, share information possessed by the review team with the office of the attorney general, a county attorney's office, or an appropriate law enforcement agency. The office or agency receiving the information shall maintain the confidentiality of the information in accordance with this section. Unauthorized release or disclosure of the information received is subject to penalty as provided in this section. g. In order to assist the department in performing the department's duties, if the department does not otherwise have access to the information, share information possessed by the review team. The recipient of the information shall maintain the confidentiality of the information in accordance with this section. Unauthorized release or disclosure of the information received is subject to penalty as provided in this section. 4. The department shall develop protocols for a child fatality review committee, to be appointed by the director on an ad hoc basis, to immediately review the child abuse assessments which involve the fatality of a child under age eighteen. The director shall appoint a medical examiner, a pediatrician, and a person involved with law enforcement to the committee. a. The purpose of the review shall be to determine whether the department and others involved with the case of child abuse responded appropriately. The protocols shall provide for the committee to consult with any multidisciplinary team, as defined in section 235A.13, that is operating in the area in which the fatality occurred. The protocols shall also ensure that a member of the child fatality review committee does not have a conflict of interest regarding the child fatality under review. b. The committee shall have access to patient records and other pertinent confidential information and, subject to the restrictions in this subsection, may disseminate the confidential information in the committee's report. c. Upon completion of the review, the committee shall issue a report which shall include findings concerning the case and recommendations for changes to prevent child fatalities when similar circumstances exist. The report shall include but is not limited to the following information, subject to the restrictions listed in paragraph "d": (1) The dates, outcomes, and results of any actions taken by the department and others in regard to each report and allegation of child abuse involving the child who died. (2) The results of any review of the case performed by a multidisciplinary team, or by any other public entity that reviewed the case. (3) Confirmation of receipt by the department of any report of child abuse involving the child, including confirmation as to whether or not any assessment involving the child was performed in accordance with section 232.71B, the results of any assessment, a description of the most recent assessment and the services offered to the family, the services rendered to the family, and the basis for the department's decisions concerning the case. d. Prior to issuing the report, the committee shall consult with the county attorney responsible for prosecution of the alleged perpetrator of the child fatality. The committee's report shall include child abuse information associated with the case and the child, but is subject to the restrictions applicable to the department for release of information concerning a child fatality or near fatality in accordance with section 235A.15, subsection 9. e. Following the completion of the trial of any alleged perpetrator of the child fatality and the appeal period for the granting of a new trial, the committee shall issue a supplemental report containing the information that was withheld, in accordance with paragraph "d", so as not to jeopardize the prosecution or the rights of the alleged perpetrator to a fair trial as described in section 235A.15, subsection 9, paragraphs "e" and "f". f. The report and any supplemental report shall be submitted to the governor and general assembly. g. If deemed appropriate by the committee, at any point in the review the committee may recommend to the department, appropriate law enforcement agencies, and any other person involved with child protection, interventions that may prevent harm to a child who is related to or is living in the same home as a child whose case is reviewed by the committee. 5. a. The following individuals shall designate a liaison to assist the review team in fulfilling its responsibilities: (1) The director of health and human services. (2) The commissioner of public safety. (3) The attorney general. (4) The director of transportation. (5) The director of the department of education. b. In addition, the department shall designate a liaison from the public at large to assist the review team in fulfilling its responsibilities. 6. The review team may establish subcommittees to which the team may delegate some or all of the team's responsibilities under subsection 3. 7. a. The department shall adopt rules providing for disclosure of information which is confidential under chapter 22 or any other provision of state law, to the review team for purposes of performing its child death and child abuse review responsibilities. b. A person in possession or control of medical, investigative, assessment, or other information pertaining to a child death and child abuse review shall allow the inspection and reproduction of the information by the department upon the request of the department, to be used only in the administration and for the duties of the Iowa child death review team. Except as provided for a report on a child fatality by an ad hoc child fatality review committee under subsection 4, information and records produced under this section which are confidential under section 22.7 and chapter 235A, and information or records received from the confidential records, remain confidential under this section. A person does not incur legal liability by reason of releasing information to the department as required under and in compliance with this section. 8. Review team members and their agents are immune from any liability, civil or criminal, which might otherwise be incurred or imposed as a result of any act, omission, proceeding, decision, or determination undertaken or performed, or recommendation made as a review team member or agent provided that the review team members or agents acted in good faith and without malice in carrying out their official duties in their official capacity. The department shall adopt rules pursuant to chapter 17A to administer this subsection. A complainant bears the burden of proof in establishing malice or lack of good faith in

an action brought against review team members involving the performance of their duties and powers under this section. 9. A person who releases or discloses confidential data, records, or any other type of information in violation of this section is guilty of a serious misdemeanor. 95 Acts, ch 147, §2; 97 Acts, ch 159, §3, 4; 2000 Acts, ch 1051, §1; 2000 Acts, ch 1137, §1 – 3, 14; 2002 Acts, ch 1119, §129, 130; 2005 Acts, ch 6, §1 – 3; 2005 Acts, ch 179, §118; 2007 Acts, ch 159, §19, 20; 2009 Acts, ch 182, §108 – 111; 2010 Acts, ch 1069, §14; 2019 Acts, ch 85, §82; 2021 Acts, ch 76, §33, 34; 2023 Acts, ch 19, §139 Referred to in §216A.133 Legislative findings and purpose; 95 Acts, ch 147, §1 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.61 - Definitions.

135.61 Definitions. Transferred to §10A.711 through 10A.726; 2023 Acts, ch 19, §1443 .

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.62 - Department to administer part — health facilities council established — appointments — powers and duties.

135.62 Department to administer part — health facilities council established — appointments — powers and duties. Transferred to §10A.712; 2023 Acts, ch 19, §1443 .

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.63 - Certificate of need required — exclusions.

135.63 Certificate of need required — exclusions. Transferred to §10A.713; 2023 Acts, ch 19, §1443 .

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.64 - Criteria for evaluation of applications.

135.64 Criteria for evaluation of applications. Transferred to §10A.714; 2023 Acts, ch 19, §1443 .

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.65 - Letter of intent to precede application — review and comment.

135.65 Letter of intent to precede application — review and comment. Transferred to §10A.715; 2023 Acts, ch 19, §1443 .

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.66 - Procedure upon receipt of application — public notification.

135.66 Procedure upon receipt of application — public notification. Transferred to §10A.716; 2023 Acts, ch 19, §1443 .

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.67 - Summary review procedure.

135.67 Summary review procedure. Transferred to §10A.717; 2023 Acts, ch 19, §1443 .

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.68 - Status reports on review in progress.

135.68 Status reports on review in progress. Transferred to §10A.718; 2023 Acts, ch 19, §1443 .

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.69 - Council to make final decision.

135.69 Council to make final decision. Transferred to §10A.719; 2023 Acts, ch 19, §1443 .

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.70 - Appeal of certificate of need decisions.

135.70 Appeal of certificate of need decisions. Transferred to §10A.720; 2023 Acts, ch 19, §1443 .

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.71 - Period for which certificate is valid — extension or revocation.

135.71 Period for which certificate is valid — extension or revocation. Transferred to §10A.721; 2023 Acts, ch 19, §1443 .

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTH Section 135.72 - Authority to adopt rules.

135.72 Authority to adopt rules. Transferred to §10A.722; 2023 Acts, ch 19, §1443 .

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES —

PUBLIC HEALTHSection 135.73 - Sanctions.

135.73 Sanctions. Transferred to §10A.723; 2023 Acts, ch 19, §1443 .

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTHSection 135.74 - Uniform financial reporting.

135.74 Uniform financial reporting. Transferred to §10A.724; 2023 Acts, ch 19, §1443 .

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTHSection 135.75 - Annual reports by hospitals, health care facilities.

135.75 Annual reports by hospitals, health care facilities. Transferred to §10A.725; 2023 Acts, ch 19, §1443 .

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTHSection 135.76 - Analyses and studies by department.

135.76 Analyses and studies by department. Transferred to §10A.726; 2023 Acts, ch 19, §1443 .

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTHSection 135.78 - Data to be compiled.

135.78 Data to be compiled. Transferred to §10A.727; 2023 Acts, ch 19, §1443 .

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTHSection 135.79 - Civil penalty.

135.79 Civil penalty. Transferred to §10A.728; 2023 Acts, ch 19, §1443 .

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 135 - DEPARTMENT OF HEALTH AND HUMAN SERVICES — PUBLIC HEALTHSection 135.83 - Contracts for assistance with analyses, studies, and data.

135.83 Contracts for assistance with analyses, studies, and data. Transferred to §10A.729; 2023 Acts, ch 19, §1443 .

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 135A - PUBLIC HEALTH MODERNIZATION ACTSection 135A.1 - Short title.

135A.1 Short title. This chapter shall be known and may be cited as the “Iowa Public Health Modernization Act”. 2009 Acts, ch 182, §115, 126

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 135A - PUBLIC HEALTH MODERNIZATION ACTSection 135A.11 - Implementation.

135A.11 Implementation. The department shall implement this chapter only to the extent that funding is available. 2009 Acts, ch 182, §125, 126

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 135A - PUBLIC HEALTH MODERNIZATION ACTSection 135A.2 - Definitions.

135A.2 Definitions. As used in this chapter, unless the context otherwise requires, the following definitions apply: 1. “Academic institution” means an institution of higher education in the state which grants degrees in public health or another health-related field and is accredited by a nationally recognized accrediting agency as determined by the United States secretary of education. For purposes of this definition, “accredited” means a certification of the quality of an institution of higher education. 2. “Department” means the department of health and human services. 3. “Designated local public health agency” means an entity that is either governed by or contractually responsible to a local board of health and designated by the local board. 4. “Governmental public health system” means local boards of health, the council on health and human services, designated local public health agencies, the state hygienic laboratory, and the department. 5. “Local board of health” means the same as defined in section 137.102. 6. “Organizational capacity” means the governmental public health infrastructure that must be in place in order to deliver public health services. 7. “Public health system” means all public, private, and voluntary entities that contribute to the delivery of public health services within a jurisdiction. 2009 Acts, ch 182, §116, 126; 2016 Acts, ch 1026, §1; 2017 Acts, ch 148, §25; 2019 Acts, ch 85, §72; 2023 Acts, ch 19, §160 Subsections 2 and 4 amended

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 135A - PUBLIC HEALTH MODERNIZATION ACTSection 135A.3 - Governmental public health system — lead agency.

135A.3 Governmental public health system — lead agency. 1. The department is designated as the lead agency in this state to administer this chapter. 2. Such administration shall include evaluation of and quality improvement measures for the governmental public health system. 2009 Acts, ch 182, §117, 126; 2016 Acts, ch 1026, §2

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135A - PUBLIC HEALTH MODERNIZATION ACT Section 135A.8 - Governmental public health system fund.

135A.8 Governmental public health system fund. 1. The department is responsible for the funding of the administrative costs for implementation of this chapter. A governmental public health system fund is created as a separate fund in the state treasury under the control of the department. The fund shall consist of moneys obtained from any source, including the federal government, unless otherwise prohibited by law or the entity providing the funding. Moneys deposited in the fund are appropriated to the department for the public health purposes specified in this chapter. Moneys in the fund shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this section. Notwithstanding section 8.33, moneys in the governmental public health system fund at the end of the fiscal year shall not revert to any other fund but shall remain in the fund for subsequent fiscal years. 2. The fund is established to assist local boards of health and the department with the provision of governmental public health system organizational capacity and public health service delivery and to achieve and maintain voluntary accreditation. At least seventy percent of the funds shall be made available to local boards of health and up to thirty percent of the funds may be utilized by the department. 3. Moneys in the fund may be allocated by the department to a local board of health for organizational capacity and service delivery. Such allocation may be made on a matching, dollar-for-dollar basis for the acquisition of equipment, or by providing grants to achieve and maintain voluntary accreditation. 4. A local board of health seeking matching funds or grants under this section shall apply to the department. The council on health and human services shall adopt rules concerning the application and award process for the allocation of moneys in the fund and shall establish the criteria for the allocation of moneys in the fund if the moneys are insufficient to meet the needs of local boards of health. 2009 Acts, ch 182, §122, 126; 2016 Acts, ch 1026, §4; 2023 Acts, ch 19, §161 Subsection 4 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135A - PUBLIC HEALTH MODERNIZATION ACT Section 135A.9 - Rules.

135A.9 Rules. The council on health and human services shall adopt rules pursuant to chapter 17A to implement this chapter which shall include but are not limited to the following: 1. The application and award process for governmental public health system fund moneys. 2. Rules otherwise necessary to implement the chapter. 2009 Acts, ch 182, §123, 126; 2010 Acts, ch 1061, §29; 2016 Acts, ch 1026, §5; 2019 Acts, ch 85, §73; 2023 Acts, ch 19, §162 Unnumbered paragraph 1 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135B - LICENSURE AND REGULATION OF HOSPITALS Section 135B.1 - Definitions.

135B.1 Definitions. As used in this chapter: 1. “Department” means the department of inspections, appeals, and licensing. 2. “Governmental unit” means the state, or any county, municipality, or other political subdivision or any department, division, board or other agency of any of the foregoing. 3. “Hospital” means a place which is devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care over a period exceeding twenty-four hours of two or more nonrelated individuals suffering from illness, injury, or deformity, or a place which is devoted primarily to the rendering over a period exceeding twenty-four hours of obstetrical or other medical or nursing care for two or more nonrelated individuals, or any institution, place, building or agency in which any accommodation is primarily maintained, furnished or offered for the care over a period exceeding twenty-four hours of two or more nonrelated aged or infirm persons requiring or receiving chronic or convalescent care; and shall include sanatoriums or other related institutions within the meaning of this chapter. Provided, however, nothing in this chapter shall apply to hotels or other similar places that furnish only food and lodging, or either, to their guests or to a freestanding hospice facility which operates a hospice program in accordance with 42 C.F.R. §418. “Hospital” shall include, in any event, any facilities wholly or partially constructed or to be constructed with federal financial assistance, pursuant to Pub. L. No. 79-725, 60 Stat. 1040, approved August 13, 1946. 4. “Person” means any individual, firm, partnership, corporation, company, association, or joint stock association; and includes any trustee, receiver, assignee or other similar representative thereof. 5. “Rural emergency hospital” means a facility that provides rural emergency hospital services in the facility twenty-four hours per day, seven days per week; does not provide any acute care inpatient services with the exception of any distinct part of the facility licensed as a skilled nursing facility providing posthospital extended care services; and meets the criteria specified in section 135B.3A and the federal Consolidated Appropriations Act, Pub. L. No. 116-260, §125. 6. “Rural emergency hospital services” means the following services provided by a rural emergency hospital that do not exceed an annual per patient average of twenty-four hours in such a rural emergency hospital: a. Emergency department services and observation care. For purposes of providing emergency department services, an emergency department of a rural emergency hospital shall be considered staffed if a physician, advanced registered nurse practitioner, or physician assistant is available to furnish rural emergency hospital services in the facility twenty-four hours per day. b. At the election of the rural emergency hospital, with respect to services furnished on an outpatient basis, other medical and health services as specified in regulations adopted by the United States secretary of health and human services. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §135B.1] 90 Acts, ch 1107, §1; 90 Acts, ch 1204, §2; 2006 Acts, ch 1010, §52; 2023 Acts, ch 16, §1, 20, 21; 2023 Acts, ch 19, §1883; 2023 Acts, ch 119, §37, 47, 48 Referred to in §10A.711, 135C.33, 135D.2, 139A.2, 142D.2, 144.31B, 144A.2, 144C.2, 144D.1, 144F.1, 147.136A, 147.163, 152B.4, 233.1, 235E.1, 427.1(14)(a) Subsections 5 and 6 apply to a facility or, due to change in ownership, a successor facility that was, on or before December 27, 2020, a general hospital with no more than fifty licensed beds, located in a county in a rural area as specified in section 135B.3A with a specified population, and operating on and prior to a

specified date under a valid certificate of need; 2023 Acts, ch 16, §20 Subsection 1 amended NEW subsections 5 and 6

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135B - LICENSURE AND REGULATION OF HOSPITALS Section 135B.12 - Confidentiality.

135B.12 Confidentiality. The department's final findings or the final survey findings of the joint commission on the accreditation of health care organizations or the American osteopathic association with respect to compliance by a hospital or rural emergency hospital with requirements for licensing or accreditation shall be made available to the public in a readily available form and place. Other information relating to a hospital or rural emergency hospital obtained by the department which does not constitute the department's findings from an inspection of the hospital or rural emergency hospital or the final survey findings of the joint commission on the accreditation of health care organizations or the American osteopathic association shall not be made available to the public, except in proceedings involving the denial, suspension, or revocation of a license under this chapter. The name of a person who files a complaint with the department shall remain confidential and shall not be subject to discovery, subpoena, or other means of legal compulsion for its release to a person other than department employees or agents involved in the investigation of the complaint. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §135B.12] 88 Acts, ch 1249, §2; 90 Acts, ch 1204, §10; 91 Acts, ch 107, §2; 2023 Acts, ch 16, §12, 20, 21 2023 amendment applies to a facility or, due to change in ownership, a successor facility that was, on or before December 27, 2020, a general hospital with no more than fifty licensed beds, located in a county in a rural area as specified in section 135B.3A with a specified population, and operating on and prior to a specified date under a valid certificate of need; 2023 Acts, ch 16, §20 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135B - LICENSURE AND REGULATION OF HOSPITALS Section 135B.13 - Annual report of department.

135B.13 Annual report of department. The department shall prepare and publish an annual report of its activities under this chapter. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §135B.13] 90 Acts, ch 1204, §11

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135B - LICENSURE AND REGULATION OF HOSPITALS Section 135B.14 - Judicial review.

135B.14 Judicial review. Judicial review of the action of the department may be sought in accordance with chapter 17A. Notwithstanding the terms of chapter 17A, the Iowa administrative procedure Act, petitions for judicial review may be filed in the district court of the county in which the hospital or rural emergency hospital is located or to be located, and the status quo of the petitioner or licensee shall be preserved pending final disposition of the matter in the courts. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §135B.14] 90 Acts, ch 1204, §12; 2023 Acts, ch 16, §13, 20, 21 Referred to in §135B.6 2023 amendment applies to a facility or, due to change in ownership, a successor facility that was, on or before December 27, 2020, a general hospital with no more than fifty licensed beds, located in a county in a rural area as specified in section 135B.3A with a specified population, and operating on and prior to a specified date under a valid certificate of need; 2023 Acts, ch 16, §20 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135B - LICENSURE AND REGULATION OF HOSPITALS Section 135B.15 - Penalties.

135B.15 Penalties. Any person establishing, conducting, managing, or operating any hospital or rural emergency hospital without a license shall be guilty of a serious misdemeanor, and each day of continuing violation after conviction shall be considered a separate offense. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §135B.15] 2023 Acts, ch 16, §14, 20, 21 2023 amendment applies to a facility or, due to change in ownership, a successor facility that was, on or before December 27, 2020, a general hospital with no more than fifty licensed beds, located in a county in a rural area as specified in section 135B.3A with a specified population, and operating on and prior to a specified date under a valid certificate of need; 2023 Acts, ch 16, §20 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135B - LICENSURE AND REGULATION OF HOSPITALS Section 135B.16 - Injunction.

135B.16 Injunction. Notwithstanding the existence or pursuit of any other remedy, the department may, in the manner provided by law, maintain an action in the name of the state for injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, management, or operation of a hospital or rural emergency hospital without a license. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §135B.16] 2023 Acts, ch 16, §15, 20, 21 2023 amendment applies to a facility or, due to change in ownership, a successor facility that was, on or before December 27, 2020, a general hospital with no more than fifty licensed beds, located in a county in a rural area as specified in section 135B.3A with a specified population, and operating on and prior to a specified date under a valid certificate of need; 2023 Acts, ch 16, §20 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135B - LICENSURE AND REGULATION OF HOSPITALS Section 135B.17 - Construction.

135B.17 Construction. 1. This chapter is in addition to and not in conflict with chapter 235. 2. Provisions of this chapter in conflict with the state building code, as adopted pursuant to section 103A.7, shall not apply where the state building code has been adopted

or when the state building code applies throughout the state. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §135B.17] 83 Acts, ch 101, §17; 2004 Acts, ch 1086, §36

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135B - LICENSURE AND REGULATION OF HOSPITALS Section 135B.18 - County care facilities exempted.

135B.18 County care facilities exempted. The provisions of this chapter shall not apply to county care facilities established pursuant to chapter 347B and managed by the county board of supervisors. [C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §135B.18]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135B - LICENSURE AND REGULATION OF HOSPITALS Section 135B.18A - Universal newborn and infant hearing screening.

135B.18A Universal newborn and infant hearing screening. Beginning January 1, 2004, a birthing hospital as defined in section 135.131 shall comply with section 135.131 relating to universal newborn and infant hearing screening. 2003 Acts, ch 102, §2

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135B - LICENSURE AND REGULATION OF HOSPITALS Section 135B.19 - Title of subchapter.

135B.19 Title of subchapter. This subchapter may be cited as the “Pathology and Radiology Services in Hospitals Law”. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §135B.19] 2011 Acts, ch 34, §36; 2017 Acts, ch 54, §76

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135B - LICENSURE AND REGULATION OF HOSPITALS Section 135B.2 - Purpose.

135B.2 Purpose. The purpose of this chapter is to provide for the development, establishment, and enforcement of basic standards for the care and treatment of individuals in hospitals and rural emergency hospitals and for the construction, maintenance, and operation of such hospitals, which, in the light of existing knowledge, will promote safe and adequate treatment of such individuals in such hospitals, in the interest of the health, welfare, and safety of the public. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §135B.2] 2023 Acts, ch 16, §2, 20, 21 2023 amendment applies to a facility or, due to change in ownership, a successor facility that was, on or before December 27, 2020, a general hospital with no more than fifty licensed beds, located in a county in a rural area as specified in section 135B.3A with a specified population, and operating on and prior to a specified date under a valid certificate of need; 2023 Acts, ch 16, §20 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135B - LICENSURE AND REGULATION OF HOSPITALS Section 135B.20 - Definitions.

135B.20 Definitions. As used in this subchapter, unless the context otherwise requires: 1. “Doctor” shall mean any person licensed to practice medicine and surgery or osteopathic medicine and surgery in this state. 2. “Employees” as used in section 135B.24, and “employment” as used in section 135B.25, shall include and pertain to members of the religious order operating the hospital even though the relationship of employer and employee does not exist between such members and the hospital. 3. “Hospital” means all hospitals and rural emergency hospitals licensed under this chapter. 4. “Joint conference committee” shall mean the joint conference committee as required by the joint commission on accreditation of health care organizations or, in a hospital having no such committee, a similar committee, an equal number of which shall be members of the medical staff selected by the staff and an equal number of which shall be selected by the governing board of the hospital. 5. “Technician” shall mean technologist as well. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §135B.20] 98 Acts, ch 1100, §16; 2008 Acts, ch 1088, §141; 2009 Acts, ch 133, §35; 2017 Acts, ch 54, §76; 2018 Acts, ch 1026, §47; 2023 Acts, ch 16, §16, 20, 21 2023 amendment applies to a facility or, due to change in ownership, a successor facility that was, on or before December 27, 2020, a general hospital with no more than fifty licensed beds, located in a county in a rural area as specified in section 135B.3A with a specified population, and operating on and prior to a specified date under a valid certificate of need; 2023 Acts, ch 16, §20 Subsection 3 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135B - LICENSURE AND REGULATION OF HOSPITALS Section 135B.21 - Functions of hospital.

135B.21 Functions of hospital. The ownership, maintenance, and operation of the laboratory and X ray facilities under this subchapter are proper functions of a hospital. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §135B.21] 2017 Acts, ch 54, §76; 2018 Acts, ch 1041, §43

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135B - LICENSURE AND REGULATION OF HOSPITALS Section 135B.22 - Character of services.

135B.22 Character of services. Pathology and radiology services performed in hospitals are the product of the joint contribution of hospitals, doctors and technicians but these services constitute medical services which must be performed by or under the direction and supervision of a doctor, and no hospital shall have the right, directly or indirectly, to direct, control or interfere with the professional medical acts and duties of the doctor in charge of the pathology or radiology facilities or of the technicians under the doctor’s supervision. Nothing herein contained shall affect the rights of third parties as a result of negligence in the operation or

maintenance of the aforesaid pathology and radiology facilities. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §135B.22]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135B - LICENSURE AND REGULATION OF HOSPITALS Section 135B.23 - Agreement with doctor.

135B.23 Agreement with doctor. Each hospital shall arrange for such services and for the direction and supervision of its pathology or radiology department by entering into either an oral or written agreement with a doctor who is a member of or acceptable to the hospital medical staff. Such doctor may or may not be a specialist. The department may be supervised and directed by a qualified member of the staff and specific services may be referred to a specialist, or the specialist may also direct and supervise the department as may be desired. Any contract so entered into shall be in accordance with the provisions of this subchapter. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §135B.23] 2017 Acts, ch 54, §76

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135B - LICENSURE AND REGULATION OF HOSPITALS Section 135B.24 - Employees.

135B.24 Employees. Unless the department is leased or unless the hospital and doctor mutually agree otherwise, technicians and other personnel, not including doctors, shall be employees of the hospital, subject to the rules of the hospital applicable to employees generally, but under the direction and supervision of the doctor in charge of the department as set forth elsewhere in this subchapter. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §135B.24] 2017 Acts, ch 54, §76 Referred to in §135B.20

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135B - LICENSURE AND REGULATION OF HOSPITALS Section 135B.25 - Hiring and dismissal of technicians.

135B.25 Hiring and dismissal of technicians. The doctor and hospital shall mutually agree upon the employment of any technicians necessary for the proper operation of said department and no technicians shall be dismissed from said employment without the mutual consent of the parties, provided, however, that in the event the hospital and doctor are unable mutually to agree upon the hiring or discharge or disciplining of any employee of said department, the matter shall be promptly submitted to the joint conference committee for final determination. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §135B.25] Referred to in §135B.20

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135B - LICENSURE AND REGULATION OF HOSPITALS Section 135B.26 - Compensation.

135B.26 Compensation. The contract between the hospital and doctor in charge of the laboratory or X ray facilities may contain any provision for compensation of each upon which they mutually agree. The contract may create the relationship of employer and employee between the hospital and the radiologist or pathologist. A percentage arrangement or a relationship of employer and employee between the hospital and the radiologist or pathologist is not unprofessional conduct on the part of the doctor or in violation of the statutes of this state upon the part of the hospital. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §135B.26] 83 Acts, ch 27, §8 Referred to in §514B.32

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135B - LICENSURE AND REGULATION OF HOSPITALS Section 135B.27 - Admission agreement.

135B.27 Admission agreement. The hospital admission agreement signed by the patient or the patient's legal representative shall contain the following statement: Pathology and radiology services are medical services performed or supervised by doctors, and the personnel and facilities are or may be furnished by the hospital for said services. Charges for such services are or may be collected, however, by the hospital on behalf of said doctors pursuant to an agreement between said doctors and the hospital, and from said charges I consent that an agreed sum will be retained by the hospital in accordance with an existing agreement between the doctor and the hospital. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §135B.27]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135B - LICENSURE AND REGULATION OF HOSPITALS Section 135B.28 - Hospital bill.

135B.28 Hospital bill. 1. The hospital bill shall properly include the charges for pathology and radiology services as long as the name of the doctor is stated and it fairly appears that the charge is for medical services. 2. The hospital bill shall also contain a statement substantially in the following form: The pathology and radiology charges are for medical services rendered by or under the direction of the doctor listed above and are collected by the hospital on behalf of the doctor, from which charges an agreed sum will be retained by the hospital in accordance with an existing agreement to which retention you consented at the time of your admission to the hospital. 3. Upon the effective date of regulations which may be adopted by the United States department of health and human services prohibiting combined billing by hospitals and hospital-based physicians under Tit. XVIII of the federal Social Security Act, the charges for all pathology and radiology services in a hospital, may upon the mutual agreement of the hospital, physician, and third-party payer, be billed separately, the hospital component of the charges being included in the hospital bill and the doctor component being billed by the doctor. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §135B.28] 83 Acts, ch 27, §9; 2009 Acts, ch 41, §46

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135B - LICENSURE AND REGULATION OF HOSPITALS Section 135B.29 - Fees.

135B.29 Fees. All fees to be charged by the doctors for pathology and radiology services shall be mutually agreed upon by the hospital and the doctor. In the event dispute shall arise between the parties the matter shall be submitted to the joint conference committee for final determination. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §135B.29]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135B - LICENSURE AND REGULATION OF HOSPITALS Section 135B.3 - Licensure.

135B.3 Licensure. No person or governmental unit, acting severally or jointly with any other person or governmental unit shall establish, conduct, or maintain a hospital or rural emergency hospital in this state without a license. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §135B.3] 2023 Acts, ch 16, §3, 20, 21 2023 amendment applies to a facility or, due to change in ownership, a successor facility that was, on or before December 27, 2020, a general hospital with no more than fifty licensed beds, located in a county in a rural area as specified in section 135B.3A with a specified population, and operating on and prior to a specified date under a valid certificate of need; 2023 Acts, ch 16, §20 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135B - LICENSURE AND REGULATION OF HOSPITALS Section 135B.30 - Radiology and pathology fees.

135B.30 Radiology and pathology fees. Fees for radiology and pathology services must be paid for as medical and not hospital services. In all cases where payment is to be made by a corporation organized pursuant to chapter 514, payment for radiology and pathology services shall be made by a medical service corporation and not by a hospital service corporation. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §135B.30]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135B - LICENSURE AND REGULATION OF HOSPITALS Section 135B.31 - Exceptions.

135B.31 Exceptions. This subchapter is not intended and shall not affect in any way the obligation of public hospitals under chapter 347 or municipal hospitals to provide medical care or treatment to patients of certain entitlement, nor the operation by the state of mental or other hospitals authorized by law. This subchapter shall not in any way affect or limit the practice of dentistry or the practice of oral surgery by a dentist. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §135B.31] 87 Acts, ch 233, §427; 2005 Acts, ch 167, §44, 66; 2017 Acts, ch 54, §76

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135B - LICENSURE AND REGULATION OF HOSPITALS Section 135B.32 - Construction.

135B.32 Construction. Nothing in this subchapter shall deprive any hospital of its tax exempt or nonprofit status. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §135B.32] 2018 Acts, ch 1026, §48

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135B - LICENSURE AND REGULATION OF HOSPITALS Section 135B.33 - Technical assistance — plan — grants.

135B.33 Technical assistance — plan — grants. 1. Subject to availability of funds, the department of health and human services shall provide technical planning assistance to local boards of health and hospital or rural emergency hospital governing boards to ensure access to such services in rural areas. The department shall encourage the local boards of health and hospital or rural emergency hospital governing boards to adopt a long-term community health services and developmental plan including the following: a. An analysis of demographic trends in the health facility services area, affecting health facility and health-facility-related health care utilizations. b. A review of inpatient services currently provided, by type of service and the frequency of provision of that service, and the cost-effectiveness of that service. c. An analysis of resources available in proximate health facilities and services that might be provided through alternative arrangements with such health facilities. d. An analysis of cooperative arrangements that could be developed with other health facilities in the area that could assist those health facilities in the provision of services. e. An analysis of community health needs, including long-term care, nursing facility care, pediatric and maternity services, and the health facilities' potential role in facilitating the provision of services to meet these needs. f. An analysis of alternative uses for existing health facility space and real property, including use for community health-related and human service-related purposes. g. An analysis of mechanisms to meet indigent patient care needs and the responsibilities for the care of indigent patients. h. An analysis of the existing tax levying of the health facilities for patient care, on a per capita basis and per hospital patient basis, and projections on future needs for tax levying to continue for the provision of care. 2. Providers may cooperatively coordinate to develop one long-term community health services and developmental plan for a geographic area, provided the plan addresses the issues enumerated in this section. 3. The health facilities may seek technical assistance or apply for matching grant funds for the plan development. The department shall require compliance with subsection 1, paragraphs "a" through "h", when the facility applies for matching grant funds. 86 Acts, ch 1200, §2; 90 Acts, ch 1039, §1; 2009 Acts, ch 41, §192; 2023 Acts, ch 16, §17, 20, 21; 2023 Acts, ch 19, §165 Referred to in §135.107 2023 amendment to subsection 1, unnumbered paragraph 1, by 2023 Acts, ch 16, §17, applies to a facility or, due to change in ownership, a successor facility that was, on or before December

27, 2020, a general hospital with no more than fifty licensed beds, located in a county in a rural area as specified in section 135B.3A with a specified population, and operating on and prior to a specified date under a valid certificate of need; 2023 Acts, ch 16, §20 See Code editor's note on simple harmonization at the beginning of this Code volume Subsection 1, unnumbered paragraph 1 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135B - LICENSURE AND REGULATION OF HOSPITALS Section 135B.34 - Hospital employees — criminal history and abuse record checks — penalty.

135B.34 Hospital employees — criminal history and abuse record checks — penalty. 1. a. Prior to employment of a person in a hospital, the hospital shall do one of the following: (1) Request that the department of public safety perform a criminal history check and the record check evaluation system of the department of health and human services perform child and dependent adult abuse record checks of the person in this state. (2) Access the single contact repository to perform the required record checks. b. (1) If a hospital accesses the single contact repository to perform the required record checks pursuant to paragraph “a”, the hospital may utilize a third-party vendor to perform a comprehensive preliminary background check and provisionally employ a person being considered for employment pending completion of the required record checks through the single contact repository and the evaluation by the record check evaluation system, as applicable, subject to all of the following: (a) If the comprehensive preliminary background check determines that the person being considered for employment has been convicted of a crime, but the crime does not constitute a felony as defined in section 701.7 and is not a crime specified pursuant to chapter 708, 708A, 709, 709A, 710, 710A, 711, or 712, or pursuant to section 726.3, 726.27, or 726.28. (b) If the comprehensive preliminary background check determines the person being considered for employment does not have a record of founded child abuse or dependent adult abuse or if an exception pursuant to subsection 4 is applicable to the person. (c) If the hospital has requested an evaluation in accordance with subsection 2, paragraph “a”, to determine whether the crime warrants prohibition of the person’s employment in the hospital. (2) The provisional employment under this paragraph “b” may continue until such time as the required record checks through the single contact repository and the evaluation by the record check evaluation system, as applicable, are completed. c. A hospital shall inform all persons prior to employment regarding the performance of the record checks and shall obtain, from the persons, a signed acknowledgment of the receipt of the information. A hospital shall include the following inquiry in an application for employment: Do you have a record of founded child or dependent adult abuse or have you ever been convicted of a crime, in this state or any other state? 2. a. If it is determined that a person being considered for employment in a hospital has committed a crime, the department of public safety shall notify the hospital that upon the request of the hospital the record check evaluation system will perform an evaluation to determine whether the crime warrants prohibition of the person’s employment in the hospital. b. (1) If a person being considered for employment, other than employment involving the operation of a motor vehicle, has been convicted of a crime listed in subparagraph (2) but does not have a record of founded child or dependent adult abuse and the hospital has requested an evaluation in accordance with paragraph “a” to determine whether the crime warrants prohibition of the person’s employment, the hospital may employ the person for not more than sixty calendar days pending completion of the evaluation. (2) Subparagraph (1) applies to a crime that is a simple misdemeanor offense under section 123.47, and to a crime that is a first offense of operating a motor vehicle while intoxicated under section 321J.2, subsection 1. c. If a record check evaluation system child or dependent adult abuse record check shows that the person has a record of founded child or dependent adult abuse, the record check evaluation system shall notify the hospital that upon the request of the hospital the record check evaluation system will perform an evaluation to determine whether the founded child or dependent adult abuse warrants prohibition of the person’s employment in the hospital. d. An evaluation performed under this subsection shall be performed in accordance with procedures adopted for this purpose by the department of health and human services. e. (1) If a person owns or operates more than one hospital, and an employee of one of such hospitals is transferred to another such hospital without a lapse in employment, the hospital is not required to request additional criminal and child and dependent adult abuse record checks of that employee. (2) If the ownership of a hospital is transferred, at the time of transfer the record checks required by this section shall be performed for each employee for whom there is no documentation that such record checks have been performed. The hospital may continue to employ such employee pending the performance of the record checks and any related evaluation. 3. In an evaluation, the record check evaluation system shall consider the nature and seriousness of the crime or founded child or dependent adult abuse in relation to the position sought or held, the time elapsed since the commission of the crime or founded child or dependent adult abuse, the circumstances under which the crime or founded child or dependent adult abuse was committed, the degree of rehabilitation, the likelihood that the person will commit the crime or founded child or dependent adult abuse again, and the number of crimes or founded child or dependent adult abuses committed by the person involved. If the record check evaluation system performs an evaluation for the purposes of this section, the record check evaluation system has final authority in determining whether prohibition of the person’s employment is warranted. 4. a. Except as provided in subsection 1, paragraph “b”, subsection 2, and paragraph “b” of this subsection, a person who has committed a crime or has a record of founded child or dependent adult abuse shall not be employed in a hospital licensed under this chapter unless an evaluation has been performed by the record check evaluation system. b. A person with a criminal or abuse record who is or was employed by a hospital licensed under this chapter and is hired by another hospital shall be subject to the criminal history and abuse record checks required pursuant to subsection 1. However, if an evaluation was previously performed by the record check evaluation system concerning the person’s criminal or abuse record and it was determined that the record did not warrant prohibition of the person’s employment and the latest record checks do not indicate a crime was committed or founded abuse record was entered subsequent to that evaluation, the person may commence employment with the other hospital in accordance with the record check

evaluation system's evaluation and an exemption from the requirements in paragraph "a" for reevaluation of the latest record checks is authorized. Otherwise, the requirements of paragraph "a" remain applicable to the person's employment. Authorization of an exemption under this paragraph "b" from requirements for reevaluation of the latest record checks by the record check evaluation system is subject to all of the following provisions: (1) The position with the subsequent employer is substantially the same or has the same job responsibilities as the position for which the previous evaluation was performed. (2) Any restrictions placed on the person's employment in the previous evaluation by the record check evaluation system shall remain applicable in the person's subsequent employment. (3) The person subject to the record checks has maintained a copy of the previous evaluation and provides the evaluation to the subsequent employer or the previous employer provides the previous evaluation from the person's personnel file pursuant to the person's authorization. If a physical copy of the previous evaluation is not provided to the subsequent employer, the record checks shall be reevaluated. (4) Although an exemption under this lettered paragraph "b" may be authorized, the subsequent employer may instead request a reevaluation of the record checks and may employ the person while the reevaluation is being performed. 5. a. If a person employed by a hospital that is subject to this section is convicted of a crime or has a record of founded child or dependent adult abuse entered in the abuse registry after the person's employment application date, the person shall inform the hospital of such information within forty-eight hours of the criminal conviction or entry of the record of founded child or dependent adult abuse. The hospital shall act to verify the information within seven calendar days of notification. If the information is verified, the requirements of subsections 2, 3, and 4 regarding employability and evaluations shall be applied by the hospital to determine whether or not the person's employment is continued. The hospital may continue to employ the person pending the performance of an evaluation by the record check evaluation system to determine whether prohibition of the person's employment is warranted. A person who is required by this subsection to inform the person's employer of a conviction or entry of an abuse record and fails to do so within the required period commits a serious misdemeanor. b. If a hospital receives credible information, as determined by the hospital, that a person employed by the hospital has been convicted of a crime or a record of founded child or dependent adult abuse has been entered in the abuse registry after employment from a person other than the employee and the employee has not informed the hospital of such information within the period required under paragraph "a", the hospital shall act to verify the credible information within seven calendar days of receipt of the credible information. If the information is verified, the requirements of subsections 2, 3, and 4 regarding employability and evaluations shall be applied by the hospital to determine whether or not the person's employment is continued. c. The hospital may notify the county attorney for the county where the hospital is located of any violation or failure by an employee to notify the hospital of a criminal conviction or entry of an abuse record within the period required under paragraph "a". 6. A hospital licensed in this state may access the single contact repository established by the department pursuant to section 135C.33 as necessary for the hospital to perform record checks of persons employed or being considered for employment by the hospital. 7. For the purposes of this section: a. "Comprehensive preliminary background check" means the same as defined in section 135C.1. b. "Hospital" means a hospital or rural emergency hospital licensed under this chapter. c. "Record check evaluation system" means the same as defined in section 135C.1. 2002 Acts, ch 1034, §1; 2008 Acts, ch 1187, §111; 2013 Acts, ch 21, §1, 2, 6, 7; 2014 Acts, ch 1026, §31; 2014 Acts, ch 1040, §1, 2; 2020 Acts, ch 1029, §1 – 3; 2021 Acts, ch 80, §68; 2023 Acts, ch 16, §18, 20, 21; 2023 Acts, ch 19, §166; 2023 Acts, ch 119, §19 Department of inspections, appeals, and licensing to post list of third-party vendors eligible to conduct comprehensive preliminary background checks; 2020 Acts, ch 1029, §7 2023 amendment to subsection 7, by 2023 Acts, ch 16, §18, applies to a facility or, due to change in ownership, a successor facility that was, on or before December 27, 2020, a general hospital with no more than fifty licensed beds, located in a county in a rural area as specified in section 135B.3A with a specified population, and operating on and prior to a specified date under a valid certificate of need; 2023 Acts, ch 16, §20 See Code editor's note on simple harmonization at the beginning of this Code volume Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135B - LICENSURE AND REGULATION OF HOSPITALS Section 135B.35 - Pediatric congenital heart surgery — public reporting of data — patient education.

135B.35 Pediatric congenital heart surgery — public reporting of data — patient education. A hospital licensed under this chapter that provides pediatric congenital heart surgery shall do all of the following: 1. Participate in a qualified clinical data registry for thoracic surgery by providing all pediatric congenital heart surgery data required and consenting to public reporting of the data shared. 2. Provide information regarding how to access the national information provided in the qualified clinical data registry for thoracic surgery during an educational consultation with a parent or legal guardian of a pediatric patient for whom a congenital heart surgery procedure is recommended. 2019 Acts, ch 78, §1

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135B - LICENSURE AND REGULATION OF HOSPITALS Section 135B.3A - Rural emergency hospital licensure.

135B.3A Rural emergency hospital licensure. 1. The department shall adopt rules pursuant to chapter 17A to establish minimum standards for the licensure of rural emergency hospitals consistent with the federal Consolidated Appropriations Act, Pub. L. No. 116-260, §125, and with regulations issued by the United States secretary of health and human services for rural emergency hospitals. 2. To be eligible for a rural emergency hospital license, a facility shall have been, on or before December 27, 2020, one of the following: a. A licensed critical access hospital. b. A general hospital with not more than fifty licensed beds located in a county in a rural area as defined in section 1886(d)(2)(D) of the federal Social Security Act. c. A general hospital with no more than fifty licensed beds that is deemed as being located in a rural area pursuant to section 1886(d)(8)(E) of the federal Social Security Act.

2023 Acts, ch 16, §4, 20, 21 Referred to in §135B.1 Section applies to a facility or, due to change in ownership, a successor facility that was, on or before December 27, 2020, a general hospital with no more than fifty licensed beds, located in a county in a rural area as specified in this section with a specified population, and operating on and prior to a specified date under a valid certificate of need; 2023 Acts, ch 16, §20 NEW section

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135B - LICENSURE AND REGULATION OF HOSPITALS Section 135B.4 - Application for license.

135B.4 Application for license. Licenses shall be obtained from the department. Applications shall be upon forms and shall contain information as the department may reasonably require, which may include affirmative evidence of ability to comply with reasonable standards and rules prescribed under this chapter. Each application for license shall be accompanied by the license fee, which shall be refunded to the applicant if the license is denied and which shall be deposited into the state treasury and credited to the general fund if the license is issued. Hospitals and rural emergency hospitals having fifty beds or less shall pay an initial license fee of fifteen dollars; hospitals of more than fifty beds and not more than one hundred beds shall pay an initial license fee of twenty-five dollars; all other hospitals shall pay an initial license fee of fifty dollars. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §135B.4] 90 Acts, ch 1204, §3; 2023 Acts, ch 16, §5, 20, 21 2023 amendment applies to a facility or, due to change in ownership, a successor facility that was, on or before December 27, 2020, a general hospital with no more than fifty licensed beds, located in a county in a rural area as specified in section 135B.3A with a specified population, and operating on and prior to a specified date under a valid certificate of need; 2023 Acts, ch 16, §20 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135B - LICENSURE AND REGULATION OF HOSPITALS Section 135B.5 - Issuance and renewal of license.

135B.5 Issuance and renewal of license. 1. Upon receipt of an application for license and the license fee, the department shall issue a license if the applicant and hospital facilities comply with this chapter, chapter 135, and the rules of the department. Each licensee shall receive annual reapproval upon payment of five hundred dollars and upon filing of an application form which is available from the department. The annual licensure fee shall be dedicated to support and provide educational programs on regulatory issues for hospitals and rural emergency hospitals licensed under this chapter. Licenses shall be either general or restricted in form. Each license shall be issued only for the premises and persons or governmental units named in the application and is not transferable or assignable except with the written approval of the department. Licenses shall be posted in a conspicuous place on the licensed premises as prescribed by rule of the department. 2. The provisions of this section shall not in any way affect, change, deny, or nullify any rights set forth in or arising from the provisions of this chapter and particularly section 135B.7, arising before or after December 31, 1960. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §135B.5] 90 Acts, ch 1204, §4; 2008 Acts, ch 1191, §48; 2018 Acts, ch 1062, §1; 2020 Acts, ch 1062, §24; 2020 Acts, ch 1103, §37, 51; 2023 Acts, ch 16, §6, 20, 21 2023 amendment applies to a facility or, due to change in ownership, a successor facility that was, on or before December 27, 2020, a general hospital with no more than fifty licensed beds, located in a county in a rural area as specified in section 135B.3A with a specified population, and operating on and prior to a specified date under a valid certificate of need; 2023 Acts, ch 16, §20 Subsection 1 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135B - LICENSURE AND REGULATION OF HOSPITALS Section 135B.5A - Conversion relative to certain hospitals.

135B.5A Conversion relative to certain hospitals. 1. A conversion of a long-term acute care hospital, rehabilitation hospital, or psychiatric hospital as defined by federal regulations to a general hospital or to a specialty hospital of a different type is a permanent change in bed capacity and shall require a certificate of need pursuant to section 10A.713. 2. A conversion of a critical access hospital or general hospital to a rural emergency hospital shall not require a certificate of need pursuant to section 10A.713. 3. Any change of a rural emergency hospital in licensure, organizational structure, or type of institutional health facility shall require a certificate of need pursuant to section 10A.713. 2018 Acts, ch 1062, §2; 2023 Acts, ch 16, §7, 20, 21 2023 amendment applies to a facility or, due to change in ownership, a successor facility that was, on or before December 27, 2020, a general hospital with no more than fifty licensed beds, located in a county in a rural area as specified in section 135B.3A with a specified population, and operating on and prior to a specified date under a valid certificate of need; 2023 Acts, ch 16, §20 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135B - LICENSURE AND REGULATION OF HOSPITALS Section 135B.6 - Denial, suspension, or revocation of license — hearings and review.

135B.6 Denial, suspension, or revocation of license — hearings and review. 1. The department may deny, suspend, or revoke a license in any case where it finds that there has been a substantial failure to comply with this chapter or the rules or minimum standards adopted pursuant to this chapter. 2. A denial, suspension, or revocation shall be effected by mailing to the applicant or licensee by certified mail, or by personal service of, a notice setting forth the particular reasons for the action. A denial, suspension, or revocation shall become effective thirty days after the mailing or service of the notice, unless the applicant or licensee, within the thirty-day period gives written notice to the department requesting a hearing, in which case the notice is suspended. If a hearing has been requested, the applicant or licensee shall be given an opportunity for a prompt and fair hearing before the department. At any time at or prior to hearing, the department may rescind the notice of denial, suspension, or revocation upon being satisfied that the

reasons for the denial, suspension, or revocation have been or will be removed. On the basis of a hearing or upon default of the applicant or licensee, the determination involved in the notice may be affirmed, modified, or set aside by the department. A copy of the decision, setting forth the finding of facts and the particular reasons for the decision shall be sent by certified mail, or served personally upon, the applicant or licensee. 3. The procedure governing hearings authorized by this section shall be in accordance with rules adopted by the department. A full and complete record shall be kept of all proceedings, and all testimony shall be reported but need not be transcribed unless judicial review is sought pursuant to section 135B.14. A copy or copies of the transcript may be obtained by an interested party on payment of the cost of preparing the copy or copies. Witnesses may be subpoenaed by either party and shall be allowed fees at a rate prescribed by rule. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §135B.6] 90 Acts, ch 1204, §5; 2017 Acts, ch 54, §76

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135B - LICENSURE AND REGULATION OF HOSPITALS Section 135B.7 - Rules and enforcement.

135B.7 Rules and enforcement. 1. a. The department, with the approval of the council on health and human services, shall adopt rules setting out the standards for the different types of hospitals and for rural emergency hospitals to be licensed under this chapter. The department shall enforce the rules. b. Rules or standards shall not be adopted or enforced which would have the effect of denying a license to a hospital, rural emergency hospital, or other institution required to be licensed, solely by reason of the school or system of practice employed or permitted to be employed by physicians in the hospital, rural emergency hospital, or other institution if the school or system of practice is recognized by the laws of this state. 2. a. The rules shall state that a hospital or rural emergency hospital shall not deny clinical privileges to physicians and surgeons, podiatric physicians, osteopathic physicians and surgeons, dentists, certified health service providers in psychology, physician assistants, or advanced registered nurse practitioners licensed under chapter 148, 148C, 149, 152, or 153, or section 154B.7, solely by reason of the license held by the practitioner or solely by reason of the school or institution in which the practitioner received medical schooling or postgraduate training if the medical schooling or postgraduate training was accredited by an organization recognized by the council on higher education accreditation or an accrediting group recognized by the United States department of education. b. A hospital or rural emergency hospital may establish procedures for interaction between a patient and a practitioner. The rules shall not prohibit a hospital or rural emergency hospital from limiting, restricting, or revoking clinical privileges of a practitioner for violation of hospital rules, regulations, or procedures established under this paragraph, when applied in good faith and in a nondiscriminatory manner. c. This subsection shall not require a hospital or rural emergency hospital to expand the current scope of service delivery solely to offer the services of a class of providers not currently providing services at the hospital or rural emergency hospital. This section shall not be construed to require a hospital or rural emergency hospital to establish rules which are inconsistent with the scope of practice established for licensure of practitioners to whom this subsection applies. d. This section shall not be construed to authorize the denial of clinical privileges to a practitioner or class of practitioners solely because a hospital or rural emergency hospital has as employees of the hospital or rural emergency hospital identically licensed practitioners providing the same or similar services. 3. The rules shall require that a hospital or rural emergency hospital establish and implement written criteria for the granting of clinical privileges. The written criteria shall include but are not limited to consideration of all of the following: a. The ability of an applicant for privileges to provide patient care services independently and appropriately in the hospital or rural emergency hospital. b. The license held by the applicant to practice. c. The training, experience, and competence of the applicant. d. The relationship between the applicant's request for the granting of privileges and the hospital's or rural emergency hospital's current scope of patient care services, as well as the hospital's or rural emergency hospital's determination of the necessity to grant privileges to a practitioner authorized to provide comprehensive, appropriate, and cost-effective services. 4. The department shall also adopt rules requiring hospitals and rural emergency hospitals to establish and implement protocols for responding to the needs of patients who are victims of domestic abuse, as defined in section 236.2. 5. The department shall also adopt rules requiring hospitals and rural emergency hospitals to establish and implement protocols for responding to the needs of patients who are victims of elder abuse, as defined in section 235F.1. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §135B.7] 83 Acts, ch 101, §16; 85 Acts, ch 169, §1; 90 Acts, ch 1093, §1; 90 Acts, ch 1204, §6; 91 Acts, ch 218, §3; 93 Acts, ch 108, §1; 96 Acts, ch 1034, §68; 99 Acts, ch 42, §1; 2008 Acts, ch 1088, §88; 2009 Acts, ch 41, §45; 2014 Acts, ch 1107, §10; 2016 Acts, ch 1011, §35; 2020 Acts, ch 1103, §38, 51; 2023 Acts, ch 16, §8, 20, 21; 2023 Acts, ch 19, §163 Referred to in §135B.5 2023 amendment by 2023 Acts, ch 16, §8, applies to a facility or, due to change in ownership, a successor facility that was, on or before December 27, 2020, a general hospital with no more than fifty licensed beds, located in a county in a rural area as specified in section 135B.3A with a specified population, and operating on and prior to a specified date under a valid certificate of need; 2023 Acts, ch 16, §20 See Code editor's note on simple harmonization at the beginning of this Code volume Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135B - LICENSURE AND REGULATION OF HOSPITALS Section 135B.7A - Procedures — orders.

135B.7A Procedures — orders. The department shall adopt rules that require hospitals and rural emergency hospitals to establish procedures for authentication of all verbal orders by a practitioner within a period not to exceed thirty days following a patient's discharge. 2001 Acts, ch 93, §1; 2007 Acts, ch 93, §1; 2023 Acts, ch 16, §9, 20, 21 2023 amendment applies to a facility or, due to change in ownership, a successor facility that was, on or before December 27, 2020, a general hospital with no more than fifty licensed beds, located in a county in a rural area as specified in section 135B.3A with a specified population, and operating on and

prior to a specified date under a valid certificate of need; 2023 Acts, ch 16, §20 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135B - LICENSURE AND REGULATION OF HOSPITALS Section 135B.8 - Effective date of rules.

135B.8 Effective date of rules. Any hospital or rural emergency hospital which is in operation at the time of promulgation of any applicable rules or minimum standards under this chapter shall be given a reasonable time, not to exceed one year from the date of such promulgation, within which to comply with such rules and minimum standards. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §135B.8] 2023 Acts, ch 16, §10, 20, 21 2023 amendment applies to a facility or, due to change in ownership, a successor facility that was, on or before December 27, 2020, a general hospital with no more than fifty licensed beds, located in a county in a rural area as specified in section 135B.3A with a specified population, and operating on and prior to a specified date under a valid certificate of need; 2023 Acts, ch 16, §20 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135B - LICENSURE AND REGULATION OF HOSPITALS Section 135B.9 - Inspections and qualifications for hospital and rural emergency hospital inspectors — protection and advocacy agency investigations.

135B.9 Inspections and qualifications for hospital and rural emergency hospital inspectors — protection and advocacy agency investigations. 1. The department shall make or cause to be made inspections as it deems necessary in order to determine compliance with applicable rules. Hospital and rural emergency hospital inspectors shall meet the following qualifications: a. Be free of conflicts of interest. A hospital or rural emergency hospital inspector shall not participate in an inspection or complaint investigation of a hospital or rural emergency hospital in which the inspector or a member of the inspector's immediate family works or has worked within the last two years. For purposes of this paragraph, "immediate family member" means a spouse; natural or adoptive parent, child, or sibling; or stepparent, stepchild, or stepsibling. b. Complete a yearly conflict of interest disclosure statement. c. Biennially, complete a minimum of ten hours of continuing education pertaining to hospital or rural emergency hospital operations including but not limited to quality and process improvement standards, trauma system standards, and regulatory requirements. 2. In the state resource centers and state mental health institutes operated by the department of health and human services, the designated protection and advocacy agency as provided in section 135C.2, subsection 4, shall have the authority to investigate all complaints of abuse and neglect of persons with developmental disabilities or mental illnesses if the complaints are reported to the protection and advocacy agency or if there is probable cause to believe that the abuse has occurred. Such authority shall include the examination of all records pertaining to the care provided to the residents and contact or interview with any resident, employee, or any other person who might have knowledge about the operation of the institution. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §135B.9] 88 Acts, ch 1249, §1; 90 Acts, ch 1204, §7; 95 Acts, ch 51, §1; 2000 Acts, ch 1112, §51; 2010 Acts, ch 1177, §1; 2023 Acts, ch 16, §11, 20, 21; 2023 Acts, ch 19, §164 Referred to in §135C.37 2023 amendment by 2023 Acts, ch 16, §11, applies to a facility or, due to change in ownership, a successor facility that was, on or before December 27, 2020, a general hospital with no more than fifty licensed beds, located in a county in a rural area as specified in section 135B.3A with a specified population, and operating on and prior to a specified date under a valid certificate of need; 2023 Acts, ch 16, §20 See Code editor's note on simple harmonization at the beginning of this Code volume Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.1 - Definitions.

135C.1 Definitions. 1. "Adult day services" means adult day services as defined in section 231D.1 that are provided in a licensed health care facility. 2. "Certified volunteer long-term care ombudsman" means a volunteer long-term care ombudsman certified pursuant to section 231.45. 3. "Comprehensive preliminary background check" includes a criminal history check of all states in which the applicant has worked or resided over the seven-year period immediately prior to submitting an application for employment that is conducted by a third-party vendor. 4. "Department" means the department of inspections, appeals, and licensing. 5. "Direction" means authoritative policy or procedural guidance for the accomplishment of a function or activity. 6. "Director" means the director of the department of inspections, appeals, and licensing, or the director's designee. 7. "Governmental unit" means the state, or any county, municipality, or other political subdivision or any department, division, board or other agency of any of the foregoing. 8. "Health care facility" or "facility" means a residential care facility, a nursing facility, an intermediate care facility for persons with mental illness, or an intermediate care facility for persons with an intellectual disability. 9. "House physician" means a physician who has entered into a two-party contract with a health care facility to provide services in that facility. 10. "Intermediate care facility for persons with an intellectual disability" means an institution or distinct part of an institution with a primary purpose to provide health or rehabilitative services to three or more individuals, who primarily have an intellectual disability or a related condition and who are not related to the administrator or owner within the third degree of consanguinity, and which meets the requirements of this chapter and federal standards for intermediate care facilities for persons with an intellectual disability established pursuant to the federal Social Security Act, §1905(c)(d), as codified in 42 U.S.C. §1396d, which are contained in 42 C.F.R. pt. 483, subpt. D, §410 – 480. 11. "Intermediate care facility for persons with mental illness" means an institution, place, building, or agency designed to provide accommodation, board, and nursing care for a period exceeding twenty-four consecutive hours to three or more individuals, who primarily have mental illness and who are not related to the administrator or owner within the third degree of consanguinity. 12. "Licensee" means the holder of a license issued for the operation of a facility, pursuant to this chapter. 13. "Mental illness" means a substantial disorder of thought or mood which significantly impairs judgment, behavior, or the

capacity to recognize reality or the ability to cope with the ordinary demands of life. 14. “Nursing care” means those services which can be provided only under the direction of a registered nurse or a licensed practical nurse. 15. “Nursing facility” means an institution or a distinct part of an institution housing three or more individuals not related to the administrator or owner within the third degree of consanguinity, which is primarily engaged in providing health-related care and services, including rehabilitative services, but which is not engaged primarily in providing treatment or care for mental illness or an intellectual disability, for a period exceeding twenty-four consecutive hours for individuals who, because of a mental or physical condition, require nursing care and other services in addition to room and board. 16. “Office of long-term care ombudsman” means the office of long-term care ombudsman established pursuant to section 231.42. 17. “Person” means any individual, firm, partnership, corporation, company, association or joint stock association; and includes trustee, receiver, assignee or other similar representative thereof. 18. “Physician” has the meaning assigned that term by section 135.1, subsection 4. 19. “Record check evaluation system” means the record check evaluation system of the department of health and human services used to perform child and dependent adult abuse record checks and to evaluate criminal history and abuse records. 20. “Rehabilitative services” means services to encourage and assist restoration of optimum mental and physical capabilities of the individual resident of a health care facility. 21. “Residential care facility” means any institution, place, building, or agency providing for a period exceeding twenty-four consecutive hours accommodation, board, personal assistance, 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 illness, disease, or physical or mental infirmity are unable to sufficiently or properly care for themselves but who do not require the services of a registered or licensed practical nurse except on an emergency basis or who by reason of illness, disease, or physical or mental infirmity are unable to sufficiently or properly care for themselves but who do not require the services of a registered or licensed practical nurse except on an emergency basis if home and community-based services, other than nursing care, as defined by this chapter and departmental rule, are provided. For the purposes of this definition, the home and community-based services to be provided are limited to the type included under the medical assistance program provided pursuant to chapter 249A, are subject to cost limitations established by the department of health and human services under the medical assistance program, and except as otherwise provided by the department of inspections, appeals, and licensing with the concurrence of the department of health and human services, are limited in capacity to the number of licensed residential care facilities and the number of licensed residential care facility beds in the state as of December 1, 2003. 22. “Resident” means an individual admitted to a health care facility in the manner prescribed by section 135C.23. 23. “Respite care services” means an organized program of temporary supportive care provided for twenty-four hours or more to a person in order to relieve the usual caregiver of the person from providing continual care to the person. 24. “Social services” means services relating to the psychological and social needs of the individual in adjusting to living in a health care facility, and minimizing stress arising from that circumstance. 25. “State long-term care ombudsman” means the state long-term care ombudsman appointed pursuant to section 231.42. 26. “Supervision” means direct oversight and inspection of the act of accomplishing a function or activity. [C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §135C.1] 87 Acts, ch 194, §1; 90 Acts, ch 1039, §2 – 5; 94 Acts, ch 1151, §1; 96 Acts, ch 1129, §24; 2001 Acts, ch 64, §2; 2003 Acts, ch 165, §18; 2004 Acts, ch 1085, §1, 11; 2012 Acts, ch 1019, §11; 2013 Acts, ch 18, §5; 2013 Acts, ch 90, §26; 2020 Acts, ch 1029, §4; 2023 Acts, ch 19, §167, 168, 1884 Referred to in §10A.511, 10A.523, 10A.711, 10A.713, 80.5, 124.501, 135B.34, 135C.6, 135M.2, 139A.2, 142D.2, 144C.2, 144D.1, 144F.1, 147.136A, 148A.3, 152.1, 152.5A, 231.4, 232.69, 233.1, 235E.1, 237A.5, 237C.1, 249.3, 249A.3, 249A.18A, 249A.21, 249A.30A, 249K.2, 249L.2, 347.14, 347.26, 419.1, 427.1(14)(a), 427.9, 441.21, 514D.5, 692A.114, 692A.115, 715.9, 726.27 See Code editor’s note on simple harmonization at the beginning of this Code volume Subsections 4 and 6 amended NEW subsection 19 and former subsection 20 amended and renumbered as 21 Former subsections 21 – 25 renumbered as 22 – 26

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.10 - Denial, suspension, or revocation.

135C.10 Denial, suspension, or revocation. The department shall have the authority to deny, suspend, or revoke a license in any case where the department finds that there has been repeated failure on the part of the facility to comply with the provisions of this chapter or the rules or minimum standards promulgated hereunder, or for any of the following reasons: 1. Cruelty or indifference to health care facility residents. 2. Appropriation or conversion of the property of a health care facility resident without the resident’s written consent or the written consent of the resident’s legal guardian. 3. Permitting, aiding, or abetting the commission of any illegal act in the health care facility. 4. Inability or failure to operate and conduct the health care facility in accordance with the requirements of this chapter and the minimum standards and rules issued pursuant thereto. 5. Obtaining or attempting to obtain or retain a license by fraudulent means, misrepresentation, or by submitting false information. 6. Habitual intoxication or addiction to the use of drugs by the applicant, manager or supervisor of the health care facility. 7. Securing the devise or bequest of the property of a resident of a health care facility by undue influence. 8. Willful failure or neglect to maintain a continuing in-service education and training program for all personnel employed in the facility. 9. In the case of an application for a new or newly acquired facility, continuing or repeated failure of the licensee to operate any previously licensed facility or facilities in compliance with the provisions of this chapter, the rules adopted pursuant to this chapter, or equivalent provisions that the facility is subject to in this state or any other state. 10. In the case of a license applicant or existing licensee which is an entity other than an individual, the department may deny, suspend, or revoke a license if any individual, who is in a position of control or is an officer of the entity, engages in any act or omission proscribed by this section. 11. Intentionally preventing or interfering with or attempting to prevent or interfere in any way with the performance by any duly authorized representative of the department of the lawful enforcement of this

chapter or of the rules adopted pursuant to this chapter. As used in this subsection, “lawful enforcement” includes but is not limited to the following: a. Contacting or interviewing any resident of a health care facility in private at any reasonable hour and without advance notice. b. Examining any relevant books or records of a health care facility unless otherwise protected from disclosure by operation of law. c. Preserving evidence of any violation of this chapter or of the rules adopted pursuant to this chapter. [C50, 54, §135C.6; C58, 62, 66, 71, 73, 75, 77, 79, 81, §135C.10] 90 Acts, ch 1204, §13; 2014 Acts, ch 1040, §3, 4; 2015 Acts, ch 80, §1 Referred to in §135C.12

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.11 - Notice — hearings.

135C.11 Notice — hearings. 1. The denial, suspension, or revocation of a license shall be effected by delivering to the applicant or licensee by certified mail or by personal service of a notice setting forth the particular reasons for such action. Such denial, suspension, or revocation shall become effective thirty days after the mailing or service of the notice, unless the applicant or licensee, within such thirty-day period, shall give written notice to the department requesting a hearing, in which case the notice shall be deemed to be suspended. If a hearing has been requested, the applicant or licensee shall be given an opportunity for a prompt and fair hearing before the department. At any time at or prior to the hearing the department may rescind the notice of the denial, suspension, or revocation upon being satisfied that the reasons for the denial, suspension, or revocation have been or will be removed. On the basis of any such hearing, or upon default of the applicant or licensee, the determination involved in the notice may be affirmed, modified, or set aside by the department. A copy of such decision shall be sent by certified mail, or served personally upon the applicant or licensee. The applicant or licensee may seek judicial review pursuant to section 135C.13. 2. The procedure governing hearings authorized by this section shall be in accordance with the rules promulgated by the department. A full and complete record shall be kept of all proceedings, and all testimony shall be reported but need not be transcribed unless judicial review is sought pursuant to section 135C.13. Copies of the transcript may be obtained by an interested party upon payment of the cost of preparing the copies. Witnesses may be subpoenaed by either party and shall be allowed fees at a rate prescribed by the department’s rules. The director may, after advising a representative of the office of long-term care ombudsman, either proceed in accordance with section 135C.30, or remove all residents and suspend the license or licenses of any health care facility, prior to a hearing, when the director finds that the health or safety of residents of the health care facility requires such action on an emergency basis. [C50, 54, §135C.6; C58, 62, 66, 71, 73, 75, 77, 79, 81, §135C.11] 99 Acts, ch 129, §1; 2013 Acts, ch 18, §6; 2014 Acts, ch 1040, §5 Referred to in §135C.30

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.12 - Conditional operation.

135C.12 Conditional operation. If the department has the authority under section 135C.10 to deny, suspend or revoke a license, the department or director may, as an alternative to those actions: 1. Apply to the district court of the county in which the licensee’s health care facility is located for appointment by the court of a receiver for the facility pursuant to section 135C.30. 2. Conditionally issue or continue a license dependent upon the performance by the licensee of reasonable conditions within a reasonable period of time as set by the department so as to permit the licensee to commence or continue the operation of the health care facility pending full compliance with this chapter or the regulations or minimum standards promulgated under this chapter. If the licensee does not make diligent efforts to comply with the conditions prescribed, the department may, under the proceedings prescribed by this chapter, suspend or revoke the license. No health care facility shall be operated on a conditional license for more than one year. 3. The department, in evaluating corrections of deficiencies in a facility in receivership or operating on a conditional license, may determine what is satisfactory compliance, provided that in so doing it shall employ established criteria which shall be uniformly applied to all facilities of the same license category. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §135C.12] Referred to in §135C.30 For legislative intent regarding imposition of a conditional license if failure of full compliance will result in single class I citation that is not an immediate jeopardy; see 99 Acts, ch 199, §10

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.13 - Judicial review.

135C.13 Judicial review. Judicial review of any action of the director may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A. Notwithstanding the terms of chapter 17A, petitions for judicial review may be filed in the district court of the county where the facility or proposed facility is located, and pending final disposition of the matter the status quo of the applicant or licensee shall be preserved except when the director, after advising a representative of the office of long-term care ombudsman, determines that the health, safety, or welfare of the residents of the facility is in immediate danger, in which case the director may order the immediate removal of such residents. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §135C.13] 99 Acts, ch 129, §2; 2003 Acts, ch 44, §114; 2013 Acts, ch 18, §7; 2014 Acts, ch 1040, §6 Referred to in §135C.11

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.14 - Rules.

135C.14 Rules. The department shall, in accordance with chapter 17A and with the approval of the council on health and human services, adopt and enforce rules setting minimum standards for health care facilities. In so doing, the department, with the approval

of the council on health and human services, may adopt by reference, with or without amendment, nationally recognized standards and rules, which shall be specified by title and edition, date of publication, or similar information. The rules and standards required by this section shall be formulated in consultation with the director of health and human services or the director of health and human services' designee, with the director, and with affected industry, professional, and consumer groups, and shall be designed to further the accomplishment of the purposes of this chapter and shall relate to: 1. Location and construction of the facility, including plumbing, heating, lighting, ventilation, and other housing conditions, which shall ensure the health, safety and comfort of residents and protection from fire hazards. The rules of the department relating to protection from fire hazards and fire safety shall be promulgated by the director in consultation with the department, and shall be in keeping with the latest generally recognized safety criteria for the facilities covered of which the applicable criteria recommended and published from time to time by the national fire protection association are prima facie evidence. To the greatest extent possible, the rules promulgated by the director shall be consistent with the rules adopted by the department under this chapter. 2. Number and qualifications of all personnel, including management and nursing personnel, having responsibility for any part of the care provided to residents. 3. All sanitary conditions within the facility and its surroundings including water supply, sewage disposal, food handling, and general hygiene, which shall ensure the health and comfort of residents. 4. Diet related to the needs of each resident and based on good nutritional practice and on recommendations which may be made by the physician attending the resident. 5. Equipment essential to the health and welfare of the resident. 6. Requirements that a minimum number of registered or licensed practical nurses and nurses' aides, relative to the number of residents admitted, be employed by each licensed facility. Staff-to-resident ratios established under this subsection need not be the same for facilities holding different types of licenses, nor for facilities holding the same type of license if there are significant differences in the needs of residents which the respective facilities are serving or intend to serve. 7. Social services and rehabilitative services provided for the residents. 8. Facility policies and procedures regarding the treatment, care, and rights of residents. The rules shall apply the federal resident's rights contained in the federal Omnibus Budget Reconciliation Act of 1987, Pub. L. No. 100-203, and the regulations adopted pursuant to the Act and contained in 42 C.F.R. §483.10, 483.12, 483.13, and 483.15, as amended to February 2, 1989, to all health care facilities as defined in this chapter and shall include procedures for implementing and enforcing the federal rules. The department shall also adopt rules relating to the following: a. The transfer of residents to other rooms within a facility. b. The involuntary discharge or transfer of residents from a facility including provisions for notice and agency hearings and for the development of a patient discharge or transfer plan and for providing counseling services to a patient being discharged or transferred. c. The required holding of a bed for a resident under designated circumstances upon payment of a prescribed charge for the bed. d. The notification of the office of long-term care ombudsman by the department of all complaints relating to health care facilities and the involvement of the office of long-term care ombudsman in resolution of the complaints. e. For the recoupment of funds or property to residents when the resident's personal funds or property have been used without the resident's written consent or the written consent of the resident's guardian. f. The involuntary discharge of a resident of the Iowa veterans home including provisions for notice and agency hearings, the development of a resident discharge plan, and for providing counseling services to a resident being discharged. As used in this paragraph "f", "collaborative care plan" and "interdisciplinary resident care committee" mean as defined in section 35D.15, subsection 2. The rules shall provide that a resident shall be involuntarily discharged for any of the following reasons: (1) (a) The resident has been diagnosed with a substance use disorder but continues to abuse alcohol or an illegal drug in violation of the resident's conditional or provisional agreement entered into at the time of admission, and all of the following conditions are met: (i) The resident has been provided sufficient notice of any changes in the resident's collaborative care plan. (ii) The resident has been notified of the resident's commission of three offenses and has been given the opportunity to correct the behavior through either of the following options: (A) Being given the opportunity to receive the appropriate level of treatment in accordance with best practices for standards of care. (B) By having been placed on probation by the Iowa veterans home for a second offense. (b) Notwithstanding the resident's meeting the criteria for discharge under this subparagraph (1), if the resident has demonstrated progress toward the goals established in the resident's collaborative care plan, the interdisciplinary resident care committee and the commandant may exercise discretion regarding the discharge. Notwithstanding any provision to the contrary, a resident may be immediately discharged under this subparagraph (1) if the resident's actions or behavior jeopardizes the life or safety of other residents or staff. (2) (a) The resident refuses to utilize the resources available to address issues identified in the resident's collaborative care plan, and all of the following conditions are met: (i) The resident has been provided sufficient notice of any changes in the resident's collaborative care plan. (ii) The resident has been notified of the resident's commission of three offenses and the resident has been placed on probation by the Iowa veterans home for a second offense. (b) Notwithstanding the resident's meeting the criteria for discharge under this subparagraph (2), if the resident has demonstrated progress toward the goals established in the resident's collaborative care plan, the interdisciplinary resident care committee and the commandant may exercise discretion regarding the discharge. Notwithstanding any provision to the contrary, the resident may be immediately discharged under this subparagraph (2) if the resident's actions or behavior jeopardizes the life or safety of other residents or staff. (3) The resident's medical or life skills needs have been met to the extent possible through the services provided by the Iowa veterans home and the resident no longer requires a residential or nursing level of care, as determined by the interdisciplinary resident care committee. (4) The resident requires a level of licensed care not provided at the Iowa veterans home. [C50, 54, §135C.5; C58, 62, 66, 71, 73, 75, 77, 79, 81, §135C.14; 81 Acts, ch 60, §1] 83 Acts, ch 96, §157, 159; 83 Acts, ch 101, §18; 89 Acts, ch 241, §1, 2; 90 Acts, ch 1204, §14; 99 Acts, ch 129, §3; 2001 Acts, ch 30, §3, 4; 2009 Acts, ch 62, §2; 2013 Acts, ch 18, §8; 2014 Acts, ch 1040, §7; 2023 Acts, ch 19, §171, 1614, 1615 Referred to in §35D.15, 135C.2, 135C.36 See Code editor's note on simple harmonization at the beginning of this Code volume Unnumbered paragraph 1 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.15 - Time to comply.

135C.15 Time to comply. 1. Any health care facility which is in operation at the time of adoption or promulgation of any applicable rules or minimum standards under this chapter shall be given reasonable time from the date of such promulgation to comply with such rules and minimum standards as provided for by the department. The director may grant successive thirty-day extensions of the time for compliance where evidence of a good faith attempt to achieve compliance is furnished, if the extensions will not place in undue jeopardy the residents of the facility to which the extensions are granted. 2. Renovation of an existing health care facility, not already in compliance with all applicable standards, shall be permitted only if the fixtures and equipment to be installed and the services to be provided in the renovated portion of the facility will conform substantially to current operational standards. Construction of an addition to an existing health care facility shall be permitted only if the design of the structure, the fixtures and equipment to be installed, and the services to be provided in the addition will conform substantially to current construction and operational standards. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §135C.15]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.16 - Inspections.

135C.16 Inspections. 1. In addition to the inspections required by sections 135C.9 and 135C.38, the department shall make or cause to be made such further unannounced inspections as it deems necessary to adequately enforce this chapter. At least one general unannounced inspection shall be conducted for each health care facility within a thirty-month period. The inspector shall show identification to the person in charge of the facility and state that an inspection is to be made before beginning the inspection. An employee of the department who gives unauthorized advance notice of an inspection made or planned to be made under this subsection or section 135C.38 shall be disciplined as determined by the director, except that if the employee is employed pursuant to the merit system provisions of chapter 8A, subchapter IV, the discipline shall not exceed the discipline authorized pursuant to that subchapter. 2. a. The department shall prescribe by rule that any licensee or applicant for license desiring to make specific types of physical or functional alterations or additions to its facility or to construct new facilities shall, before commencing the alteration or additions or new construction, submit plans and specifications to the department for preliminary inspection and approval or recommendations with respect to compliance with the department's rules and standards. b. When the plans and specifications have been properly approved by the department or other appropriate state agency, for a period of at least five years from completion of the construction or alteration, the facility or the portion of the facility constructed or altered in accord with the plans and specifications shall not be considered deficient or ineligible for licensing by reason of failure to meet any rule or standard established subsequent to approval of the plans and specifications. c. When construction or alteration of a facility or portion of a facility has been completed in accord with plans and specifications submitted as required by this subsection and properly approved by the department or other appropriate state agency, and it is discovered that the facility or portion of a facility is not in compliance with a requirement of this chapter or of the rules or standards adopted pursuant to it and in effect at the time the plans and specifications were submitted, and the deficiency was apparent from the plans and specifications submitted but was not noted or objected to by the department or other appropriate state agency, the department or agency responsible for the oversight shall either waive the requirement or reimburse the licensee or applicant for any costs which are necessary to bring the new or reconstructed facility or portion of a facility into compliance with the requirement and which the licensee or applicant would not have incurred if the facility or portion of the facility had been constructed in compliance with the requirements of this chapter or of the rules or standards adopted pursuant to it and in effect at the time the plans and specifications were submitted. d. If within two years from the completion of the construction or alteration of the facility or portion thereof, a department or agency of the state orders that the new or reconstructed facility or portion thereof be brought into compliance with the requirements of this chapter or the rules or standards adopted pursuant to it and in effect at the time the plans and specifications were submitted, the state shall have a claim for damages to the extent of any reimbursement paid to the licensee or applicant against any person who designed the facility or portion thereof for negligence in the preparation of the plans and specifications therefor, subject to all defenses based upon the negligence of the state in reviewing and approving those plans and specifications, but not thereafter. e. The provisions of this subsection shall not apply where the deficiency presents a clear and present danger to the safety of the residents of the facility. 3. An authorized representative of the department may enter any licensed health care facility without a warrant, and may examine all records pertaining to the care provided residents of the facility. An authorized representative of the department may contact or interview any resident, employee, or any other person who might have knowledge about the operation of a health care facility. An authorized representative of the department of health and human services shall have the same right with respect to any facility where one or more residents are cared for entirely or partially at public expense, and an authorized representative of the designated protection and advocacy agency shall have the same right with respect to any facility where one or more residents have developmental disabilities or mental illnesses, and the director shall have the same right of entry into any facility and the right to inspect any records pertinent to fire safety practices and conditions within that facility, and an authorized representative of the office of long-term care ombudsman shall have the same right with respect to any nursing facility or residential care facility. If any such authorized representative has probable cause to believe that any institution, building, or agency not licensed as a health care facility is in fact a health care facility as defined by this chapter, and upon producing identification that the individual is an authorized representative is denied entry to the facility for the purpose of making an inspection, the authorized representative may, with the assistance of the

county attorney of the county in which the purported health care facility is located, apply to the district court for an order requiring the owner or occupant to permit entry and inspection of the premises to determine whether there have been any violations of this chapter. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §135C.16; 82 Acts, ch 1065, §1] 83 Acts, ch 96, §157, 159; 84 Acts, ch 1227, §1; 87 Acts, ch 234, §427; 90 Acts, ch 1204, §15; 92 Acts, ch 1242, §26; 2000 Acts, ch 1180, §1; 2003 Acts, ch 145, §187; 2009 Acts, ch 41, §47; 2014 Acts, ch 1040, §8; 2023 Acts, ch 19, §172, 1616 See Code editor's note on simple harmonization at the beginning of this Code volume Subsection 3 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.16A - Inspectors — conflicts of interest.

135C.16A Inspectors — conflicts of interest. 1. Any of the following circumstances disqualifies an inspector from inspecting a particular health care facility under this chapter: a. The inspector currently works or, within the past two years, has worked as an employee or employment agency staff at the health care facility, or as an officer, consultant, or agent for the health care facility to be inspected. b. The inspector has any financial interest or any ownership interest in the facility. For purposes of this paragraph, indirect ownership, such as through a broad-based mutual fund, does not constitute financial or ownership interest. c. The inspector has an immediate family member who has a relationship with the facility as described in paragraph “a” or “b”. d. The inspector has an immediate family member who currently resides in the facility. 2. For purposes of this section, “immediate family member” means the same as set forth in 42 C.F.R. §488.301, and includes a husband or wife; natural or adoptive parent, child, or sibling; stepparent, stepchild, or stepsibling; father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law; or grandparent or grandchild. 2009 Acts, ch 156, §1

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.17 - Duties of other departments.

135C.17 Duties of other departments. It shall be the duty of the department of health and human services, office of long-term care ombudsman, and the officers and agents of other state and local governmental units, and the designated protection and advocacy agency to assist the department in carrying out the provisions of this chapter, insofar as the functions of these respective offices and departments are concerned with the health, welfare, and safety of any resident of any health care facility. It shall be the duty of the department to cooperate with the protection and advocacy agency and the office of long-term care ombudsman by responding to all reasonable requests for assistance and information as required by federal law and this chapter. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §135C.17] 83 Acts, ch 96, §157, 159; 87 Acts, ch 234, §428; 2014 Acts, ch 1040, §9; 2023 Acts, ch 19, §173, 1617 Referred to in §135C.21 See Code editor's note on simple harmonization at the beginning of this Code volume Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.18 - Employees.

135C.18 Employees. The department may employ, pursuant to chapter 8A, subchapter IV, such assistants and inspectors as may be necessary to administer and enforce the provisions of this chapter. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §135C.18] 2003 Acts, ch 145, §188

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.19 - Public disclosure of inspection findings — posting of citations.

135C.19 Public disclosure of inspection findings — posting of citations. 1. Following an inspection of a health care facility by the department pursuant to this chapter, the department's final findings with respect to compliance by the facility with requirements for licensing shall be made available to the public in a readily available form and place. Other information relating to a health care facility obtained by the department which does not constitute the department's findings from an inspection of the facility shall not be made available to the public except in proceedings involving the citation of a facility for a violation under section 135C.40, or the denial, suspension, or revocation of a license under this chapter. The name of a person who files a complaint with the department shall be confidential. 2. a. A citation for a class I or class II violation which is issued to a health care facility and which has become final, or a copy of the citation, shall be prominently posted as prescribed in rules, until the violation is corrected to the department's satisfaction. The citation or copy shall be posted in a place in plain view of the residents of the facility cited, persons visiting the residents, and persons inquiring about placement in the facility. b. A copy of each citation required to be posted by this subsection shall be sent by the department to the department of health and human services, to the designated protection and advocacy agency if the facility has one or more residents with developmental disabilities or mental illness, and to the office of long-term care ombudsman if the facility is a nursing facility or residential care facility. 3. If the facility cited subsequently advises the department of health and human services that the violation has been corrected to the satisfaction of the department of inspections, appeals, and licensing, the department of health and human services shall maintain this advisory in the same file with the copy of the citation. The department of health and human services shall not disseminate to the public any information regarding citations issued by the department of inspections, appeals, and licensing, but shall forward or refer inquiries to the department of inspections, appeals, and licensing. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §135C.19] 83 Acts, ch 96, §157, 159; 84 Acts, ch 1227, §2; 87 Acts, ch 234, §429; 90 Acts, ch 1039, §8; 90 Acts, ch 1204, §16, 17; 2009 Acts, ch 41, §263; 2014 Acts, ch 1040, §10; 2023 Acts, ch 19, §174, 175, 1886 Referred to in §135C.40 See Code editor's note on simple harmonization at the beginning of this Code volume Subsection 2,

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.2 - Purpose — rules — special classifications — protection and advocacy agency.

135C.2 Purpose — rules — special classifications — protection and advocacy agency. 1. The purpose of this chapter is to promote and encourage adequate and safe care and housing for individuals who are aged or who, regardless of age, are infirm, convalescent, or mentally or physically dependent, by both public and private agencies by providing for the adoption and enforcement of rules and standards for all of the following: a. The housing, care, and treatment of individuals in health care facilities. b. The location, construction, maintenance, renovation, and sanitary operation of such health care facilities which will promote safe and adequate care of individuals in such homes so as to further the health, welfare, and safety of such individuals. 2. Rules and standards prescribed, promulgated, and enforced under this chapter shall not be arbitrary, unreasonable, or confiscatory and the department or agency prescribing, promulgating, or enforcing such rules or standards shall have the burden of proof to establish that such rules or standards meet such requirements and are consistent with the economic problems and conditions involved in the care and housing of persons in health care facilities. 3. a. The department shall establish by administrative rule the following special classifications: (1) Within the residential care facility category, a special license classification for residential facilities intended to serve persons with mental illness. (2) Within the nursing facility category, a special license classification for nursing facilities which designate and dedicate the facility or a special unit within the facility to provide care for persons who suffer from chronic confusion or a dementing illness. A nursing facility which designates and dedicates the facility or a special unit within the facility for the care of persons who suffer from chronic confusion or a dementing illness shall be specially licensed. For the purposes of this subsection, “designate” means to identify by a distinctive title or label and “dedicate” means to set apart for a definite use or purpose and to promote that purpose. b. The department may also establish by administrative rule special classifications within the residential care facility, intermediate care facility for persons with mental illness, intermediate care facility for persons with an intellectual disability, or nursing facility categories, for facilities intended to serve individuals who have special health care problems or conditions in common. Rules establishing a special classification shall define the problem or condition to which the special classification is relevant and establish requirements for an approved program of care commensurate with the problem or condition. The rules may grant special variances or considerations to facilities licensed within the special classification. c. The rules adopted for intermediate care facilities for persons with an intellectual disability shall be consistent with, but no more restrictive than, the federal standards for intermediate care facilities for persons with an intellectual disability established pursuant to the federal Social Security Act, §1905(c)(d), as codified in 42 U.S.C. §1396d, in effect on January 1, 1989. However, in order for an intermediate care facility for persons with an intellectual disability to be licensed, the director must certify to the department that the facility meets the applicable provisions of the rules adopted for such facilities by the director. The director’s rules shall be based upon such a facility’s compliance with either the provisions applicable to health care occupancies or residential board and care occupancies of the life safety code of the national fire protection association, 2000 edition. The department shall adopt additional rules for intermediate care facilities for persons with an intellectual disability pursuant to section 135C.14, subsection 8. d. Notwithstanding the limitations set out in this subsection regarding rules for intermediate care facilities for persons with an intellectual disability, the department shall consider the federal interpretive guidelines issued by the federal centers for Medicare and Medicaid services when interpreting the department’s rules for intermediate care facilities for persons with an intellectual disability. This use of the guidelines is not subject to the rulemaking provisions of sections 17A.4 and 17A.5, but the guidelines shall be published in the Iowa administrative bulletin and the Iowa administrative code. 4. The protection and advocacy agency designated in the state, under Pub. L. No. 98-527, the Developmental Disabilities Act of 1984, Pub. L. No. 99-319, the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and Pub. L. No. 100-146, the federal Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1987, is recognized as an agency legally authorized and constituted to ensure the implementation of the purposes of this chapter for populations under its authority and in the manner designated by Pub. L. No. 98-527, Pub. L. No. 99-319, and Pub. L. No. 100-146 and in the assurances of the governor of the state. 5. The department shall establish a special classification within the residential care facility category in order to foster the development of residential care facilities which serve persons with an intellectual disability, chronic mental illness, a developmental disability, or brain injury, as described under section 225C.26, and which contain five or fewer residents. A facility within the special classification established pursuant to this subsection is exempt from the requirements of section 10A.713. The department shall adopt rules which are consistent with rules previously developed for the waiver demonstration project pursuant to 1986 Iowa Acts, ch. 1246, §206, and which include all of the following provisions: a. A facility provider under the special classification must comply with rules adopted by the department for the special classification. However, a facility provider which has been accredited by the council on quality and leadership shall be deemed to be in compliance with the rules adopted by the department. b. A facility must be located in an area zoned for single or multiple-family housing or in an unincorporated area and must be constructed in compliance with applicable local requirements and the rules adopted for the special classification by the director in accordance with the concept of the least restrictive environment for the facility residents. Local requirements shall not be more restrictive than the rules adopted for the special classification by the director and the state building code requirements for single or multiple-family housing, under section 103A.7. c. Facility provider plans for the facility’s accessibility to residents must be in place. d. A written plan must be in place which documents that a facility meets the needs of the facility’s residents pursuant to individual program plans developed according to age appropriate and least restrictive program requirements. e. A written plan must be in place which documents that a facility’s residents have reasonable access to employment

or employment-related training, education, generic community resources, and integrated opportunities to promote interaction with the community. f. The facilities licensed under this subsection shall be eligible for funding utilized by other licensed residential care facilities for persons with an intellectual disability, or licensed residential care facilities for persons with mental illness, including but not limited to funding under or from the federal social services block grant, the state supplementary assistance program, state mental health and developmental disabilities services funds, and county funding provisions. 6. a. This chapter shall not apply to adult day services provided in a health care facility. However, adult day services shall not be provided by a health care facility to persons requiring a level of care which is higher than the level of care the facility is licensed to provide. b. The level of care certification provisions pursuant to sections 135C.3 and 135C.4, the license application and fee provisions pursuant to section 135C.7, and the involuntary discharge provisions pursuant to section 135C.14, subsection 8, shall not apply to respite care services provided in a health care facility. However, respite care services shall not be provided by a health care facility to persons requiring a level of care which is higher than the level of care the facility is licensed to provide. c. The department shall adopt rules to implement this subsection. 7. The rules adopted by the department regarding nursing facilities shall provide that a nursing facility may choose to be inspected either by the department or by the joint commission on accreditation of health care organizations. The rules regarding acceptance of inspection by the joint commission on accreditation of health care organizations shall include recognition, in lieu of inspection by the department, of comparable inspections and inspection findings of the joint commission on accreditation of health care organizations, if the department is provided with copies of all requested materials relating to the inspection process. [C50, 54, §135C.5; C58, 62, 66, 71, 73, 75, 77, 79, 81, §135C.2] 85 Acts, ch 114, §1; 87 Acts, ch 234, §426; 88 Acts, ch 1249, §3; 89 Acts, ch 115, §1; 89 Acts, ch 269, §1; 90 Acts, ch 1039, §6; 90 Acts, ch 1267, §27; 91 Acts, ch 267, §139; 92 Acts, ch 1241, §48; 94 Acts, ch 1151, §2, 3; 94 Acts, ch 1170, §7, 22; 95 Acts, ch 67, §11; 96 Acts, ch 1053, §1; 96 Acts, ch 1129, §25, 26, 113; 98 Acts, ch 1119, §12; 99 Acts, ch 141, §11; 2001 Acts, ch 64, §3; 2002 Acts, ch 1050, §17; 2003 Acts, ch 44, §114; 2003 Acts, ch 101, §1, 4; 2012 Acts, ch 1019, §12 – 14; 2013 Acts, ch 30, §32; 2014 Acts, ch 1026, §143; 2022 Acts, ch 1021, §43; 2023 Acts, ch 19, §1610, 1611 Referred to in §135B.9, 135C.37, 135C.38, 155.1, 235A.15, 235B.6, 235F.6 Rules requiring special license classification for facility or unit designated and dedicated to caring for persons with chronic confusion or a dementing illness; applicability; existing facilities; 90 Acts, ch 1016, §1 Subsection 7 is effective contingent upon passage of federal legislation; see 96 Acts, ch 1053, §3 Subsection 3, paragraph c amended Subsection 5, paragraph b amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.20 - Information distributed.

135C.20 Information distributed. The department shall prepare, publish and send to licensed health care facilities an annual report of its activities and operations under this chapter and such other bulletins containing fundamental health principles and data as may be deemed essential to assure proper operation of health care facilities, and publish for public distribution copies of the laws, standards and rules pertaining to their operation. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §135C.20]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.20A - Report cards — facility inspections — complaint procedures — availability to public — electronic access.

135C.20A Report cards — facility inspections — complaint procedures — availability to public — electronic access. 1. The department shall develop and utilize a report card system for the recording of the findings of any inspection of a health care facility. The report card shall include but is not limited to a summary of the findings of the inspection, any violation found, any enforcement action taken including any citations issued and penalties assessed, any actions taken to correct violations or deficiencies, and the nature and status of any action taken with respect to any uncorrected violation for which a citation was issued. 2. The report card form shall be developed by the department in cooperation with representatives of the department of health and human services, the state long-term care ombudsman, representatives of certified volunteer long-term care ombudsmen, representatives of protection and advocacy entities, consumers, and other interested persons. 3. The department shall make any completed report cards electronically accessible to the public, on a monthly basis, and shall compile the report cards on an annual basis and make the compilation electronically accessible to the public. The annual compilation shall also be available at the office of the department at the seat of government and shall be available to the public by mail, upon request and at the department's expense. 4. In addition to the monthly and annual compilations, the department shall provide compilations of the report cards on a cumulative basis. The cumulative compilation shall reflect the report cards of health care facilities during the four-year period prior to the production of the cumulative compilation. The cumulative compilation shall be applicable to a particular health care facility as a four-year report card history of that facility becomes available. The cumulative compilation shall be available to the public in the same manner as the annual compilation. 98 Acts, ch 1141, §1; 99 Acts, ch 129, §4; 2009 Acts, ch 23, §9; 2013 Acts, ch 18, §9; 2023 Acts, ch 19, §176 Referred to in §135C.20B Subsection 2 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.20B - Governor's award — quality care.

135C.20B Governor's award — quality care. 1. A governor's award for quality care is established, to be awarded annually by the governor to a health care facility in the state which demonstrates provision of the highest quality care to residents. 2. The department shall adopt rules establishing the criteria to determine quality care. In developing the criteria, the department shall consult with the members of Iowa partners for resident care and shall also consider all of the following: a. The report cards completed pursuant to

section 135C.20A. b. Any unique services provided by a facility to its residents to improve the quality of care in the facility. c. Any information submitted by residents with regard to the quality of care of the facility. d. Whether the facility accepts residents for whom costs of care are paid under chapter 249A. 99 Acts, ch 132, §1; 2013 Acts, ch 18, §10

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.21 - Penalties.

135C.21 Penalties. 1. Any person establishing, conducting, managing, or operating any health care facility without a license shall be guilty of a serious misdemeanor. Each day of continuing violation after conviction or notice from the department by certified mail of a violation shall be considered a separate offense or chargeable offense. Any such person establishing, conducting, managing or operating any health care facility without a license may be by any court of competent jurisdiction temporarily or permanently restrained therefrom in any action brought by the state. 2. Any person who prevents or interferes with or attempts to impede in any way any duly authorized representative of the department or of any of the agencies referred to in section 135C.17 in the lawful enforcement of this chapter or of the rules adopted pursuant to it is guilty of a simple misdemeanor. As used in this subsection, lawful enforcement includes but is not limited to: a. Contacting or interviewing any resident of a health care facility in private at any reasonable hour and without advance notice. b. Examining any relevant books or records of a health care facility. c. Preserving evidence of any violation of this chapter or of the rules adopted pursuant to it. [C50, 54, §135C.7; C58, 62, 66, 71, 73, 75, 77, 79, 81, §135C.21]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.22 - Applicable to governmental units.

135C.22 Applicable to governmental units. The provisions of this chapter shall be applicable to institutions operated by or under the control of the department of health and human services, the state board of regents, or any other governmental unit. [C50, 54, §135C.8; C58, 62, 66, 71, 73, 75, 77, 79, 81, §135C.22] 83 Acts, ch 96, §157, 159; 2023 Acts, ch 19, §177 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.23 - Express requirements for admission or residence.

135C.23 Express requirements for admission or residence. No individual shall be admitted to or permitted to remain in a health care facility as a resident, except in accordance with the requirements of this section. 1. Each resident shall be covered by a contract executed at the time of admission or prior thereto by the resident, or the resident's legal representative, and the health care facility, except as otherwise provided by subsection 5 with respect to residents admitted at public expense to a county care facility operated under chapter 347B. Each party to the contract shall be entitled to a duplicate original thereof, and the health care facility shall keep on file all contracts which it has with residents and shall not destroy or otherwise dispose of any such contract for at least one year after its expiration. Each such contract shall expressly set forth: a. The terms of the contract. b. The services and accommodations to be provided by the health care facility and the rates or charges therefor. c. Specific descriptions of any duties and obligations of the parties in addition to those required by operation of law. d. Any other matters deemed appropriate by the parties to the contract. No contract or any provision thereof shall be drawn or construed so as to relieve any health care facility of any requirement or obligation imposed upon it by this chapter or any standards or rules in force pursuant to this chapter, nor contain any disclaimer of responsibility for injury to the resident, or to relatives or other persons visiting the resident, which occurs on the premises of the facility or, with respect to injury to the resident, which occurs while the resident is under the supervision of any employee of the facility whether on or off the premises of the facility. 2. a. A health care facility shall not knowingly admit or retain a resident: (1) Who is dangerous to the resident or other residents. (2) Who is in an acute stage of alcoholism, drug addiction, or mental illness. (3) Whose condition or conduct is such that the resident would be unduly disturbing to other residents. (4) Who is in need of medical procedures, as determined by a physician, or services which cannot be or are not being carried out in the facility. b. This section does not prohibit the admission of a patient with a history of dangerous or disturbing behavior to an intermediate care facility for persons with mental illness, intermediate care facility for persons with an intellectual disability, nursing facility, or county care facility when the intermediate care facility for persons with mental illness, intermediate care facility for persons with an intellectual disability, nursing facility, or county care facility has a program which has received prior approval from the department to properly care for and manage the patient. An intermediate care facility for persons with mental illness, intermediate care facility for persons with an intellectual disability, nursing facility, or county care facility is required to transfer or discharge a resident with dangerous or disturbing behavior when the intermediate care facility for persons with mental illness, intermediate care facility for persons with an intellectual disability, nursing facility, or county care facility cannot control the resident's dangerous or disturbing behavior. The department, in coordination with the state mental health and disability services commission created in section 225C.5, shall adopt rules pursuant to chapter 17A for programs to be required in intermediate care facilities for persons with mental illness, intermediate care facilities for persons with an intellectual disability, nursing facilities, and county care facilities that admit patients or have residents with histories of dangerous or disturbing behavior. c. The denial of admission of a person to a health care facility shall not be based upon the patient's condition, which is the existence of a specific disease in the patient, but the decision to accept or deny admission of a patient with a specific disease shall be based solely upon the ability of the health care facility to provide the level of care required by the patient. 3. Except in emergencies, a resident who is not essentially capable of managing the resident's own affairs shall not be transferred out of a health care facility or discharged for any reason without prior notification to the next of kin, legal representative, or agency acting on the resident's behalf. When such next of kin, legal representative, or agency cannot be

reached or refuses to cooperate, proper arrangements shall be made by the facility for the welfare of the resident before the resident's transfer or discharge. 4. No owner, administrator, employee, or representative of a health care facility shall pay any commission, bonus, or gratuity in any form whatsoever, directly or indirectly, to any person for residents referred to such facility, nor accept any commission, bonus, or gratuity in any form whatsoever, directly or indirectly, for professional or other services or supplies purchased by the facility or by any resident, or by any third party on behalf of any resident, of the facility. 5. Each county which maintains a county care facility under chapter 347B shall develop a statement in lieu of, and setting forth substantially the same items as, the contracts required of other health care facilities by subsection 1. The statement must be approved by the county board of supervisors and by the department. When so approved, the statement shall be considered in force with respect to each resident of the county care facility. [C71, 73, 75, 77, 79, 81, §135C.23] 83 Acts, ch 76, §1; 87 Acts, ch 190, §1; 88 Acts, ch 1234, §9; 90 Acts, ch 1039, §9; 94 Acts, ch 1170, §23; 96 Acts, ch 1129, §113; 2004 Acts, ch 1090, §1; 2009 Acts, ch 41, §263; 2010 Acts, ch 1031, §389; 2012 Acts, ch 1019, §17 Referred to in §135C.1, 229.21, 331.382, 335.25, 347B.9, 414.22

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.24 - Personal property or affairs of patients or residents.

135C.24 Personal property or affairs of patients or residents. The admission of a resident to a health care facility and the resident's presence therein shall not in and of itself confer on such facility, its owner, administrator, employees, or representatives any authority to manage, use, or dispose of any property of the resident, nor any authority or responsibility for the personal affairs of the resident, except as may be necessary for the safety and orderly management of the facility and as required by this section. 1. No health care facility, and no owner, administrator, employee or representative thereof shall act as guardian, trustee or conservator for any resident of such facility, or any of such resident's property, unless such resident is related to the person acting as guardian within the third degree of consanguinity. 2. A health care facility shall provide for the safekeeping of personal effects, funds and other property of its residents, provided that whenever necessary for the protection of valuables or in order to avoid unreasonable responsibility therefor, the facility may require that they be excluded or removed from the premises of the facility and kept at some place not subject to the control of the facility. 3. A health care facility shall keep complete and accurate records of all funds and other effects and property of its residents received by it for safekeeping. 4. Any funds or other property belonging to or due a resident, or expendable for the resident's account, which are received by a health care facility shall be trust funds, shall be kept separate from the funds and property of the facility and of its other residents, or specifically credited to such resident, and shall be used or otherwise expended only for the account of the resident. Upon request the facility shall furnish the resident, the guardian, trustee or conservator, if any, for any resident, or any governmental unit or private charitable agency contributing funds or other property on account of any resident, a complete and certified statement of all funds or other property to which this subsection applies detailing the amounts and items received, together with their sources and disposition. 5. The provisions of this section notwithstanding, upon the verified petition of the county board of supervisors the district court may appoint the administrator of a county care facility as conservator or guardian, or both, of a resident of such county care facility, in accordance with the provisions of chapter 633. Such administrator shall serve as conservator or guardian, or both, without fee. The county attorney shall serve as attorney for the administrator in such conservatorship or guardianship, or both, without fee. The administrator may establish either separate or common bank accounts for cash funds of such resident wards. [C71, 73, 75, 77, 79, 81, §135C.24] Referred to in §331.382, 331.756(25)

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.26 - Director notified of casualties.

135C.26 Director notified of casualties. The director shall be notified within twenty-four hours, by the most expeditious means available, of any accident causing major injury or death, and any fire or natural or other disaster occurring in a health care facility. [C71, 73, 75, 77, 79, 81, §135C.26]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.27 - Federal funds to implement program.

135C.27 Federal funds to implement program. If the department's services are necessary in order to assist another governmental unit to implement a federal program, the department may accept in compensation for such services federal funds initially available from the federal government to such other governmental unit for such purpose. Any governmental unit is authorized to transfer to the department for such services any federal funds available to such governmental unit, in accordance with applicable federal laws and regulations. [C71, 73, 75, 77, 79, 81, §135C.27]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.28 - Conflicting statutes.

135C.28 Conflicting statutes. Provisions of this chapter in conflict with the state building code, as adopted pursuant to section 103A.7, shall not apply where the state building code has been adopted or when the state building code applies throughout the state. [C73, 75, 77, 79, 81, §135C.28] 2004 Acts, ch 1086, §37

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.29 - License list to

county commissioner of elections.

135C.29 License list to county commissioner of elections. To facilitate the implementation of section 53.8, subsection 3 and section 53.22, the director shall provide to each county commissioner of elections at least annually a list of each licensed health care facility in that county. The list shall include the street address or location, and the mailing address if it is other than the street address or location, of each facility. [C77, 79, 81, §135C.29] Referred to in §53.8

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.3 - Nature of care.

135C.3 Nature of care. 1. A licensed nursing facility shall provide an organized twenty-four-hour program of services commensurate with the needs of its residents and under the immediate direction of a licensed nurse. Medical and nursing services must be provided under the direction of either a house physician or an individually selected physician. Surgery or obstetrical care shall not be provided within the facility. An admission to the nursing facility must be based on a physician's written order certifying that the individual being admitted requires no greater degree of nursing care than the facility to which the admission is made is licensed to provide and is capable of providing. The nursing facility is not required to admit an individual through court order, referral, or other means without the express prior approval of the administrator of the nursing facility. 2. A licensed intermediate care facility for persons with mental illness shall provide an organized twenty-four-hour program of services commensurate with the needs of its residents and under the immediate direction of a licensed registered nurse, who has had at least two years of recent experience in a chronic or acute psychiatric setting. Medical and nursing services must be provided under the direction of either a house physician or an individually selected physician. Surgery or obstetrical care shall not be provided within the facility. An admission to the intermediate care facility for persons with mental illness must be based on a physician's written order certifying that the individual being admitted requires no greater degree of nursing care than the facility to which the admission is made is licensed to provide and is capable of providing. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §135C.3] 90 Acts, ch 1039, §7; 96 Acts, ch 1129, §113; 2012 Acts, ch 1079, §3; 2022 Acts, ch 1032, §36 Referred to in §135C.2, 347B.6

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.30 - Operation of facility under receivership.

135C.30 Operation of facility under receivership. When so authorized by section 135C.11, subsection 2, or section 135C.12, subsection 1, the director may file a verified application in the district court of the county where a health care facility licensed under this chapter is located, requesting that an individual nominated by the director be appointed as receiver for the facility with responsibility to bring the operation and condition of the facility into conformity with this chapter and the rules or minimum standards promulgated under this chapter. 1. The court shall expeditiously hold a hearing on the application, at which the director shall present evidence in support of the application. The licensee against whose facility the petition is filed may also present evidence, and both parties may subpoena witnesses. The court may appoint a receiver for the health care facility in advance of the hearing if the director's verified application states that an emergency exists which presents an imminent danger of resultant death or physical harm to the residents of the facility. If the licensee against whose facility the receivership petition is filed informs the court at or before the time set for the hearing that the licensee does not object to the application, the court shall waive the hearing and at once appoint a receiver for the facility. 2. The court, on the basis of the verified application and evidence presented at the hearing, may order the facility placed under receivership, and if so ordered, the court shall direct either that the receiver assume the duties of administrator of the health care facility or that the receiver supervise the facility's administrator in conducting the day-to-day business of the facility. The receiver shall be empowered to control the facility's financial resources and to apply its revenues as the receiver deems necessary to the operation of the facility in compliance with this chapter and the rules or minimum standards promulgated under this chapter, but shall be accountable to the court for management of the facility's financial resources. 3. A receivership established under this section may be terminated by the district court which established it, after a hearing upon an application for termination. The application may be filed: a. Jointly by the receiver and the current licensee of the health care facility which is in receivership, stating that the deficiencies in the operation, maintenance or other circumstances which were the grounds for establishment of the receivership have been corrected and that there are reasonable grounds to believe that the facility will be operated in compliance with this chapter and the rules or minimum standards promulgated under this chapter. b. By the current licensee of the facility, alleging that termination of the receivership is merited for the reasons set forth in paragraph "a" of this subsection, but that the receiver has declined to join in the petition for termination of the receivership. c. By the receiver, stating that all residents of the facility have been relocated elsewhere and that there are reasonable grounds to believe it will not be feasible to again operate the facility on a sound financial basis and in compliance with this chapter and the rules or minimum standards promulgated under this chapter, and asking that the court approve surrender of the facility's license to the department and subsequent return of control of the facility's premises to the owners of the premises. 4. a. Payment of the expenses of a receivership established under this section is the responsibility of the facility for which the receiver is appointed, unless the court directs otherwise. The expenses include but are not limited to: (1) Salary of the receiver. (2) Expenses incurred by the facility for the continuing care of the residents of the facility. (3) Expenses incurred by the facility for the maintenance of buildings and grounds of the facility. (4) Expenses incurred by the facility in the ordinary course of business, such as employees' salaries and accounts payable. b. The receiver is not personally liable for the expenses of the facility during the receivership. The receiver is an employee of the state as defined in section 669.2, subsection 4, only for the purpose of defending a claim filed against the receiver. Chapter

669 applies to all suits filed against the receiver. 5. This section does not: a. Preclude the sale or lease of a health care facility, and the transfer or assignment of the facility's license in the manner prescribed by section 135C.8, while the facility is in receivership, provided these actions are not taken without approval of the receiver. b. Affect the civil or criminal liability of the licensee of the facility placed in receivership, for any acts or omissions of the licensee which occurred before the receiver was appointed. [C81, §135C.30] 84 Acts, ch 1136, §1; 91 Acts, ch 107, §3; 2009 Acts, ch 41, §263 Referred to in §135C.7A, 135C.11, 135C.12

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.31 - Discharge of Medicaid patients.

135C.31 Discharge of Medicaid patients. A resident of a health care facility shall not be discharged solely because the cost of the resident's care is being paid under chapter 249A or because the resident's source of payment is changing from private support to payment under chapter 249A. [81 Acts, ch 60, §2] Referred to in §135C.36

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.31A - Assessment of residents — program eligibility — prescription drug coverage.

135C.31A Assessment of residents — program eligibility — prescription drug coverage. 1. A health care facility shall assist the Iowa department of veterans affairs in identifying, upon admission of a resident, the resident's eligibility for benefits through the United States department of veterans affairs. The department of inspections, appeals, and licensing, in cooperation with the department of health and human services, shall adopt rules to administer this section, including a provision that ensures that if a resident is eligible for benefits through the United States department of veterans affairs or other third-party payor, the payor of last resort for reimbursement to the health care facility is the medical assistance program. The rules shall also require the health care facility to request information from a resident or resident's personal representative regarding the resident's veteran status and to report to the Iowa department of veterans affairs only the names of residents identified as potential veterans along with the names of their spouses and any dependents. Information reported by the health care facility shall be verified by the Iowa department of veterans affairs. This section shall not apply to the admission of an individual to a state mental health institute for acute psychiatric care or to the admission of an individual to the Iowa veterans home. 2. a. If a resident is identified, upon admission to a health care facility, as eligible for benefits through the United States department of veterans affairs pursuant to subsection 1 or through other means, the health care facility shall allow the resident to access any prescription drug benefit included in such benefits for which the resident is also eligible. The health care facility shall also assist the Iowa department of veterans affairs in identifying individuals residing in such health care facilities on July 1, 2009, who are eligible for the prescription drug benefit. b. The department of inspections, appeals, and licensing, the department of veterans affairs, and the department of health and human services shall identify any barriers to residents in accessing such prescription drug benefits and shall assist health care facilities in adjusting their procedures for medication administration to comply with this subsection. 2003 Acts, ch 112, §2; 2003 Acts, ch 179, §160; 2004 Acts, ch 1175, §226; 2005 Acts, ch 115, §28, 40; 2006 Acts, ch 1109, §1; 2009 Acts, ch 63, §1; 2023 Acts, ch 19, §178, 1887, 1888 See Code editor's note on simple harmonization at the beginning of this Code volume Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.32 - Hospice services covered by Medicare.

135C.32 Hospice services covered by Medicare. The requirement that the care of a resident of a health care facility must be provided under the immediate direction of either the facility or the resident's personal physician does not apply if all of the following conditions are met: 1. The resident is terminally ill. 2. The resident has elected to receive hospice services under the federal Medicare program from a Medicare certified hospice program. 3. The health care facility and the Medicare certified hospice program have entered into a written agreement under which the hospice program takes full responsibility for the professional management of the resident's hospice care and the facility agrees to provide room and board to the resident. 88 Acts, ch 1037, §1

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.33 - Employees and certified nurse aide trainees — child or dependent adult abuse information and criminal record check options — evaluations — application to other providers — penalty.

135C.33 Employees and certified nurse aide trainees — child or dependent adult abuse information and criminal record check options — evaluations — application to other providers — penalty. 1. a. For the purposes of this section, the term "crime" does not include offenses under chapter 321 classified as a simple misdemeanor or equivalent simple misdemeanor offenses from another jurisdiction. b. Prior to employment of a person in a facility or with a provider as specified in subsection 5, the facility or provider shall do one of the following: (1) Request that the department of public safety perform a criminal history check and the record check evaluation system of the department of health and human services perform child and dependent adult abuse record checks of the person in this state. (2) Access the single contact repository to perform the required record checks. c. (1) If a facility or a provider as specified in subsection 5 accesses the single contact repository to perform the required record checks pursuant to paragraph "b", the facility or provider may utilize a third-party vendor to perform a comprehensive preliminary background check and provisionally employ a person being considered for employment pending completion of the required record checks through the single contact repository and the evaluation by the record check evaluation system, as applicable, subject to all of the following: (a) If the

comprehensive preliminary background check determines that the person being considered for employment has been convicted of a crime, but the crime does not constitute a felony as defined in section 701.7 and is not a crime specified pursuant to chapter 708, 708A, 709, 709A, 710, 710A, 711, or 712, or pursuant to section 726.3, 726.27, or 726.28. (b) If the comprehensive preliminary background check determines the person being considered for employment does not have a record of founded child abuse or dependent adult abuse or if an exception pursuant to subsection 4 is applicable to the person. (c) If the facility or provider has requested an evaluation in accordance with subsection 2, paragraph "a", to determine whether the crime warrants prohibition of the person's employment in the facility or with the provider. (2) The provisional employment under this paragraph "c" may continue until such time as the required record checks through the single contact repository and the evaluation by the record check evaluation system, as applicable, are completed. d. A facility or provider shall inform all persons prior to employment regarding the performance of the record checks and shall obtain, from the persons, a signed acknowledgment of the receipt of the information. A facility or provider shall include the following inquiry in an application for employment: Do you have a record of founded child or dependent adult abuse or have you ever been convicted of a crime other than a simple misdemeanor offense relating to motor vehicles and laws of the road under chapter 321 or equivalent provisions, in this state or any other state? 2. a. If it is determined that a person being considered for employment in a facility or with a provider has been convicted of a crime under a law of any state, the department of public safety shall notify the facility or provider that upon the request of the facility or provider the record check evaluation system will perform an evaluation to determine whether the crime warrants prohibition of the person's employment in the facility or with the provider. b. (1) If a person being considered for employment, other than employment involving the operation of a motor vehicle, has been convicted of a crime listed in subparagraph (2) but does not have a record of founded child or dependent adult abuse and the facility or provider has requested an evaluation in accordance with paragraph "a" to determine whether the crime warrants prohibition of the person's employment, the facility or provider may employ the person for not more than sixty calendar days pending completion of the evaluation. (2) Subparagraph (1) applies to a crime that is a simple misdemeanor offense under section 123.47, and to a crime that is a first offense of operating a motor vehicle while intoxicated under section 321J.2, subsection 1. c. If a record check evaluation system child or dependent adult abuse record check shows that such person has a record of founded child or dependent adult abuse, the record check evaluation system shall notify the facility or provider that upon the request of the facility or provider the record check evaluation system will perform an evaluation to determine whether the founded child or dependent adult abuse warrants prohibition of employment in the facility or with the provider. d. An evaluation performed under this subsection shall be performed in accordance with procedures adopted for this purpose by the department of health and human services. e. (1) If a person owns or operates more than one facility or a provider owns or operates more than one location, and an employee of one of such facilities or provider locations is transferred to another such facility or provider location without a lapse in employment, the facility or provider is not required to request additional criminal and child and dependent adult abuse record checks of that employee. (2) If the ownership of a facility or provider is transferred, at the time of transfer the record checks required by this section shall be performed for each employee for whom there is no documentation that such record checks have been performed. The facility or provider may continue to employ such employee pending the performance of the record checks and any related evaluation. 3. In an evaluation, the record check evaluation system shall consider the nature and seriousness of the crime or founded child or dependent adult abuse in relation to the position sought or held, the time elapsed since the commission of the crime or founded child or dependent adult abuse, the circumstances under which the crime or founded child or dependent adult abuse was committed, the degree of rehabilitation, the likelihood that the person will commit the crime or founded child or dependent adult abuse again, and the number of crimes or founded child or dependent adult abuses committed by the person involved. If the record check evaluation system performs an evaluation for the purposes of this section, the record check evaluation system has final authority in determining whether prohibition of the person's employment is warranted. 4. a. Except as provided in subsection 1, paragraph "c", subsection 2, and paragraph "b" of this subsection, a person who has committed a crime or has a record of founded child or dependent adult abuse shall not be employed in a facility or with a provider unless an evaluation has been performed by the record check evaluation system. b. A person with a criminal or abuse record who is or was employed by a facility or provider and is hired by another facility or provider shall be subject to the criminal history and abuse record checks required pursuant to subsection 1. However, if an evaluation was previously performed by the record check evaluation system concerning the person's criminal or abuse record and it was determined that the record did not warrant prohibition of the person's employment and the latest record checks do not indicate a crime was committed or founded abuse record was entered subsequent to that evaluation, the person may commence employment with the other facility or provider in accordance with the record check evaluation system's evaluation and an exemption from the requirements in paragraph "a" for reevaluation of the latest record checks is authorized. Otherwise, the requirements of paragraph "a" remain applicable to the person's employment. Authorization of an exemption under this paragraph "b" from requirements for reevaluation of the latest record checks by the record check evaluation system is subject to all of the following provisions: (1) The position with the subsequent employer is substantially the same or has the same job responsibilities as the position for which the previous evaluation was performed. (2) Any restrictions placed on the person's employment in the previous evaluation by the record check evaluation system shall remain applicable in the person's subsequent employment. (3) The person subject to the record checks has maintained a copy of the previous evaluation and provides the evaluation to the subsequent employer or the previous employer provides the previous evaluation from the person's personnel file pursuant to the person's authorization. If a physical copy of the previous evaluation is not provided to the subsequent employer, the record checks shall be reevaluated. (4) Although an exemption under this paragraph "b" may be authorized, the subsequent employer may instead request a reevaluation of the record checks and may employ the person while the reevaluation is being performed. 5. a. This section shall also

apply to prospective employees of all of the following, if the provider is regulated by the state or receives any state or federal funding: (1) An employee of a homemaker-home health aide, home care aide, adult day services, or other provider of in-home services if the employee provides direct services to consumers. (2) An employee of a hospice, if the employee provides direct services to consumers. (3) An employee who provides direct services to consumers under a federal home and community-based services waiver. (4) An employee of an elder group home certified under chapter 231B, if the employee provides direct services to consumers. (5) An employee of an assisted living program certified under chapter 231C, if the employee provides direct services to consumers. b. In substantial conformance with the provisions of this section, including the provision authorizing provisional employment following completion of a comprehensive preliminary background check, prior to the employment of such an employee, the provider shall request the performance of the criminal and child and dependent adult abuse record checks. The provider shall inform the prospective employee and obtain the prospective employee's signed acknowledgment. The record check evaluation system shall perform the evaluation of any criminal record or founded child or dependent adult abuse record and shall make the determination of whether a prospective employee of a provider shall not be employed by the provider. 6. a. This section shall also apply to an employee of a temporary staffing agency that provides staffing for a facility, service, program, or other provider regulated by this section if the employee provides direct services to consumers. b. In substantial conformance with the provisions of this section, including the provision authorizing provisional employment following completion of a comprehensive preliminary background check, prior to the employment of such an employee, the temporary staffing agency shall request the performance of the criminal and child and dependent adult abuse record checks. The temporary staffing agency shall inform the prospective employee and obtain the prospective employee's signed acknowledgment. The record check evaluation system shall perform the evaluation of any criminal record or founded child or dependent adult abuse record and shall make the determination of whether a prospective employee of a temporary staffing agency shall not be employed by the assisted living program as defined in section 231C.2, the Medicare certified home health agency, or the facility, service, program, or other provider regulated by this section. c. If a person employed by a temporary staffing agency that is subject to this section is convicted of a crime or has a record of founded child or dependent adult abuse entered in the abuse registry after the person's employment application date, the person shall inform the temporary staffing agency within forty-eight hours and the temporary staffing agency shall inform the facility, service, program, or other provider within two hours. d. If a temporary staffing agency fails to comply with the requirements of this section, the temporary staffing agency shall be liable to the facility, service, program, or other provider for any actual damages, including civil penalties, and reasonable attorney fees. e. This section shall not apply to employees employed by a temporary staffing agency for a position that does not provide direct services to consumers. 7. a. The department of inspections, appeals, and licensing, in conjunction with other departments and agencies of state government involved with criminal history and abuse registry information, shall establish a single contact repository for facilities and other providers to have electronic access to data to perform background checks for purposes of employment, as required of the facilities and other providers under this section. b. The department may access the single contact repository for any of the following purposes: (1) To verify data transferred from the department's nurse aide registry to the repository. (2) To conduct record checks of applicants for employment with the department. 8. a. If a person employed by a facility, service, or program employer that is subject to this section is convicted of a crime or has a record of founded child or dependent adult abuse entered in the abuse registry after the person's employment application date, the person shall inform the employer of such information within forty-eight hours of the criminal conviction or entry of the record of founded child or dependent adult abuse. The employer shall act to verify the information within seven calendar days of notification. If the information is verified, the requirements of subsections 2, 3, and 4 regarding employability and evaluations shall be applied by the employer to determine whether or not the person's employment is continued. The employer may continue to employ the person pending the performance of an evaluation by the record check evaluation system to determine whether prohibition of the person's employment is warranted. A person who is required by this subsection to inform the person's employer of a conviction or entry of an abuse record and fails to do so within the required period commits a serious misdemeanor. b. If a facility, service, or program employer receives credible information, as determined by the employer, that a person employed by the employer has been convicted of a crime or a record of founded child or dependent adult abuse has been entered in the abuse registry after employment from a person other than the employee and the employee has not informed the employer of such information within the period required under paragraph "a", the employer shall act to verify the credible information within seven calendar days of receipt of the credible information. If the information is verified, the requirements of subsections 2, 3, and 4 regarding employability and evaluations shall be applied to determine whether or not the person's employment is continued. c. The employer may notify the county attorney for the county where the employer is located of any violation or failure by an employee to notify the employer of a criminal conviction or entry of an abuse record within the period required under paragraph "a". 9. a. For the purposes of this subsection, unless the context otherwise requires: (1) "Certified nurse aide training program" means a program approved in accordance with the rules for such programs adopted by the department of health and human services for the training of persons seeking to be a certified nurse aide for employment in any of the facilities or programs this section applies to or in a hospital, as defined in section 135B.1. (2) "Student" means a person applying for, enrolled in, or returning to a certified nurse aide training program. b. (1) Prior to a student beginning or returning to a certified nurse aide training program, the program shall do one of the following: (a) Request that the department of public safety perform a criminal history check and the record check evaluation system perform child and dependent adult abuse record checks, in this state, of the student. (b) Access the single contact repository to perform the required record checks. (2) If a program accesses the single contact repository to perform the required record checks pursuant to subparagraph (1), the program may utilize a third-party vendor to perform a comprehensive preliminary background check to allow a person to

provisionally participate in the clinical component of the certified nurse aide training program pending completion of the required record checks through the single contact repository and the evaluation by the record check evaluation system, as applicable, subject to all of the following: (a) If the comprehensive preliminary background check determines that the person being considered for provisional participation has been convicted of a crime but the crime does not constitute a felony as defined in section 701.7 and is not a crime specified pursuant to chapter 708, 708A, 709, 709A, 710, 710A, 711, or 712, or pursuant to section 726.3, 726.27, or 726.28. (b) If the comprehensive preliminary background check determines the person being considered for provisional participation does not have a record of founded child abuse or dependent adult abuse or if an exception pursuant to subsection 4 is applicable to the person. (c) If the program has requested an evaluation in accordance with subsection 2, paragraph “a”, to determine whether the crime warrants prohibition of the person’s provisional participation. (d) The provisional participation under this subparagraph (2) may continue until such time as the required record checks through the single contact repository and the evaluation by the record check evaluation system, as applicable, are completed. c. If a student has a criminal record or a record of founded child or dependent adult abuse, the student shall not be involved in a clinical education component of the certified nurse aide training program involving children or dependent adults unless an evaluation has been performed by the record check evaluation system. Upon request of the certified nurse aide training program, the record check evaluation system shall perform an evaluation to determine whether the record warrants prohibition of the student’s involvement in a clinical education component of the certified nurse aide training program involving children or dependent adults. The evaluation shall be performed in accordance with the criteria specified in subsection 3, and the record check evaluation system shall report the results of the evaluation to the certified nurse aide training program. The record check evaluation system has final authority in determining whether prohibition of the student’s involvement in the clinical education component is warranted. d. (1) If a student’s clinical education component of the training program involves children or dependent adults but does not involve operation of a motor vehicle, and the student has been convicted of a crime listed in subparagraph (2), but does not have a record of founded child or dependent adult abuse, and the training program has requested an evaluation in accordance with paragraph “c” to determine whether the crime warrants prohibition of the student’s involvement in such clinical education component, the training program may allow the student’s participation in the component for not more than sixty days pending completion of the evaluation. (2) Subparagraph (1) applies to a crime that is a simple misdemeanor offense under section 123.47, and to a crime that is a first offense of operating a motor vehicle while intoxicated under section 321J.2, subsection 1. e. (1) If a student is convicted of a crime or has a record of founded child or dependent adult abuse entered in the abuse registry after the record checks and any evaluation have been performed, the student shall inform the certified nurse aide training program of such information within forty-eight hours of the criminal conviction or entry of the record of founded child or dependent adult abuse. The program shall act to verify the information within seven calendar days of notification. If the information is verified, the requirements of paragraph “c” shall be applied by the program to determine whether or not the student’s involvement in a clinical education component may continue. The program may allow the student involvement to continue pending the performance of an evaluation by the record check evaluation system. A student who is required by this subparagraph to inform the program of a conviction or entry of an abuse record and fails to do so within the required period commits a serious misdemeanor. (2) If a program receives credible information, as determined by the program, that a student has been convicted of a crime or a record of founded child or dependent adult abuse has been entered in the abuse registry after the record checks and any evaluation have been performed, from a person other than the student and the student has not informed the program of such information within the period required under subparagraph (1), the program shall act to verify the credible information within seven calendar days of receipt of the credible information. If the information is verified, the requirements of paragraph “c” shall be applied to determine whether or not the student’s involvement in a clinical education component may continue. (3) The program may notify the county attorney for the county where the program is located of any violation or failure by a student to notify the program of a criminal conviction or entry of an abuse record within the period required under subparagraph (1). f. If a certified nurse aide training program is conducted by a health care facility and a student of that program subsequently accepts and begins employment with the facility within thirty days of completing the program, the criminal history and abuse registry checks of the student performed pursuant to this subsection shall be deemed to fulfill the requirements for such checks prior to employment pursuant to subsection 1. 94 Acts, ch 1130, §12; 97 Acts, ch 42, §1; 98 Acts, ch 1141, §2; 98 Acts, ch 1223, §20, 21; 99 Acts, ch 96, §11; 99 Acts, ch 114, §5; 2001 Acts, ch 8, §1; 2001 Acts, ch 20, §2, 3; 2001 Acts, ch 64, §4; 2002 Acts, ch 1050, §18; 2003 Acts, ch 166, §2; 2006 Acts, ch 1069, §1; 2008 Acts, ch 1187, §112; 2009 Acts, ch 133, §36; 2010 Acts, ch 1012, §1, 2; 2012 Acts, ch 1074, §1; 2013 Acts, ch 21, §3, 4, 6, 7; 2014 Acts, ch 1040, §11 – 14; 2015 Acts, ch 30, §58; 2017 Acts, ch 58, §1; 2020 Acts, ch 1029, §5; 2023 Acts, ch 19, §179, 1889 Referred to in §135B.34, 135C.36, 152.5A, 231B.2, 231C.3, 231D.14, 235A.15, 235A.16, 235B.6, 235B.7, 237A.5, 633.564 Legislative intent; 98 Acts, ch 1217, §36 Department of inspections, appeals, and licensing to post list of third-party vendors eligible to conduct comprehensive preliminary background checks; 2020 Acts, ch 1029, §7 See Code editor’s note on simple harmonization at the beginning of this Code volume Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.34 - Medication aide — certification.

135C.34 Medication aide — certification. The department of inspections, appeals, and licensing, in cooperation with other appropriate agencies, shall establish a procedure to allow a person who is certified as a medication aide in another state to become certified in this state upon completion and passage of both the certified nurse aide and certified medication aide challenge examinations, without additional requirements for certification, including but not limited to, required employment in this state prior

to certification. The department shall adopt rules pursuant to chapter 17A to administer this section. 94 Acts, ch 1036, §1; 2023 Acts, ch 19, §1890 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.35 - Training of inspectors.

135C.35 Training of inspectors. 1. Subject to the availability of funding, all nursing facility inspectors shall receive twelve hours of annual continuing education in gerontology, wound care, dementia, falls, or a combination of these subjects. 2. An inspector shall not be personally liable for financing the training required under subsection 1. 3. The department shall consult with the collective bargaining representative of the inspector in regard to the training required under this section. 2009 Acts, ch 156, §2

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.35A - Moratorium — new construction or increase in bed capacity — nursing facilities.

135C.35A Moratorium — new construction or increase in bed capacity — nursing facilities. 1. Beginning July 1, 2023, and ending no later than June 30, 2026, the department shall impose for an initial period of twelve months a temporary moratorium on submission of applications for new construction of a nursing facility or a permanent change in bed capacity of a nursing facility that increases the bed capacity of the nursing facility. The department, in consultation with the department of health and human services, may extend the moratorium in six-month increments following the conclusion of the initial twelve-month period, but for no longer than a total of thirty-six months. 2. The department, in consultation with the department of health and human services, may waive the moratorium as specified in this section if any of the following applies: a. The departments jointly determine there is a specialized need for the nursing facility beds requested. b. The average occupancy of all licensed nursing facility beds located within the county and contiguous counties of the location of the proposed increase in nursing facility bed capacity exceeded eighty-five percent during the three most recent calendar quarters as published by the centers for Medicare and Medicaid services of the United States department of health and human services at the time of the filing of the application. 3. The department shall publish any request for a waiver of the moratorium as well as an explanation for the decision to either grant or deny the waiver request. 4. For the purposes of this section, “occupancy” means the average number of residents of the nursing facility during the applicable time period divided by the licensed bed capacity of the nursing facility. 2023 Acts, ch 158, §7 NEW section

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.35B - Availability of nursing facility bed data.

135C.35B Availability of nursing facility bed data. No later than January 1, 2024, the department of health and human services shall develop a publicly available dashboard detailing the number of nursing facility beds available in the state, the overall quality rating of the available nursing facility beds as specified by the centers for Medicare and Medicaid services of the United States department of health and human services star ratings, any increase in the number of available nursing facility beds in each county during the state fiscal year, any decrease in the number of available nursing facility beds in each county during the state fiscal year, and an explanation of the causes of such increase or decrease in available nursing facility beds. 2023 Acts, ch 158, §8 NEW section

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.36 - Violations classified — penalties.

135C.36 Violations classified — penalties. Every violation by a health care facility of any provision of this chapter or of the rules adopted pursuant to it shall be classified by the department in accordance with this section. The department shall adopt and may from time to time modify, in accordance with chapter 17A, rules setting forth so far as feasible the specific violations included in each classification and stating criteria for the classification of any violation not so listed. 1. A class I violation is one which presents an imminent danger or a substantial probability of resultant death or physical harm to the residents of the facility in which the violation occurs. A physical condition or one or more practices in a facility may constitute a class I violation. A class I violation shall be abated or eliminated immediately unless the department determines that a stated period of time, specified in the citation issued under section 135C.40, is required to correct the violation. A licensee is subject to a penalty of not less than two thousand nor more than ten thousand dollars for each class I violation for which the licensee’s facility is cited. 2. A class II violation is one which has a direct or immediate relationship to the health, safety, or security of residents of a health care facility, but which presents no imminent danger nor substantial probability of death or physical harm to them. A physical condition or one or more practices within a facility, including either physical abuse of any resident or failure to treat any resident with consideration, respect, and full recognition of the resident’s dignity and individuality, in violation of a specific rule adopted by the department, may constitute a class II violation. A violation of section 135C.14, subsection 8, or section 135C.31 and rules adopted under those sections shall be at least a class II violation and may be a class I violation. A class II violation shall be corrected within a stated period of time determined by the department and specified in the citation issued under section 135C.40. The stated period of time specified in the citation may subsequently be modified by the department for good cause shown. A licensee is subject to a penalty of not less than one hundred nor more than five hundred dollars for each class II violation for which the licensee’s facility is cited; however the director may, upon written request of the facility, waive the penalty if the violation is corrected within the time specified in the citation. The department shall adopt rules in accordance with chapter 17A establishing criteria for the granting or denial of a waiver

request. 3. A class III violation is any violation of this chapter or of the rules adopted pursuant to it which violation is not classified in the department's rules nor classifiable under the criteria stated in those rules as a class I or a class II violation. A licensee shall not be subject to a penalty for a class III violation, except as provided by section 135C.40, subsection 1, for failure to correct the violation within a reasonable time specified by the department in the notice of the violation. 4. Any state penalty, including a fine or citation, issued following a state licensure and federal certification survey or investigation shall be dismissed if the corresponding federal deficiency is dismissed or removed. Any state penalty, including a fine or citation, shall be retained or reinstated if the federal deficiency is retained or reinstated. 5. If a facility self-identifies a deficient practice prior to an on-site visit inspection, there has been no complaint filed with the department related to that specific deficient practice, and the facility corrects such practice prior to an inspection, no citation shall be issued or fine assessed pursuant to subsection 2 or 3 except for those penalties arising pursuant to section 135C.33; 481 IAC 57.11(3) and (7) , 481 IAC 57.16(3) , 481 IAC 57.32 , 481 IAC 57.34(1) , 481 IAC 58.11(3) , 481 IAC 58.14(5) , 481 IAC 58.19(2)(a) , 481 IAC 58.19(2)(h) , 481 IAC 58.28(1)(a) , 481 IAC 58.43 , 481 IAC 63.8(3) , 481 IAC 63.27 , 481 IAC 63.29(1) , 481 IAC 64.4(9) , 481 IAC 64.33(2) , 481 IAC 64.34 , 481 IAC 65.9(5) , 481 IAC 65.15 , or 481 IAC 65.25(3) and (4) , or the successor to any of such rules; or 42 C.F.R. §483.420(d) , 42 C.F.R. §483.460(c)(4) , or 42 C.F.R. §483.470(j) , or the successor to any of such federal regulations. [C77, 79, 81, §135C.36; 81 Acts, ch 60, §3] 86 Acts, ch 1168, §1; 2009 Acts, ch 156, §3, 4; 2015 Acts, ch 29, §25; 2015 Acts, ch 80, §2; 2022 Acts, ch 1048, §1 Referred to in §135C.40, 135C.41, 135C.44, 135C.44A, 249A.57

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.37 - Complaints alleging violations — confidentiality.

135C.37 Complaints alleging violations — confidentiality. A person may request an inspection of a health care facility by filing with the department, certified volunteer long-term care ombudsman, or the office of long-term care ombudsman, a complaint of an alleged violation of applicable requirements of this chapter or the rules adopted pursuant to this chapter. A person alleging abuse or neglect of a resident with a developmental disability or with mental illness may also file a complaint with the protection and advocacy agency designated pursuant to section 135B.9 or section 135C.2. A copy of a complaint filed with a certified volunteer long-term care ombudsman or the office of long-term care ombudsman shall be forwarded to the department. The complaint shall state in a reasonably specific manner the basis of the complaint, and a statement of the nature of the complaint shall be delivered to the facility involved at the time of the inspection. The name of the person who files a complaint with the department, certified volunteer long-term care ombudsman, or the office of long-term care ombudsman shall be kept confidential and shall not be subject to discovery, subpoena, or other means of legal compulsion for its release to a person other than department employees involved in the investigation of the complaint. [C77, 79, 81, §135C.37] 84 Acts, ch 1227, §3; 85 Acts, ch 186, §2; 89 Acts, ch 241, §3; 89 Acts, ch 321, §28; 91 Acts, ch 107, §4; 99 Acts, ch 129, §6; 2005 Acts, ch 45, §1; 2010 Acts, ch 1062, §1; 2013 Acts, ch 18, §11 Referred to in §135C.38, 135C.40, 135C.46, 135C.48

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.38 - Inspections upon complaints.

135C.38 Inspections upon complaints. 1. a. Upon receipt of a complaint made in accordance with section 135C.37, the department shall make a preliminary review of the complaint. Unless the department concludes that the complaint is intended to harass a facility or a licensee or is without reasonable basis, the department shall make or cause to be made an on-site inspection of the health care facility which is the subject of the complaint within the time period determined pursuant to the following guidelines, which period shall commence on the date of receipt of the complaint: (1) For nursing facilities, an on-site inspection shall be initiated as follows: (a) Within two working days for a complaint determined by the department to be an alleged immediate jeopardy situation. (b) Within ten working days for a complaint determined by the department to be an alleged high-level, nonimmediate jeopardy situation. (c) Within forty-five calendar days for a complaint determined by the department to be an alleged nonimmediate jeopardy situation, other than a high-level situation. (2) For all other types of health care facilities, an on-site inspection shall be initiated as follows: (a) Within two working days for a complaint determined by the department to be an alleged immediate jeopardy situation. (b) Within twenty working days for a complaint determined by the department to be an alleged high-level, nonimmediate jeopardy situation. (c) Within forty-five calendar days for a complaint determined by the department to be an alleged nonimmediate jeopardy situation, other than a high-level situation. b. The complaint investigation shall include, at a minimum, an interview with the complainant, the alleged perpetrator, and the victim of the alleged violation, if the victim is able to communicate, if the complainant, alleged perpetrator, or victim is identifiable, and if the complainant, alleged perpetrator, or victim is available. Additionally, witnesses who have knowledge of facts related to the complaint shall be interviewed, if identifiable and available. The names of witnesses may be obtained from the complainant or the victim. The files of the facility may be reviewed to ascertain the names of staff persons on duty at the time relevant to the complaint. The department shall apply a preponderance of the evidence standard in determining whether or not a complaint is substantiated. For the purposes of this subsection, "a preponderance of the evidence standard" means that the evidence, considered and compared with the evidence opposed to it, produces the belief in a reasonable mind that the allegations are more likely true than not true. "A preponderance of the evidence standard" does not require that the investigator personally witnessed the alleged violation. c. The department may refer to a representative of the office of long-term care ombudsman any complaint received by the department regarding a facility, for initial evaluation and appropriate action by the office of long-term care ombudsman. 2. a. The complainant shall be promptly informed of the result of any action taken by the

department or the office of long-term care ombudsman in the matter. The complainant shall also be notified of the name, address, and telephone number of the designated protection and advocacy agency if the alleged violation involves a facility with one or more residents with developmental disabilities or mental illness. b. Upon conclusion of the investigation, the department shall notify the complainant of the results. The notification shall include a statement of the factual findings as determined by the investigator, the statutory or regulatory provisions alleged to have been violated, and a summary of the reasons for which the complaint was or was not substantiated. c. The department shall mail the notification to the complainant without charge. Upon the request of the complainant, the department shall mail to the complainant, without charge, a copy of the most recent final findings regarding compliance with licensing requirements by the facility against which the complaint was filed. d. A person who is dissatisfied with any aspect of the department's handling of the complaint may contact the office of long-term care ombudsman, or may contact the protection and advocacy agency designated pursuant to section 135C.2 if the complaint relates to a resident with a developmental disability or a mental illness. 3. An inspection made pursuant to a complaint filed under section 135C.37 need not be limited to the matter or matters included in the complaint. However, the inspection shall not be a general inspection unless the complaint inspection coincides with a scheduled general inspection or unless in the course of the complaint investigation a violation is evident to the inspector. Upon arrival at the facility to be inspected, the inspector shall show identification to the person in charge of the facility and state that an inspection is to be made, before beginning the inspection. Upon request of either the complainant or the department or a representative of the office of long-term care ombudsman, the complainant or the complainant's representative or both may be allowed the privilege of accompanying the inspector during any on-site inspection made pursuant to this section. The inspector may cancel the privilege at any time if the inspector determines that the privacy of any resident of the facility to be inspected would otherwise be violated. The protection and dignity of the resident shall be given first priority by the inspector and others. [C77, 79, 81, §135C.38] 87 Acts, ch 234, §430; 89 Acts, ch 241, §4; 91 Acts, ch 107, §5, 6; 99 Acts, ch 129, §7, 8; 2000 Acts, ch 1180, §2; 2007 Acts, ch 93, §2; 2010 Acts, ch 1062, §2; 2013 Acts, ch 18, §12 – 14; 2014 Acts, ch 1040, §15 – 18 Referred to in §135C.16, 135C.39

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.39 - No advance notice of inspection — exception.

135C.39 No advance notice of inspection — exception. No advance notice of an on-site inspection made pursuant to section 135C.38 shall be given the health care facility or the licensee thereof unless previously and specifically authorized in writing by the director or required by federal law. The person in charge of the facility shall be informed of the substance of the complaint at the commencement of the on-site inspection. [C77, 79, 81, §135C.39] 89 Acts, ch 241, §5; 90 Acts, ch 1039, §10 Administrative penalty; see §135C.45A

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.4 - Residential care facilities.

135C.4 Residential care facilities. 1. Each facility licensed as a residential care facility shall provide an organized continuous twenty-four-hour program of care commensurate with the needs of the residents of the home and under the immediate direction of a person approved and certified by the department whose combined training and supervised experience is such as to ensure adequate and competent care. 2. All admissions to residential care facilities shall be based on an order written by a physician certifying that the individual being admitted does not require nursing services or that the individual's need for nursing services can be avoided if home and community-based services, other than nursing care, as defined by this chapter and departmental rule, are provided. 3. For the purposes of this section, the home and community-based services to be provided shall be limited to the type included under the medical assistance program provided pursuant to chapter 249A, shall be subject to cost limitations established by the department of health and human services under the medical assistance program, and except as otherwise provided by the department of inspections, appeals, and licensing with the concurrence of the department of health and human services, shall be limited in capacity to the number of licensed residential care facilities and the number of licensed residential care facility beds in the state as of December 1, 2003. 4. A residential care facility is not required to admit an individual through court order, referral, or other means without the express prior approval of the administrator of the residential care facility. [C50, 54, §135C.9; C58, 62, 66, 71, 73, 75, 77, 79, 81, §135C.4] 2004 Acts, ch 1085, §2, 11; 2012 Acts, ch 1079, §4; 2023 Acts, ch 19, §169, 1885 Referred to in §135C.2, 347B.6 See Code editor's note on simple harmonization at the beginning of this Code volume Subsection 3 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.40 - Citations when violations found — penalties — exception.

135C.40 Citations when violations found — penalties — exception. 1. If the director determines, based on the findings of an inspection or investigation of a health care facility, that the facility is in violation of this chapter or rules adopted under this chapter, the director within five working days after making the determination, may issue a written citation to the facility. The citation shall be served upon the facility personally, by electronic mail, or by certified mail, except that a citation for a class III violation may be sent by ordinary mail. Each citation shall specifically describe the nature of the violation, identifying the Code section or subsection or the rule or standard violated, and the classification of the violation under section 135C.36. Where appropriate, the citation shall also state the period of time allowed for correction of the violation, which shall in each case be the shortest period of time the department deems feasible. Failure to correct a violation within the time specified, unless the licensee shows that the failure was due to

circumstances beyond the licensee's control, shall subject the facility to a further penalty of fifty dollars for each day that the violation continues after the time specified for correction. a. If a facility licensed under this chapter is subject to or will be subject to denial of payment including payment for Medicare or medical assistance under chapter 249A, or denial of payment for all new admissions pursuant to 42 C.F.R. §488.417, and submits a plan of correction relating to a statement of deficiencies or a response to a citation issued under rules adopted by the department and the department elects to conduct an on-site revisit inspection, the department shall commence the revisit inspection within the shortest time feasible of the date that the plan of correction is received, or the date specified within the plan of correction alleging compliance, whichever is later. b. If the department recommends the issuance of federal remedies pursuant to 42 C.F.R. §488.406(a)(2) or (a)(3), relating to an inspection conducted by the department, the department shall issue the statement of deficiencies within twenty-four hours of the date that the centers for Medicare and Medicaid services of the United States department of health and human services was notified of the recommendation for the imposition of remedies. c. The facility shall be provided an exit interview at the conclusion of an inspection and the facility representative shall be informed of all issues and areas of concern related to the deficient practices. The department may conduct the exit interview either in person or by telephone, and a second exit interview shall be provided if any additional issues or areas of concern are identified. The facility shall be provided two working days from the date of the exit interview to submit additional or rebuttal information to the department. 2. When a citation is served upon or mailed to a health care facility under subsection 1 and the licensee of the facility is not actually involved in the daily operation of the facility, a copy of the citation shall be mailed to the licensee. If the licensee is a corporation, a copy of the citation shall be sent to the corporation's office of record. If the citation was issued pursuant to an inspection resulting from a complaint filed under section 135C.37, a copy of the citation shall be sent to the complainant at the earliest time permitted by section 135C.19, subsection 1. 3. No health care facility shall be cited for any violation caused by any practitioner licensed pursuant to chapter 148 if that practitioner is not the licensee of and is not otherwise financially interested in the facility and the licensee or the facility presents evidence that reasonable care and diligence have been exercised in notifying the practitioner of the practitioner's duty to the patients in the facility. [C77, 79, 81, §135C.40; 81 Acts, ch 61, §1] 84 Acts, ch 1227, §4; 2008 Acts, ch 1088, §89; 2009 Acts, ch 156, §5 Referred to in §135C.19, 135C.36, 135C.41, 135C.46

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.40A - Issuance of final findings.

135C.40A Issuance of final findings. The department shall issue the final findings of an inspection or investigation of a health care facility within ten working days after completion of the on-site inspection or investigation. The final findings shall be served upon the facility personally, by electronic mail, or by certified mail. 2009 Acts, ch 156, §6 Referred to in §135C.46

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.41 - Licensee's response to citation.

135C.41 Licensee's response to citation. Within twenty business days after service of a citation under section 135C.40, a facility shall do one of the following: 1. If the facility does not desire to contest the citation, take one of the following actions: a. Remit to the department the amount specified by the department pursuant to section 135C.36 as a penalty for each class I violation cited, and for each class II violation unless the citation specifically waives the penalty, which funds shall be paid by the department into the state treasury and credited to the general fund. b. In the case of a class II violation for which the penalty has been waived in accordance with the standards prescribed in section 135C.36, subsection 2, or a class III violation, send to the department a written response acknowledging that the citation has been received and stating that the violation will be corrected within the specific period of time allowed by the citation. 2. If the facility desires to contest the citation, notify the director that the facility desires to contest the citation and do either of the following: a. Request an informal conference with an independent reviewer pursuant to section 135C.42. Upon the conclusion of an informal conference, in the case of an affirmed or modified citation, the facility may request a contested case hearing in writing within five days after receipt of the written explanation of the independent reviewer. b. Request a contested case hearing in the manner provided by chapter 17A for contested cases. The formal hearing shall be conducted in accordance with chapter 17A and rules adopted by the department. [C77, 79, 81, §135C.41] 2009 Acts, ch 156, §7; 2010 Acts, ch 1069, §16; 2013 Acts, ch 26, §1, 7; 2014 Acts, ch 1092, §31; 2015 Acts, ch 80, §3 Referred to in §135C.42, 135C.43A, 135C.46

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.42 - Informal conference on contested citation.

135C.42 Informal conference on contested citation. 1. The director shall provide an independent reviewer to hold an informal conference with the facility within ten working days after receipt of a request made under section 135C.41, subsection 2, paragraph "a". At the conclusion of the conference the independent reviewer may affirm or may modify or dismiss the citation. The independent reviewer shall state in writing the specific reasons for the affirmation, modification, or dismissal and immediately transmit copies of the statement to the director, and to the facility. If the facility does not desire to further contest an affirmed or modified citation, it shall comply with section 135C.41, subsection 1, within five working days after receipt of the written explanation of the independent reviewer. 2. An independent reviewer shall be licensed as an attorney in the state of Iowa and shall not be employed or have been employed by the department in the past eight years or have appeared in front of the department on behalf of a health care facility in the past eight years. Preference shall be given to an attorney with background knowledge, experience, or training in long-term care. The department may issue a request for proposals to enter into a contract for the purpose of

providing one or more independent reviewers for informal conferences. 3. An informal conference, as required in this section, shall be held concurrently with any informal dispute resolution held pursuant to 42 C.F.R. §488.331 for those health care facilities certified under Medicare or the medical assistance program. [C77, 79, 81, §135C.42] 2013 Acts, ch 26, §2, 7; 2015 Acts, ch 80, §4; 2016 Acts, ch 1073, §59 Referred to in §135C.7, 135C.41, 135C.46

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.43 - Judicial review.

135C.43 Judicial review. 1. A facility which has exhausted all adequate administrative remedies and is aggrieved by the final action of the department may petition for judicial review in the manner provided by chapter 17A. 2. Hearings on petitions for judicial review brought under this section shall be set for trial at the earliest possible date and shall take precedence on the court calendar over all other cases except matters to which equal or superior precedence is specifically granted by law. The times for pleadings and for hearings in such actions shall be set by the judge of the court with the object of securing a decision in the matter at the earliest possible time. [C77, 79, 81, §135C.43] 2009 Acts, ch 156, §8; 2010 Acts, ch 1069, §17; 2013 Acts, ch 26, §3, 7; 2015 Acts, ch 80, §5

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.43A - Reduction of penalty amount.

135C.43A Reduction of penalty amount. If a facility has been assessed a penalty, does not request a formal hearing pursuant to section 135C.41, subsection 2, paragraph “b”, or withdraws its request for a formal hearing within thirty days of the date that the penalty was assessed, and the penalty is paid within thirty days of the receipt of notice or service, the amount of the penalty shall be reduced by thirty-five percent. The citation which includes the civil penalty shall include a statement to this effect. 2009 Acts, ch 156, §9; 2015 Acts, ch 80, §6

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.44 - Treble fines for repeated violations.

135C.44 Treble fines for repeated violations. The penalties authorized by section 135C.36 shall be trebled for a second or subsequent class I or class II violation occurring within any twelve-month period if a citation was issued for the same class I or class II violation occurring within that period and a penalty was assessed therefor. [C77, 79, 81, §135C.44]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.44A - Double fines for intentional violations.

135C.44A Double fines for intentional violations. The penalties authorized by section 135C.36 shall be doubled for each class I violation when the violation is due to an intentional act by the facility in violation of a provision of this chapter or a rule of the department. 2009 Acts, ch 156, §10

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.45 - Refund of penalty.

135C.45 Refund of penalty. If at any time a contest or appeal of any citation issued a health care facility under this chapter results in an order or determination that a penalty previously paid to or collected by the department must be refunded to the facility, the refund shall be made from any money in the state general fund not otherwise appropriated. [C77, 79, 81, §135C.45]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.45A - Notification penalty.

135C.45A Notification penalty. A person who notifies, or causes to be notified, a health care facility, of the time and date on which a survey or on-site inspection of the facility is scheduled, is subject to an administrative penalty of not less than one thousand dollars and not more than two thousand dollars. 90 Acts, ch 1039, §11

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.46 - Retaliation by facility prohibited.

135C.46 Retaliation by facility prohibited. 1. A facility shall not discriminate or retaliate in any way against a resident or an employee of the facility who has initiated or participated in any proceeding authorized by this chapter. A facility which violates this section is subject to a penalty of not less than two hundred fifty nor more than five thousand dollars, to be assessed and collected by the director in substantially the manner prescribed by sections 135C.40 through 135C.42 and paid into the state treasury to be credited to the general fund, or to immediate revocation of the facility’s license. 2. Any attempt to expel from a health care facility a resident by whom or upon whose behalf a complaint has been submitted to the department under section 135C.37, within ninety days after the filing of the complaint or the conclusion of any proceeding resulting from the complaint, shall raise a rebuttable presumption that the action was taken by the licensee in retaliation for the filing of the complaint. [C77, 79, 81, §135C.46] 2021 Acts, ch 80, §69

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.48 - Information about complaint procedure.

135C.48 Information about complaint procedure. The department shall make a continuing effort to inform the general public of the appropriate procedure to be followed by any person who believes that a complaint against a health care facility is justified and should be made under section 135C.37. [C77, 79, 81, §135C.48]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.5 - Limitations on use.

135C.5 Limitations on use. Another business or activity serving persons other than the residents of a health care facility may be operated or provided in a designated part of the physical structure of the health care facility if the other business or activity meets the requirements of applicable state and federal laws, administrative rules, and federal regulations. The department shall not limit the ability of a health care facility to operate or provide another business or activity in the designated part of the facility if the business or activity does not interfere with the use of the facility by the residents or with the services provided to the residents, and is not disturbing to the residents. In denying the ability of a health care facility to operate or provide another business or activity under this section, the burden of proof shall be on the department to demonstrate that the other business or activity substantially interferes with the use of the facility by the residents or the services provided to the residents, or is disturbing to the residents. The director, in accordance with chapter 17A, shall adopt rules which establish criteria for approval of a business or activity to be operated or provided in a designated part of the physical structure of a health care facility. For the purposes of this section, “another business or activity” shall not include laboratory services with the exception of laboratory services for which a waiver from regulatory oversight has been obtained under the federal Clinical Laboratory Improvement Amendments of 1988, Pub. L. No. 100-578, as amended, radiological services, anesthesiology services, obstetrical services, surgical services, or emergency room services provided by hospitals licensed under chapter 135B. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §135C.5] 91 Acts, ch 241, §1; 2005 Acts, ch 126, §1; 2023 Acts, ch 19, §1612 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.6 - License required — exemptions.

135C.6 License required — exemptions. 1. A person or governmental unit acting severally or jointly with any other person or governmental unit shall not establish or operate a health care facility in this state without a license for the facility. A supported community living service, as defined in section 225C.21, is not required to be licensed under this chapter, but is subject to approval under section 225C.21 in order to receive public funding. 2. A health care facility suitable for separation and operation with distinct parts may, where otherwise qualified in all respects, be issued multiple licenses authorizing various parts of such facilities to be operated as health care facilities of different license categories. 3. No change in a health care facility, its operation, program, or services, of a degree or character affecting continuing licensure shall be made without prior approval thereof by the department. The department may by rule specify the types of changes which shall not be made without its prior approval. 4. No department, agency, or officer of this state or of any of its political subdivisions shall pay or approve for payment from public funds any amount or amounts to a health care facility under any program of state aid in connection with services provided or to be provided an actual or prospective resident in a health care facility, unless the facility has a current license issued by the department and meets such other requirements as may be in effect pursuant to law. 5. No health care facility established and operated in compliance with law prior to January 1, 1976, shall be required to change its corporate or business name by reason of the definitions prescribed in section 135C.1, provided that no health care facility shall at any time represent or hold out to the public or to any individual that it is licensed as, or provides the services of, a health care facility of a type offering a higher grade of care than such health care facility is licensed to provide. Any health care facility which, by virtue of this section, operates under a name not accurately descriptive of the type of license which it holds shall clearly indicate in any printed advertisement, letterhead, or similar material, the type of license or licenses which it has in fact been issued. No health care facility established or renamed after January 1, 1976, shall use any name indicating that it holds a different type of license than it has been issued. 6. A health care facility operated by and for the exclusive use of members of a religious order, which does not admit more than two individuals to the facility from the general public, may be operated without obtaining a license under this chapter and shall not be deemed to be licensed by the state. 7. A freestanding hospice facility which operates a hospice program in accordance with 42 C.F.R. §418 may be operated without obtaining a license under this chapter and shall not be deemed to be licensed by the state. 8. The following residential programs to which the department of health and human services applies accreditation, certification, or standards of review shall not be required to be licensed as a health care facility under this chapter: a. Residential programs providing care to not more than four individuals and receiving moneys appropriated to the department of health and human services under provisions of a federally approved home and community-based services waiver for persons with an intellectual disability or other medical assistance program under chapter 249A. In approving a residential program under this paragraph, the department of health and human services shall consider the geographic location of the program so as to avoid an overconcentration of such programs in an area. In order to be approved under this paragraph, a residential program shall not be required to involve the conversion of a licensed residential care facility for persons with an intellectual disability. b. Not more than forty residential care facilities for persons with an intellectual disability that are licensed to serve not more than five individuals may be authorized by the department of health and human services to convert to operation as a residential

program under the provisions of a medical assistance home and community-based services waiver for persons with an intellectual disability. A converted residential program operating under this paragraph is subject to the conditions stated in paragraph “a” except that the program shall not serve more than five individuals. c. A residential program approved by the department of health and human services pursuant to this paragraph “c” to receive moneys appropriated to the department of health and human services under provisions of a federally approved home and community-based services habilitation or waiver program may provide care to not more than five individuals. The department shall approve a residential program under this paragraph that complies with all of the following conditions: (1) Approval of the program will not result in an overconcentration of such programs in an area. (2) The county in which the residential program is located submits to the department of health and human services a letter of support for approval of the program. (3) The county in which the residential program is located provides to the department of health and human services verification in writing that the program is needed to address one or more of the following: (a) The quantity of services currently available in the county is insufficient to meet the need. (b) The quantity of affordable rental housing in the county is insufficient. (c) Implementation of the program will cause a reduction in the size or quantity of larger congregate programs. 9. Contingent upon the department of health and human services receiving federal approval, a residential program which serves not more than eight individuals and is licensed as an intermediate care facility for persons with an intellectual disability may surrender the facility license and continue to operate under a federally approved medical assistance home and community-based services waiver for persons with an intellectual disability, if the department of health and human services has approved a plan submitted by the residential program. 10. Notwithstanding section 135C.9, nursing facilities which are accredited by the joint commission on accreditation of health care organizations shall be licensed without inspection by the department, if the nursing facility has chosen to be inspected by the joint commission on accreditation of health care organizations in lieu of inspection by the department. [C50, 54, §135C.2; C58, 62, 66, 71, 73, 75, 77, 79, 81, §135C.6] 85 Acts, ch 141, §2; 86 Acts, ch 1245, §1113; 90 Acts, ch 1107, §2; 92 Acts, ch 1043, §3; 96 Acts, ch 1053, §2; 97 Acts, ch 169, §18, 26; 98 Acts, ch 1181, §11, 14; 99 Acts, ch 160, §17; 2002 Acts, ch 1120, §1; 2003 Acts, ch 101, §2, 4; 2010 Acts, ch 1031, §390; 2012 Acts, ch 1019, §15, 16; 2012 Acts, ch 1138, §49; 2013 Acts, ch 23, §1; 2013 Acts, ch 30, §33; 2023 Acts, ch 19, §170 Referred to in §10A.713, 135C.9 Subsection 10 is effective contingent upon passage of federal legislation; see 96 Acts, ch 1053, §3 Subsections 8 and 9 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.7 - Application — fees.

135C.7 Application — fees. 1. Licenses shall be obtained from the department. Applications shall be upon such forms and shall include such information as the department may reasonably require, which may include affirmative evidence of compliance with such other statutes and local ordinances as may be applicable. Each application for license shall be accompanied by the annual license fee prescribed by this section, subject to refund to the applicant if the license is denied, which fee shall be paid over into the state treasury and credited to the general fund if the license is issued. There shall be an annual license fee based upon the bed capacity of the health care facility, as follows: a. Ten beds or less, twenty dollars. b. More than ten and not more than twenty-five beds, forty dollars. c. More than twenty-five and not more than seventy-five beds, sixty dollars. d. More than seventy-five and not more than one hundred fifty beds, eighty dollars. e. More than one hundred fifty beds, one hundred dollars. 2. In addition to the license fees listed in this section, there shall be an annual assessment assessed to each licensee in an amount to cover the cost of independent reviewers provided pursuant to section 135C.42. The department shall, in consultation with licensees, establish the assessment amount by rule based on the award of a request for proposals. The assessment shall be retained by the department as a repayment receipt as defined in section 8.2 and used for the purpose of paying the cost of the independent reviewers. [C50, 54, §135C.3, 135C.4; C58, 62, 66, 71, 73, 75, 77, 79, 81, §135C.7] 2013 Acts, ch 140, §16 Referred to in §135C.2, 135C.7A, 135C.8

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.7A - Nursing facility license application for change of ownership — required information.

135C.7A Nursing facility license application for change of ownership — required information. 1. In addition to the requirements of section 135C.7, the change of ownership of a previously licensed nursing facility shall be subject to approval by the department through application for a license. An applicant for a nursing facility license under this section shall submit all of the following information to the department with the license application: a. Information about the applicant’s organizational and ownership structures. The applicant shall provide information regarding all related parties with a five percent or greater controlling interest in the applicant organization, including the related party’s relationship to the applicant organization. The information provided shall be updated at least thirty days prior to issuance of the license if any changes in the information occur. b. Information regarding any related party transactions and associated reimbursement structures. c. Information related to the applicant’s financial suitability to operate a nursing facility as verified by the applicant, which shall include but is not limited to all of the following: (1) Financial projections for operational expenses and revenues, including realistic occupancy and reimbursement rates and the disclosure of any related party transactions, projected for the first three years of operation. (2) Projected initial cash and liquid assets relative to the acquisition or start-up of the applicant’s organization. (3) If the applicant is a component of a corporate chain organization, no less than three years of historical financial and operating information. d. Information related to the applicant’s regulatory history with any other state or licensing jurisdiction as verified by the applicant, which shall include but is not limited to all of the following: (1) Information related to any complaint, allegation, or investigation concerning the applicant in any other state or licensing jurisdiction. (2) Affirmation that the applicant has not voluntarily surrendered a license while under investigation in any other state or licensing

jurisdiction. (3) Supporting documentation regarding the resolution of any disciplinary action or complaint, allegation, or investigation against the applicant in any other state or licensing jurisdiction. (4) Affirmation that no other nursing facility owned or operated by the applicant has been subject to operation by a court-appointed receiver or temporary manager. 2. Information required under subsection 1 shall not be limited to information relating to nursing facility operations but shall also include information relative to any other health care operations under the control and management of the applicant or related parties which may include but is not limited to assisted living programs, hospice services, home health agencies, or other long-term care related health services. 3. The department may request that an applicant provide additional or supplemental information with the application which may include verification of cash or liquid resources to maintain nursing facility operations for a period of not less than two months. 4. The department may require an applicant to create an escrow account sufficient to sustain financial operations of the applicant's nursing facility for a period of not less than two months upon consideration of the timing of projected deposits and disbursements during the nursing facility's initial operating period. a. The escrow account shall be sufficiently funded by the applicant prior to the issuance of the nursing facility license under this section. b. The department, in consultation with the applicant, may reduce or return the amounts held in escrow two years from the date of initial commencement of operation of the nursing facility. c. The escrow requirement shall be terminated no later than five years from the date of initial commencement of operation of the nursing facility. d. The department may utilize funds held in escrow if the applicant's nursing facility is subject to operation under receivership pursuant to section 135C.30. 5. The department shall verify the accuracy and completeness of the information provided under this section. 6. The information or documents provided to the department under this section detailing the applicant's financial condition or the terms of the applicant's contractual business relationships shall be confidential and not considered a public record under chapter 22. 7. For the purposes of this section: a. "Applicant" means a person required to obtain a nursing facility license under this section due to change of ownership of a previously licensed nursing facility. b. "Related party" means a related party or organization described by rule of the department of health and human services relating to nursing facility financial and statistical reporting and determination of payment rates pursuant to 441 IAC 81.6(11)(1) . 2023 Acts, ch 158, §6 NEW section

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.8 - Scope of license.

135C.8 Scope of license. Licenses for health care facilities shall be issued only for the premises and persons or governmental units named in the application and shall not be transferable or assignable except with the written approval of the department, obtained prior to the purchase of the facility involved. Licenses shall be posted in a conspicuous place on the licensed premises as prescribed by regulation of the department. Such licenses, unless sooner suspended or revoked, shall expire one year after the date of issuance and shall be renewed annually upon an application by the licensee. Applications for such renewal shall be made in writing to the department, accompanied by the required fee, at least thirty days prior to the expiration of such license in accordance with regulations promulgated by the department. Health care facilities which have allowed their licenses to lapse through failure to make timely application for renewal of their licenses shall pay an additional fee of twenty-five percent of the annual license fee prescribed in section 135C.7. [C50, 54, §135C.5; C58, 62, 66, 71, 73, 75, 77, 79, 81, §135C.8] Referred to in §135C.30

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135C - HEALTH CARE FACILITIES Section 135C.9 - Inspection before issuance — notice of deficiencies.

135C.9 Inspection before issuance — notice of deficiencies. 1. The department shall not issue a health care facility license to any applicant until: a. The department has ascertained that the staff and equipment of the facility is adequate to provide the care and services required of a health care facility of the category for which the license is sought. Prior to the review and approval of plans and specifications for any new facility and the initial licensing under a new licensee, a resume of the programs and services to be furnished and of the means available to the applicant for providing the same and for meeting requirements for staffing, equipment, and operation of the health care facility, with particular reference to the professional requirements for services to be rendered, shall be submitted in writing to the department for review and approval. The resume shall be reviewed by the department within ten working days and returned to the applicant. The resume shall, upon the department's request, be revised as appropriate by the facility from time to time after issuance of a license. b. The facility has been inspected by the director, who may be a member of a municipal fire department, and the department has received either a certificate of compliance or a provisional certificate of compliance by the facility with the fire hazard and fire safety rules and standards of the department as promulgated by the director and, where applicable, the fire safety standards required for participation in programs authorized by either Tit. XVIII or Tit. XIX of the United States Social Security Act, codified at 42 U.S.C. §1395 – 1395ll and 1396 – 1396g. The certificate or provisional certificate shall be signed by the director or the director's designee who made the inspection. If the director finds a deficiency upon inspection, the notice to the facility shall be provided in a timely manner and shall specifically describe the nature of the deficiency, identifying the Code section or subsection or the rule or standard violated. The notice shall also specify the time allowed for correction of the deficiency, at the end of which time the director shall perform a follow-up inspection. 2. The rules and standards promulgated by the director pursuant to subsection 1, paragraph "b" of this section shall be substantially in keeping with the latest generally recognized safety criteria for the facilities covered, of which the applicable criteria recommended and published from time to time by the national fire protection association shall be prima facie evidence. The rules and standards promulgated by the director shall be promulgated in consultation with the department and shall, to the greatest extent possible, be consistent with rules adopted by the department under this chapter. 3. The director may issue successive provisional certificates of compliance for periods of one

year each to a facility which is in substantial compliance with the applicable fire hazard and fire safety rules and standards, upon satisfactory evidence of an intent, in good faith, by the owner or operator of the facility to correct the deficiencies noted upon inspection within a reasonable period of time as determined by the director. Renewal of a provisional certificate shall be based on a showing of substantial progress in eliminating deficiencies noted upon the last previous inspection of the facility without the appearance of additional deficiencies other than those arising from changes in the fire hazard and fire safety rules, regulations and standards which have occurred since the last previous inspection, except that substantial progress toward achievement of a good faith intent by the owner or operator to replace the entire facility within a reasonable period of time, as determined by the director, may be accepted as a showing of substantial progress in eliminating deficiencies, for the purposes of this section. 4. If a facility subject to licensure under this chapter, a facility exempt from licensure under this chapter pursuant to section 135C.6, or a family home under section 335.25 or 414.22, has been issued a certificate of compliance or a provisional certificate of compliance under subsection 1 or 3, or has otherwise been approved as complying with a rule or standard by the state or the director or a local building department as defined in section 103A.3, the director or local building department which issued the certificate, provisional certificate, or approval shall not apply additional requirements for compliance with the rule or standard unless the rule or standard is revised in accordance with chapter 17A or with local regulatory procedure following issuance of the certificate, provisional certificate, or approval. [C50, 54, §135C.6; C58, 62, 66, 71, 73, 75, 77, 79, 81, §135C.9] 97 Acts, ch 169, §19; 2001 Acts, ch 30, §1, 2; 2010 Acts, ch 1061, §180; 2015 Acts, ch 29, §24; 2023 Acts, ch 19, §1613 Referred to in §135C.6, 135C.16 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135D - IOWA HEALTH INFORMATION NETWORK Section 135D.1 - Short title.

135D.1 Short title. This chapter shall be known and may be cited as the “Iowa Health Information Network Act”. 2015 Acts, ch 73, §1, 9

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135D - IOWA HEALTH INFORMATION NETWORK Section 135D.2 - Definitions.

135D.2 Definitions. As used in this chapter, unless the context otherwise requires: 1. “Board of directors” or “board” means the entity that governs and administers the Iowa health information network. 2. “Care coordination” means the management of all aspects of a patient’s care to improve health care quality. 3. “Department” means the department of health and human services. 4. “Designated entity” means the nonprofit corporation designated by the department through a competitive process as the entity responsible for administering and governing the Iowa health information network. 5. “Exchange” means the authorized electronic sharing of health information between health care professionals, payors, consumers, public health agencies, the designated entity, the department, and other authorized participants utilizing the Iowa health information network and Iowa health information network services. 6. “Health care professional” means a person who is licensed, certified, or otherwise authorized or permitted by the law of this state to administer health care in the ordinary course of business or in the practice of a profession. 7. “Health information” means health information as defined in 45 C.F.R. §160.103 that is created or received by an authorized participant. 8. “Health information technology” means the application of information processing, involving both computer hardware and software, that deals with the storage, retrieval, sharing, and use of health care information, data, and knowledge for communication, decision making, quality, safety, and efficiency of clinical practice, and may include but is not limited to: a. An electronic health record that electronically compiles and maintains health information that may be derived from multiple sources about the health status of an individual and may include a core subset of each care delivery organization’s electronic medical record such as a continuity of care record or a continuity of care document, computerized physician order entry, electronic prescribing, or clinical decision support. b. A personal health record through which an individual and any other person authorized by the individual can maintain and manage the individual’s health information. c. An electronic medical record that is used by health care professionals to electronically document, monitor, and manage health care delivery within a care delivery organization, is the legal record of the patient’s encounter with the care delivery organization, and is owned by the care delivery organization. d. A computerized provider order entry function that permits the electronic ordering of diagnostic and treatment services, including prescription drugs. e. A decision support function to assist physicians and other health care providers in making clinical decisions by providing electronic alerts and reminders to improve compliance with best practices, promote regular screenings and other preventive practices, and facilitate diagnosis and treatments. f. Tools to allow for the collection, analysis, and reporting of information or data on adverse events, the quality and efficiency of care, patient satisfaction, and other health care-related performance measures. 9. “Health Insurance Portability and Accountability Act” or “HIPAA” means the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, including amendments thereto and regulations promulgated thereunder. 10. “Hospital” means a licensed hospital as defined in section 135B.1. 11. “Interoperability” means the ability of two or more systems or components to exchange information or data in an accurate, effective, secure, and consistent manner and to use the information or data that has been exchanged and includes but is not limited to: a. The capacity to connect to a network for the purpose of exchanging information or data with other users. b. The ability of a connected, authenticated user to demonstrate appropriate permissions to participate in the instant transaction over the network. c. The capacity of a connected, authenticated user to access, transmit, receive, and exchange usable information with other users. 12. “Iowa health information network” or “network” means the statewide health information technology network that is the sole statewide network for Iowa pursuant to this chapter. 13. “Medicaid program” means the medical assistance program as defined in section 249A.2. 14. “Participant” means an authorized health care professional, payor, patient,

health care organization, public health agency, or the department that has agreed to authorize, submit, access, or disclose health information through the Iowa health information network in accordance with this chapter and all applicable laws, rules, agreements, policies, and standards. 15. “Patient” means a person who has received or is receiving health services from a health care professional. 16. “Payor” means a person who makes payments for health services, including but not limited to an insurance company, self-insured employer, government program, individual, or other purchaser that makes such payments. 17. “Protected health information” means protected health information as defined in 45 C.F.R. §160.103 that is created or received by an authorized participant. 18. “Public health activities” means actions taken by a participant in its capacity as a public health authority under the Health Insurance Portability and Accountability Act or as required or permitted by other federal or state law. 19. “Public health agency” means an entity that is governed by or contractually responsible to a local board of health or the department to provide services focused on the health status of population groups and their environments. 20. “Record locator service” means the functionality of the Iowa health information network that queries data sources to locate and identify potential patient records. 2015 Acts, ch 73, §2, 9; 2023 Acts, ch 19, §180 Referred to in §125.37, 228.2 Subsections 3 and 13 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135D - IOWA HEALTH INFORMATION NETWORK Section 135D.3 - Iowa health information network — findings and intent.

135D.3 Iowa health information network — findings and intent. 1. The general assembly finds all of the following: a. Technology used to support health care-related functions is known as health information technology. Health information technology provides a mechanism to transform the delivery of health and medical care in Iowa and across the nation. b. Health information technology is rapidly evolving to contribute to the goals of improving the experience of care, improving the health of populations, and reducing per capita costs of health care. c. A health information network involves the secure electronic sharing of health information across the boundaries of individual practice and institutional health settings and with consumers. The broad use of health information technology and a health information network should improve health care quality and the overall health of the population, increase efficiencies in administrative health care, reduce unnecessary health care costs, and help prevent medical errors. d. All health information technology efforts shall endeavor to represent the interests and meet the needs of consumers and the health care sector, protect the privacy of individuals and the confidentiality of individuals’ information, promote best practices, and make information easily accessible to the members of the patient-centered care coordination team, including but not limited to patients, providers, and payors. 2. It is the intent of the general assembly that the Iowa health information network shall not constitute a health benefit network or a health insurance network. 2015 Acts, ch 73, §3, 9

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135D - IOWA HEALTH INFORMATION NETWORK Section 135D.4 - Iowa health information network — principles — technical infrastructure requirements.

135D.4 Iowa health information network — principles — technical infrastructure requirements. 1. The Iowa health information network shall be administered and governed by a designated entity using, at a minimum, the following principles: a. Be patient-centered and market-driven. b. Comply with established national standards. c. Protect the privacy of consumers and the security and confidentiality of all health information. d. Promote interoperability. e. Increase the accuracy, completeness, and uniformity of data. f. Preserve the choice of the patient to have the patient’s health information available through the record locator service. g. Provide education to the general public and provider communities on the value and benefits of health information technology. 2. Widespread adoption of health information technology is critical to a successful Iowa health information network and is best achieved when all of the following occur: a. The network, through the designated entity complying with chapter 504 and reporting as required under this chapter, operates in an entrepreneurial and businesslike manner in which it is accountable to all participants utilizing the network’s products and services. b. The network provides a variety of services from which to choose in order to best fit the needs of the user. c. The network is financed by all who benefit from the improved quality, efficiency, savings, and other benefits that result from use of health information technology. d. The network is operated with integrity and freedom from political influence. 3. The Iowa health information network technical infrastructure shall provide a mechanism for all of the following: a. The facilitation and support of the secure electronic exchange of health information between participants. b. Participants without an electronic health records system to access health information from the Iowa health information network. 4. Nothing in this chapter shall be interpreted to impede or preclude the formation and operation of regional, population-specific, or local health information networks or the participation of such networks in the Iowa health information network. 2015 Acts, ch 73, §4, 9

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135D - IOWA HEALTH INFORMATION NETWORK Section 135D.5 - Designated entity — administration and governance.

135D.5 Designated entity — administration and governance. 1. The Iowa health information network shall be administered and governed by a designated entity selected by the department through a competitive process. The designated entity shall be established as a nonprofit corporation organized under chapter 504. Unless otherwise provided in this chapter, the corporation is subject to the provisions of chapter 504. The designated entity shall be established for the purpose of administering and governing the statewide Iowa health information network. 2. The designated entity shall collaborate with the department, but the designated entity shall not be considered, in whole or in part, an agency, department, or administrative unit of the state. a. The designated entity shall not be required to comply with any requirements that apply to a state agency, department, or administrative unit and shall not exercise any

sovereign power of the state. b. The designated entity does not have authority to pledge the credit of the state. The assets and liabilities of the designated entity shall be separate from the assets and liabilities of the state and the state shall not be liable for the debts or obligations of the designated entity. All debts and obligations of the designated entity shall be payable solely from the designated entity's funds. The state shall not guarantee any obligation of or have any obligation to the designated entity. 3. The articles of incorporation of the designated entity shall provide for its governance and its efficient management. In providing for its governance, the articles of the designated entity shall address the following: a. A board of directors to govern the designated entity. b. The appointment of a chief executive officer by the board to manage the designated entity's daily operations. c. The delegation of such powers and responsibilities to the chief executive officer as may be necessary for the designated entity's efficient operation. d. The employment of personnel necessary for the efficient performance of the duties assigned to the designated entity. All such personnel shall be considered employees of a private, nonprofit corporation and shall be exempt from the personnel requirements imposed on state agencies, departments, and administrative units. e. The financial operations of the designated entity including the authority to receive and expend funds from public and private sources and to use its property, money, or other resources for the purpose of the designated entity. 2015 Acts, ch 73, §5, 9

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135D - IOWA HEALTH INFORMATION NETWORK Section 135D.6 - Board of directors — composition — duties.

135D.6 Board of directors — composition — duties. 1. The designated entity shall be administered by a board of directors. 2. A single industry shall not be disproportionately represented as voting members of the board. The board shall include at least one member who is a consumer of health services and a majority of the voting members of the board shall be representative of participants in the Iowa health information network. The director of health and human services or the director's designee and the director of the Medicaid program or the director's designee shall act as voting members of the board. The commissioner of insurance shall act as an ex officio, nonvoting member of the board. Individuals serving in an ex officio, nonvoting capacity shall not be included in the total number of individuals authorized as members of the board. 3. The board of directors shall do all of the following: a. Ensure that the designated entity enters into contracts with each state agency necessary for state reporting requirements. b. Develop, implement, and enforce the following: (1) A single patient identifier or alternative mechanism to share secure patient information that is utilized by all health care professionals. (2) Standards, requirements, policies, and procedures for access to, use, secondary use, privacy, and security of health information exchanged through the Iowa health information network, consistent with applicable federal and state standards and laws. c. Direct a public and private collaborative effort to promote the adoption and use of health information technology in the state to improve health care quality, increase patient safety, reduce health care costs, enhance public health, and empower individuals and health care professionals with comprehensive, real-time medical information to provide continuity of care and make the best health care decisions. d. Educate the public and the health care sector about the value of health information technology in improving patient care, and methods to promote increased support and collaboration of state and local public health agencies, health care professionals, and consumers in health information technology initiatives. e. Work to align interstate and intrastate interoperability standards in accordance with national health information exchange standards. f. Provide an annual budget and fiscal report for the Iowa health information network to the governor, the department of health and human services, the department of management, the chairs and ranking members of the legislative government oversight standing committees, and the legislative services agency. The report shall also include information about the services provided through the network and information on the participant usage of the network. 2015 Acts, ch 73, §6, 9; 2023 Acts, ch 19, §181, 182 Subsection 2 amended Subsection 3, paragraph f amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135D - IOWA HEALTH INFORMATION NETWORK Section 135D.7 - Legal and policy — liability — confidentiality.

135D.7 Legal and policy — liability — confidentiality. 1. The board shall implement industry-accepted security standards, policies, and procedures to protect the transmission and receipt of protected health information exchanged through the Iowa health information network, which shall, at a minimum, comply with HIPAA and shall include all of the following: a. A secure and traceable electronic audit system to document and monitor the sender and recipient of health information exchanged through the Iowa health information network. b. A required standard participation agreement which defines the minimum privacy and security obligations of all participants using the Iowa health information network and services available through the Iowa health information network. c. The opportunity for a patient to decline exchange of the patient's health information through the record locator service of the Iowa health information network. (1) A patient shall not be denied care or treatment for declining to exchange the patient's health information, in whole or in part, through the network. (2) The board shall provide the means and process by which a patient may decline participation. The means and process utilized shall minimize the burden on patients and health care professionals. (3) Unless otherwise authorized by law or rule, a patient's decision to decline participation means that none of the patient's health information shall be accessible through the record locator service function of the Iowa health information network. A patient's decision to decline having health information shared through the record locator service function shall not limit a health care professional with whom the patient has or is considering a treatment relationship from sharing health information concerning the patient through the secure messaging function of the Iowa health information network. (4) A patient who declines participation in the Iowa health information network may later decide to have health information shared through the network. A patient who is participating in the network may later decline participation in the network. 2. A participant shall not be compelled by subpoena,

court order, or other process of law to access health information through the Iowa health information network in order to gather records or information not created by the participant. 3. A participant exchanging health information and data through the Iowa health information network shall grant to other participants of the network a nonexclusive license to retrieve and use that information in accordance with applicable state and federal laws, and the policies and standards established by the board. 4. A health care professional who relies reasonably and in good faith upon any health information provided through the Iowa health information network in treatment of a patient who is the subject of the health information shall be immune from criminal or civil liability arising from the damages caused by such reasonable, good-faith reliance. Such immunity shall not apply to acts or omissions constituting negligence, recklessness, or intentional misconduct. 5. A participant who has disclosed health information through the Iowa health information network in compliance with applicable law and the standards, requirements, policies, procedures, and agreements of the network shall not be subject to criminal or civil liability for the use or disclosure of the health information by another participant. 6. The following records shall be confidential records pursuant to chapter 22, unless otherwise ordered by a court or consented to by the patient or by a person duly authorized to release such information: a. The health information contained in, stored in, submitted to, transferred or exchanged by, or released from the Iowa health information network. b. Any health information in the possession of the board due to its administration of the Iowa health information network. 7. Unless otherwise provided in this chapter, when sharing health information through the Iowa health information network or a private health information network maintained in this state that complies with the privacy and security requirements of this chapter for the purposes of patient treatment, payment or health care operations, as such terms are defined in HIPAA, or for the purposes of public health activities or care coordination, a participant authorized by the designated entity to use the record locator service is exempt from any other state law that is more restrictive than HIPAA that would otherwise prevent or hinder the exchange of patient information by the participant. 8. A patient aggrieved or adversely affected by the designated entity's failure to comply with subsection 1, paragraph "c", may bring a civil action for equitable relief as the court deems appropriate. 2015 Acts, ch 73, §7, 9

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135G - SUBACUTE MENTAL HEALTH CARE FACILITIES Section 135G.1 - Definitions.

135G.1 Definitions. As used in this chapter, unless the context otherwise requires: 1. "Advanced registered nurse practitioner" means a person currently licensed as a registered nurse under chapter 152 or 152E who is licensed by the board of nursing as an advanced registered nurse practitioner. 2. "Department" means the department of inspections, appeals, and licensing. 3. "Direction" means authoritative policy or procedural guidance for the accomplishment of a function or an activity. 4. "Licensee" means the holder of a license issued to operate a subacute care facility for persons with serious and persistent mental illness. 5. "Mental health professional" means the same as defined in section 228.1. 6. "Mental health services" means services provided by a mental health professional operating within the scope of the professional's practice which address mental, emotional, medical, or behavioral problems. 7. "Physician" means a person licensed under chapter 148. 8. "Physician assistant" means a person licensed under chapter 148C. 9. "Rehabilitative services" means services to encourage and assist restoration of a resident's optimum mental and physical capabilities. 10. "Resident" means a person who is eighteen years of age or older and has been determined by a mental health professional to need subacute mental health services. 11. "Subacute care facility for persons with serious and persistent mental illness" or "subacute care facility" means an institution, place, building, or agency with restricted means of egress providing subacute mental health services for a period exceeding twenty-four consecutive hours to persons in need of the services. 12. "Subacute mental health services" means the same as defined in section 225C.6. 13. "Supervision" means direct oversight and inspection of the act of accomplishing a function or activity. 14. "Treatment care plan" means a plan of care and services designed to eliminate the need for acute care by improving the condition of a person with serious and persistent mental illness. Services must be based upon a diagnostic evaluation, which includes an examination of the medical, psychological, social, behavioral, and developmental aspects of the person's situation, reflecting the need for inpatient care. 2012 Acts, ch 1120, §40; 2015 Acts, ch 56, §2; 2023 Acts, ch 19, §1891; 2023 Acts, ch 73, §2 Subsections 2 and 8 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135G - SUBACUTE MENTAL HEALTH CARE FACILITIES Section 135G.10 - Rules.

135G.10 Rules. 1. The department of inspections, appeals, and licensing and the department of health and human services shall collaborate in establishing standards for licensing of subacute care facilities to achieve all of the following objectives: a. Subacute mental health services are provided based on sound, proven clinical practice. b. Subacute mental health services are established in a manner that allows the services to be included in the federal medical assistance state plan. 2. It is the intent of the general assembly that subacute mental health services be included in the Medicaid state plan adopted for the implementation of the federal Patient Protection and Affordable Care Act, benchmark plan. 3. The department of inspections, appeals, and licensing, in consultation with the department of health and human services and affected professional groups, shall adopt and enforce rules setting out the standards for a subacute care facility and the rights of the residents admitted to a subacute care facility. The department of inspections, appeals, and licensing and the department of health and human services shall coordinate the adoption of rules and the enforcement of the rules in order to prevent duplication of effort by the departments and of requirements of the licensee. 2012 Acts, ch 1120, §49; 2023 Acts, ch 19, §183, 1892, 1893 Responsibility of department of health and human services to adopt standards in coordination with department of inspections, appeals, and licensing for facility-based and community-based, subacute mental health services; see §225C.6 See Code editor's note on simple harmonization at the beginning of this Code volume Section amended

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 135G - SUBACUTE MENTAL HEALTH CARE FACILITIESSection 135G.11 - Complaints alleging violations.

135G.11 Complaints alleging violations. 1. A person may request an inspection of a subacute care facility by filing with the department a complaint of an alleged violation of an applicable requirement of this chapter or a rule adopted pursuant to this chapter. The complaint shall state in a reasonably specific manner the basis of the complaint. A statement of the nature of the complaint shall be delivered to the subacute care facility involved at the time of or prior to the inspection. 2. Upon receipt of a complaint made in accordance with subsection 1, the department shall make a preliminary review of the complaint. Unless the department concludes that the complaint is intended to harass a subacute care facility or a licensee or is without reasonable basis, it shall within twenty working days of receipt of the complaint make or cause to be made an on-site inspection of the subacute care facility which is the subject of the complaint. The department of inspections, appeals, and licensing may refer to the department of health and human services any complaint received by the department of inspections, appeals, and licensing if the complaint applies to rules adopted by the department of health and human services. The complainant shall also be notified of the name, address, and telephone number of the designated protection and advocacy agency if the alleged violation involves a facility with one or more residents with a developmental disability or mental illness. In any case, the complainant shall be promptly informed of the result of any action taken by the department in the matter. 3. An inspection made pursuant to a complaint filed under subsection 1 need not be limited to the matter or matters referred to in the complaint; however, the inspection shall not be a general inspection unless the complaint inspection coincides with a scheduled general inspection. Upon arrival at the subacute care facility to be inspected, the inspector shall show identification to the person in charge of the subacute care facility and state that an inspection is to be made, before beginning the inspection. Upon request of either the complainant or the department, the complainant or the complainant's representative or both may be allowed the privilege of accompanying the inspector during any on-site inspection made pursuant to this section. The inspector may cancel the privilege at any time if the inspector determines that the privacy of a resident of the subacute care facility to be inspected would be violated. The dignity of the resident shall be given first priority by the inspector and others. 2012 Acts, ch 1120, §50; 2023 Acts, ch 19, §184, 1894 See Code editor's note on simple harmonization at the beginning of this Code volume Subsection 2 amended

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 135G - SUBACUTE MENTAL HEALTH CARE FACILITIESSection 135G.12 - Information confidential.

135G.12 Information confidential. 1. The department's final findings regarding licensure shall be made available to the public in a readily available form and place. Other information relating to the subacute care facility is confidential and shall not be made available to the public except in proceedings involving licensure, a civil suit involving a resident, or an administrative action involving a resident. 2. The name of a person who files a complaint with the department shall remain confidential and is not subject to discovery, subpoena, or any other means of legal compulsion for release to a person other than an employee of the department or an agent involved in the investigation of the complaint. 3. Information regarding a resident who has received or is receiving care shall not be disclosed directly or indirectly except as authorized under section 217.30. 2012 Acts, ch 1120, §51

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 135G - SUBACUTE MENTAL HEALTH CARE FACILITIESSection 135G.13 - Judicial review.

135G.13 Judicial review. Judicial review of the action of the department may be sought pursuant to the Iowa administrative procedure Act, chapter 17A. Notwithstanding chapter 17A, a petition for judicial review of the department's actions under this chapter may be filed in the district court of the county in which the related subacute care facility is located or is proposed to be located. The status of the petitioner or the licensee shall be preserved pending final disposition of the judicial review. 2012 Acts, ch 1120, §52

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 135G - SUBACUTE MENTAL HEALTH CARE FACILITIESSection 135G.14 - Penalty.

135G.14 Penalty. A person who establishes, operates, or manages a subacute care facility without obtaining a license under this chapter commits a serious misdemeanor. Each day of continuing violation following conviction shall be considered a separate offense. 2012 Acts, ch 1120, §53

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 135G - SUBACUTE MENTAL HEALTH CARE FACILITIESSection 135G.15 - Injunction.

135G.15 Injunction. Notwithstanding the existence or pursuit of another remedy, the department may maintain an action for injunction or other process to restrain or prevent the establishment, operation, or management of a subacute care facility without a license. 2012 Acts, ch 1120, §54

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 135G - SUBACUTE MENTAL HEALTH CARE FACILITIESSection 135G.2 - Purpose.

135G.2 Purpose. The purpose of this chapter is to provide for the development, establishment, and enforcement of basic standards

for the operation, construction, and maintenance of a subacute care facility which will ensure the safe and adequate diagnosis, evaluation, and treatment of persons with serious and persistent mental illness so that the persons are able to experience recovery and live successfully in the community. 2012 Acts, ch 1120, §41

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135G - SUBACUTE MENTAL HEALTH CARE FACILITIES Section 135G.3 - Nature of care — seclusion room — admissions.

135G.3 Nature of care — seclusion room — admissions. 1. A subacute care facility shall utilize a team of professionals to direct an organized program of diagnostic services, subacute mental health services, and rehabilitative services to meet the needs of residents in accordance with a treatment care plan developed for each resident under the supervision of a mental health professional. The goal of a treatment care plan is to transition residents to a less restrictive environment, including a home-based community setting. Social and rehabilitative services shall also be provided under the direction of a mental health professional. 2. The mental health professional providing supervision of the subacute care facility's treatment care plans shall evaluate the condition of each resident as medically necessary and shall be available to residents of the facility on an on-call basis at all other times. Additional evaluation and treatment may be provided by a mental health professional. The subacute care facility may employ a seclusion room meeting the conditions described in 42 C.F.R. §483.364(b) with approval of a licensed psychiatrist or by order of the resident's physician, a physician assistant, or an advanced registered nurse practitioner. 2012 Acts, ch 1120, §42; 2013 Acts, ch 19, §4, 6, 7

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135G - SUBACUTE MENTAL HEALTH CARE FACILITIES Section 135G.4 - Licensure.

135G.4 Licensure. 1. A person shall not establish, operate, or maintain a subacute care facility unless the person obtains a license for the subacute care facility under this chapter. 2. An intermediate care facility for persons with mental illness licensed under chapter 135C may convert to a subacute care facility by submitting an application for a license in accordance with section 135G.5 accompanied by written notice to the department that the facility has employed a mental health professional and desires to make the conversion. An intermediate care facility for persons with mental illness applying for a license under this subsection remains subject to subsection 1 until a license is issued. 2012 Acts, ch 1120, §43; 2013 Acts, ch 19, §5 – 7

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135G - SUBACUTE MENTAL HEALTH CARE FACILITIES Section 135G.5 - Application for license.

135G.5 Application for license. An application for a license under this chapter shall be submitted on a form requesting information required by the department, which may include affirmative evidence of the applicant's ability to comply with the rules for standards adopted pursuant to this chapter. An application for a license shall be accompanied by the required license fee which shall be credited to the general fund of the state. The initial and annual license fee is twenty-five dollars. 2012 Acts, ch 1120, §44 Referred to in §135G.4

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135G - SUBACUTE MENTAL HEALTH CARE FACILITIES Section 135G.6 - Inspection — conditions for issuance.

135G.6 Inspection — conditions for issuance. The department shall issue a license to an applicant under this chapter if the department has ascertained that the applicant's facilities and staff are adequate to provide the care and services required of a subacute care facility. 2012 Acts, ch 1120, §45; 2015 Acts, ch 61, §1; 2018 Acts, ch 1056, §4

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135G - SUBACUTE MENTAL HEALTH CARE FACILITIES Section 135G.7 - Denial, suspension, or revocation of license.

135G.7 Denial, suspension, or revocation of license. The department may deny an application or suspend or revoke a license if the department finds that an applicant or licensee has failed or is unable to comply with this chapter or the rules establishing minimum standards pursuant to this chapter or if any of the following conditions apply: 1. It is shown that a resident is a victim of cruelty or neglect due to the acts or omissions of the licensee. 2. The licensee has permitted, aided, or abetted in the commission of an illegal act in the subacute care facility. 3. An applicant or licensee acted to obtain or to retain a license by fraudulent means, misrepresentation, or submitting false information. 4. The licensee has willfully failed or neglected to maintain a continuing in-service education and training program for persons employed by the subacute care facility. 5. The application involves a person who has failed to operate a subacute care facility in compliance with the provisions of this chapter. 2012 Acts, ch 1120, §46

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135G - SUBACUTE MENTAL HEALTH CARE FACILITIES Section 135G.8 - Provisional license.

135G.8 Provisional license. The department may issue a provisional license, effective for not more than one year, to a licensee whose subacute care facility does not meet the requirements of this chapter if, prior to issuance of the license, the applicant submits written plans to achieve compliance with the applicable requirements and the plans are approved by the department. The plans shall specify the deadline for achieving compliance. 2012 Acts, ch 1120, §47

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135G - SUBACUTE MENTAL HEALTH CARE FACILITIES Section 135G.9 - Notice and hearings.

135G.9 Notice and hearings. The procedure governing notice and hearing to deny an application or suspend or revoke a license shall be in accordance with rules adopted by the department pursuant to chapter 17A. A full and complete record shall be kept of the proceedings and of any testimony. The record need not be transcribed unless judicial review is sought. A copy or copies of a transcript may be obtained by an interested party upon payment of the cost of preparing the transcript or copies. 2012 Acts, ch 1120, §48

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135H - PSYCHIATRIC MEDICAL INSTITUTIONS FOR CHILDREN Section 135H.1 - Definitions.

135H.1 Definitions. As used in this chapter, unless the context otherwise requires: 1. “Department” means the department of inspections, appeals, and licensing. 2. “Direction” means authoritative policy or procedural guidance for the accomplishment of a function or an activity. 3. “Licensee” means the holder of a license issued to operate a psychiatric medical institution for children. 4. “Medical care plan” means a plan of care and services designed to eliminate the need for inpatient care by improving the condition of a child. Services must be based upon a diagnostic evaluation, which includes an examination of the medical, psychological, social, behavioral, and developmental aspects of the child’s situation, reflecting the need for inpatient care. 5. “Mental health professional” means an individual who has all of the following qualifications: a. The individual holds at least a master’s degree in a mental health field, including but not limited to, psychology, counseling and guidance, nursing, and social work, or the individual is a physician. b. The individual holds a current Iowa license if practicing in a field covered by an Iowa licensure law. c. The individual has at least two years of post-degree clinical experience, supervised by another mental health professional, in assessing mental health needs and problems and in providing appropriate mental health services. 6. “Nursing care” means services which are provided under the direction of a physician or registered nurse. 7. “Physician” means a person licensed under chapter 148. 8. “Psychiatric medical institution for children” or “psychiatric institution” means an institution providing more than twenty-four hours of continuous care involving long-term psychiatric services to three or more children in residence for expected periods of fourteen or more days for diagnosis and evaluation or for expected periods of ninety days or more for treatment. 9. “Psychiatric services” means services provided under the direction of a physician which address mental, emotional, medical, or behavioral problems. 10. “Rehabilitative services” means services to encourage and assist restoration of a resident’s optimum mental and physical capabilities. 11. “Resident” means a person who is less than twenty-one years of age and has been admitted by a physician to a psychiatric medical institution for children. 12. “Supervision” means direct oversight and inspection of the act of accomplishing a function or activity. 89 Acts, ch 283, §2; 94 Acts, ch 1120, §14, 15; 2008 Acts, ch 1088, §90; 2023 Acts, ch 19, §1895 Referred to in §249A.30A Subsection 1 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135H - PSYCHIATRIC MEDICAL INSTITUTIONS FOR CHILDREN Section 135H.10 - Rules.

135H.10 Rules. 1. The department, in consultation with the department of health and human services and affected professional groups, shall adopt and enforce rules setting out the standards for a psychiatric medical institution for children and the rights of the residents admitted to a psychiatric institution. The department and the department of health and human services shall coordinate the adoption of rules and the enforcement of the rules in order to prevent duplication of effort by the departments and of requirements of the licensee. 2. This chapter shall not be construed as prohibiting the use of funds appropriated for foster care to provide payment to a psychiatric medical institution for children for the financial participation required of a child whose foster care placement is in a psychiatric medical institution for children. In accordance with established policies and procedures for foster care, the department of health and human services shall act to recover any such payment for financial participation, apply to be named payee for the child’s unearned income, and recommend parental liability for the costs of a court-ordered foster care placement in a psychiatric medical institution. 89 Acts, ch 283, §11; 2001 Acts, ch 135, §30; 2012 Acts, ch 1133, §94; 2023 Acts, ch 19, §189, 1896 See Code editor’s note on simple harmonization at the beginning of this Code volume Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135H - PSYCHIATRIC MEDICAL INSTITUTIONS FOR CHILDREN Section 135H.11 - Complaints alleging violations — confidentiality.

135H.11 Complaints alleging violations — confidentiality. A person may request an inspection of a psychiatric medical institution for children by filing with the department a complaint of an alleged violation of an applicable requirement of this chapter or a rule adopted pursuant to this chapter. The complaint shall state in a reasonably specific manner the basis of the complaint. A statement of the nature of the complaint shall be delivered to the psychiatric institution involved at the time of or prior to the inspection. The name of the person who files a complaint with the department shall be kept confidential and shall not be subject to discovery, subpoena, or other means of legal compulsion for its release to a person other than department employees involved in the investigation of the complaint. 89 Acts, ch 283, §12 Referred to in §135H.12

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135H - PSYCHIATRIC MEDICAL INSTITUTIONS FOR CHILDREN Section 135H.12 - Inspections upon complaints.

135H.12 Inspections upon complaints. 1. Upon receipt of a complaint made in accordance with section 135H.11, the department shall make a preliminary review of the complaint. Unless the department concludes that the complaint is intended to harass a psychiatric institution or a licensee or is without reasonable basis, it shall within twenty working days of receipt of the complaint make or cause to be made an on-site inspection of the psychiatric institution which is the subject of the complaint. The department may refer to the department of health and human services any complaint received by the department if the complaint applies to rules adopted by the department of health and human services. The complainant shall also be notified of the name, address, and telephone number of the designated protection and advocacy agency if the alleged violation involves a facility with one or more residents with developmental disabilities or mental illness. In any case, the complainant shall be promptly informed of the result of any action taken by the department in the matter. 2. An inspection made pursuant to a complaint filed under section 135H.11 need not be limited to the matter or matters referred to in the complaint; however, the inspection shall not be a general inspection unless the complaint inspection coincides with a scheduled general inspection. Upon arrival at the psychiatric institution to be inspected, the inspector shall show identification to the person in charge of the psychiatric institution and state that an inspection is to be made, before beginning the inspection. Upon request of either the complainant or the department, the complainant or the complainant's representative or both may be allowed the privilege of accompanying the inspector during any on-site inspection made pursuant to this section. The inspector may cancel the privilege at any time if the inspector determines that the privacy of a resident of the psychiatric institution to be inspected would be violated. The dignity of the resident shall be given first priority by the inspector and others. 89 Acts, ch 283, §13; 2023 Acts, ch 19, §190, 1897 See Code editor's note on simple harmonization at the beginning of this Code volume Subsection 1 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135H - PSYCHIATRIC MEDICAL INSTITUTIONS FOR CHILDREN Section 135H.13 - Information confidential.

135H.13 Information confidential. 1. The department's final findings and the survey findings of the joint commission on the accreditation of health care organizations regarding licensure or program accreditation shall be made available to the public in a readily available form and place. Other information relating to the psychiatric institution is confidential and shall not be made available to the public except in proceedings involving licensure, a civil suit involving a resident, or an administrative action involving a resident. 2. The name of a person who files a complaint with the department shall remain confidential and is not subject to discovery, subpoena, or any other means of legal compulsion for release to a person other than an employee of the department or an agent involved in the investigation of the complaint. 3. Information regarding a resident who has received or is receiving care shall not be disclosed directly or indirectly except as authorized under section 217.30, 232.69, or 237.21. 89 Acts, ch 283, §14

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135H - PSYCHIATRIC MEDICAL INSTITUTIONS FOR CHILDREN Section 135H.14 - Judicial review.

135H.14 Judicial review. Judicial review of the action of the department may be sought pursuant to the Iowa administrative procedure Act, chapter 17A. Notwithstanding the Iowa administrative procedure Act, chapter 17A, a petition for judicial review of the department's actions under this chapter may be filed in the district court of the county in which the related psychiatric medical institution for children is located or is proposed to be located. The status of the petitioner or the licensee shall be preserved pending final disposition of the judicial review. 89 Acts, ch 283, §15; 2003 Acts, ch 44, §114

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135H - PSYCHIATRIC MEDICAL INSTITUTIONS FOR CHILDREN Section 135H.15 - Penalty.

135H.15 Penalty. A person who establishes, operates, or manages a psychiatric medical institution for children without obtaining a license under this chapter commits a serious misdemeanor. Each day of continuing violation following conviction shall be considered a separate offense. 89 Acts, ch 283, §16

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135H - PSYCHIATRIC MEDICAL INSTITUTIONS FOR CHILDREN Section 135H.16 - Injunction.

135H.16 Injunction. Notwithstanding the existence or pursuit of another remedy, the department may maintain an action for injunction or other process to restrain or prevent the establishment, operation, or management of a psychiatric medical institution for children without a license. 89 Acts, ch 283, §17

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135H - PSYCHIATRIC MEDICAL INSTITUTIONS FOR CHILDREN Section 135H.2 - Purpose.

135H.2 Purpose. The purpose of this chapter is to provide for the development, establishment, and enforcement of basic standards for the operation, construction, and maintenance of a psychiatric medical institution for children which will ensure the safe and adequate diagnosis and evaluation and treatment of the residents. 89 Acts, ch 283, §3

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135H - PSYCHIATRIC MEDICAL INSTITUTIONS FOR CHILDREN Section 135H.3 - Nature of care.

135H.3 Nature of care. 1. A psychiatric medical institution for children shall utilize a team of professionals to direct an organized program of diagnostic services, psychiatric services, nursing care, and rehabilitative services to meet the needs of residents in accordance with a medical care plan developed for each resident. The membership of the team of professionals may include but is not limited to an advanced registered nurse practitioner or a physician assistant. Social and rehabilitative services shall be provided under the direction of a qualified mental health professional. 2. If a child is diagnosed with a biologically based mental illness as defined in section 514C.22 and meets the medical assistance program criteria for admission to a psychiatric medical institution for children, the child shall be deemed to meet the acuity criteria for medically necessary inpatient benefits under a group policy, contract, or plan providing for third-party payment or prepayment of health, medical, and surgical coverage benefits issued by a carrier, as defined in section 513B.2, that is subject to section 514C.22. Such medically necessary benefits shall not be excluded or denied as care that is substantially custodial in nature under section 514C.22, subsection 8, paragraph “b”. 89 Acts, ch 283, §4; 2009 Acts, ch 179, §182; 2011 Acts, ch 121, §7; 2011 Acts, ch 131, §151, 153; 2017 Acts, ch 148, §29

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135H - PSYCHIATRIC MEDICAL INSTITUTIONS FOR CHILDREN Section 135H.4 - Licensure.

135H.4 Licensure. A person shall not establish, operate, or maintain a psychiatric medical institution for children unless the person obtains a license for the institution under this chapter and either holds a license under section 237.3, subsection 2, paragraph “a”, as a comprehensive residential facility for children or holds a license under section 125.13, if the facility provides substance use disorder treatment. 89 Acts, ch 283, §5; 93 Acts, ch 53, §6; 93 Acts, ch 172, §29; 93 Acts, ch 180, §79; 2023 Acts, ch 19, §185
Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135H - PSYCHIATRIC MEDICAL INSTITUTIONS FOR CHILDREN Section 135H.5 - Application for license.

135H.5 Application for license. An application for a license under this chapter shall be submitted on a form requesting information required by the department, which may include affirmative evidence of the applicant’s ability to comply with the rules for standards adopted pursuant to this chapter. An application for a license shall be accompanied by the required license fee which shall be credited to the general fund of the state. The initial and annual license fee is twenty-five dollars. 89 Acts, ch 283, §6

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135H - PSYCHIATRIC MEDICAL INSTITUTIONS FOR CHILDREN Section 135H.6 - Inspection — conditions for issuance.

135H.6 Inspection — conditions for issuance. 1. The department shall issue a license to an applicant under this chapter if all the following conditions exist: a. The department has ascertained that the applicant’s medical facilities and staff are adequate to provide the care and services required of a psychiatric institution. b. The proposed psychiatric institution is accredited by the joint commission on the accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, the council on accreditation of services for families and children, or by any other recognized accrediting organization with comparable standards acceptable under federal regulation. c. The applicant complies with applicable state rules and standards for a psychiatric institution adopted by the department in accordance with federal requirements under 42 C.F.R. §441.150 – 441.156 . d. The applicant has been awarded a certificate of need pursuant to chapter 135, unless exempt as provided in this section. e. The department of health and human services has submitted written approval of the application based on the department of health and human services’ determination of need. The department of health and human services shall identify the location and number of children in the state who require the services of a psychiatric medical institution for children. Approval of an application shall be based upon the location of the proposed psychiatric institution relative to the need for services identified by the department of health and human services and an analysis of the applicant’s ability to provide services and support consistent with requirements under chapter 232, particularly regarding community-based treatment. If the proposed psychiatric institution is not freestanding from a facility licensed under chapter 135B or 135C, approval under this paragraph shall not be given unless the department of health and human services certifies that the proposed psychiatric institution is capable of providing a resident with a living environment similar to the living environment provided by a licensee which is freestanding from a facility licensed under chapter 135B or 135C. f. The proposed psychiatric institution is under the direction of an agency which has operated a facility licensed under section 237.3, subsection 2, paragraph “a”, as a comprehensive residential facility for children for three years or of an agency which has operated a facility for three years providing psychiatric services exclusively to children or adolescents and the facility meets or exceeds requirements for licensure under section 237.3, subsection 2, paragraph “a”, as a comprehensive residential facility for children. g. If a child has an emotional, behavioral, or mental health disorder, the psychiatric institution does not require court proceedings to be initiated or that a child’s parent, guardian, or custodian must terminate parental rights over or transfer legal custody of the child for the purpose of obtaining treatment from the psychiatric institution for the child. Relinquishment of a child’s custody shall not be a condition of the child receiving services. 2. The department of health and human services shall not give approval to an application which would cause the total number of beds licensed under this chapter for services reimbursed by the medical assistance program under chapter 249A to exceed four hundred thirty beds. 3. In addition to the beds authorized under subsection 2, the department of health and human services may establish not more than thirty beds licensed under this chapter at the state mental health institute at Independence. The beds shall be exempt from the certificate of need requirement under subsection 1, paragraph “d”. 4. The department of health and human services may give approval to conversion of beds approved under subsection 2, to beds which are

specialized to provide substance use disorder treatment. However, the total number of beds approved under subsection 2 and this subsection shall not exceed four hundred thirty. Conversion of beds under this subsection shall not require a revision of the certificate of need issued for the psychiatric institution making the conversion. Beds for children who do not reside in this state and whose service costs are not paid by public funds in this state are not subject to the limitations on the number of beds and certificate of need requirements otherwise applicable under this section. 5. A psychiatric institution licensed prior to July 1, 1999, may exceed the number of beds authorized under subsection 2 if the excess beds are used to provide services funded from a source other than the medical assistance program under chapter 249A. Notwithstanding subsection 1, paragraphs “d” and “e”, and subsection 2, the provision of services using those excess beds does not require a certificate of need or a review by the department of health and human services. 89 Acts, ch 283, §7; 90 Acts, ch 1239, §1, 2; 93 Acts, ch 53, §7; 93 Acts, ch 172, §30; 93 Acts, ch 180, §80; 96 Acts, ch 1213, §32; 98 Acts, ch 1218, §66; 99 Acts, ch 51, §1, 2; 99 Acts, ch 98, §1; 2001 Acts, ch 191, §35; 2005 Acts, ch 117, §1; 2011 Acts, ch 121, §8; 2011 Acts, ch 131, §151, 153; 2018 Acts, ch 1026, §49; 2023 Acts, ch 19, §186, 187 Referred to in §226.9B Subsection 1, paragraph e amended Subsections 2, 3, 4, and 5 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135H - PSYCHIATRIC MEDICAL INSTITUTIONS FOR CHILDREN Section 135H.7 - Personnel.

135H.7 Personnel. 1. A person shall not be allowed to provide services in a psychiatric institution if the person has a disease which is transmissible to other persons through required contact in the workplace, which presents a significant risk of infecting other persons, which presents a substantial possibility of harming other persons, or for which no reasonable accommodation can eliminate the risk of infecting other persons. 2. a. If a person is being considered for licensure under this chapter, or for employment involving direct responsibility for a child or with access to a child when the child is alone, by a licensed psychiatric institution, or if a person will reside in a facility utilized by a licensee, and if the person has been convicted of a crime or has a record of founded child abuse, the record check evaluation system and the licensee for an employee of the licensee shall perform an evaluation to determine whether the crime or founded child abuse warrants prohibition of licensure, employment, or residence in the facility. The record check evaluation system of the department of health and human services shall conduct criminal and child abuse record checks in this state and may conduct these checks in other states. The evaluation shall be performed in accordance with procedures adopted for this purpose by the department of health and human services. b. If the record check evaluation system determines that a person has committed a crime or has a record of founded child abuse and is licensed, employed by a psychiatric institution licensed under this chapter, or resides in a licensed facility, the record check evaluation system shall notify the program that an evaluation will be conducted to determine whether prohibition of the person’s licensure, employment, or residence is warranted. c. In an evaluation, the record check evaluation system and the licensee for an employee of the licensee shall consider the nature and seriousness of the crime or founded child abuse in relation to the position sought or held, the time elapsed since the commission of the crime or founded child abuse, the circumstances under which the crime or founded child abuse was committed, the degree of rehabilitation, the likelihood that the person will commit the crime or founded child abuse again, and the number of crimes or founded child abuses committed by the person involved. The record check evaluation system may permit a person who is evaluated to be licensed, employed, or to reside, or to continue to be licensed, employed, or to reside in a licensed facility, if the person complies with the record check evaluation system’s conditions relating to the person’s licensure, employment, or residence, which may include completion of additional training. For an employee of a licensee, these conditional requirements shall be developed with the licensee. The record check evaluation system has final authority in determining whether prohibition of the person’s licensure, employment, or residence is warranted and in developing any conditional requirements under this paragraph. 3. If the record check evaluation system determines that the person has committed a crime or has a record of founded child abuse which warrants prohibition of licensure, employment, or residence, the person shall not be licensed under this chapter to operate a psychiatric institution and shall not be employed by a psychiatric institution or reside in a facility licensed under this chapter. 4. In addition to the record checks required under subsection 2, the record check evaluation system may conduct dependent adult abuse record checks in this state and may conduct these checks in other states, on a random basis. The provisions of subsections 2 and 3, relative to an evaluation following a determination that a person has been convicted of a crime or has a record of founded child abuse, shall also apply to a random dependent adult abuse record check conducted under this subsection. 5. A licensee shall inform all new applicants for employment of the possibility of the performance of a record check and shall obtain, from the applicant, a signed acknowledgment of the receipt of the information. 6. A licensee shall include the following inquiry in an application for employment: Do you have a record of founded child or dependent adult abuse or have you ever been convicted of a crime, in this state or any other state? 89 Acts, ch 283, §8; 90 Acts, ch 1221, §2; 91 Acts, ch 138, §2; 92 Acts, ch 1163, §35; 94 Acts, ch 1130, §13; 2023 Acts, ch 19, §188 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135H - PSYCHIATRIC MEDICAL INSTITUTIONS FOR CHILDREN Section 135H.8 - Denial, suspension, or revocation of license.

135H.8 Denial, suspension, or revocation of license. The department may deny an application or suspend or revoke a license if the department finds that an applicant or licensee has failed or is unable to comply with this chapter or the rules establishing minimum standards pursuant to this chapter or if any of the following conditions apply: 1. It is shown that a resident is a victim of cruelty or neglect due to the acts or omissions of the licensee. 2. The licensee has permitted, aided, or abetted in the commission of an illegal act in the psychiatric institution. 3. An applicant or licensee acted to obtain or to retain a license by fraudulent means,

misrepresentation, or submitting false information. 4. The licensee has willfully failed or neglected to maintain a continuing in-service education and training program for persons employed by the psychiatric institution. 5. The application involves a person who has failed to operate a psychiatric institution in compliance with the provisions of this chapter. 89 Acts, ch 283, §9

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135H - PSYCHIATRIC MEDICAL INSTITUTIONS FOR CHILDREN Section 135H.8A - Provisional license.

135H.8A Provisional license. The department may issue a provisional license, effective for not more than one year, to a licensee whose psychiatric institution does not meet the requirements of this chapter, if, prior to issuance of the license, written plans to achieve compliance with the applicable requirements are submitted to and approved by the department. The plans shall specify the deadline for achieving compliance. 95 Acts, ch 51, §2

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135H - PSYCHIATRIC MEDICAL INSTITUTIONS FOR CHILDREN Section 135H.9 - Notice and hearings.

135H.9 Notice and hearings. The procedure governing notice and hearing to deny an application or suspend or revoke a license shall be in accordance with rules adopted by the department pursuant to chapter 17A. A full and complete record shall be kept of the proceedings and of any testimony. The record need not be transcribed unless judicial review is sought. A copy or copies of a transcript may be obtained by an interested party upon payment of the cost of preparing the transcript or copies. 89 Acts, ch 283, §10

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135I - SWIMMING POOLS, SPAS, AND SPRAY PADS Section 135I.1 - Definitions.

135I.1 Definitions. As used in this chapter, unless the context otherwise requires: 1. “Department” means the department of inspections, appeals, and licensing. 2. “Local board of health” means a city, county, or district board of health as defined in section 137.102. 3. “Spa” means a bathing facility such as a hot tub or whirlpool designed for recreational or therapeutic use. 4. a. “Spray pad” means a constructed area that is described by all of the following: (1) The area has no standing water. (2) The area is equipped with water sprays or other water play features where the water is intended to contact the users. (3) The area uses or has a feature that uses water that is recirculated independently or from an associated swimming pool. b. “Spray pad” includes an interactive fountain, and a splash pad, spray park, wet deck, and water recreation attraction. c. “Spray pad” does not include an area that uses only potable water that is not circulated and is drained directly to waste. 5. “Swimming pool” means an artificial basin and its appurtenances, either constructed or operated for swimming, wading, or diving, and includes a swimming pool, wading pool, waterslide, or associated bathhouse. “Swimming pool” does not include a decorative fountain which does not serve primarily as a wading or swimming pool and the drain of which fountain is not connected to any type of suction device for removing or recirculating the water. 6. “Swimming pool or spa water heater” means an appliance designed for heating nonpotable water stored at atmospheric pressure, such as water in a swimming pool, spa, hot tub, or for similar uses. 89 Acts, ch 291, §1; 91 Acts, ch 75, §1; 92 Acts, ch 1194, §1; 2001 Acts, ch 58, §5; 2010 Acts, ch 1036, §20; 2023 Acts, ch 19, §1618; 2023 Acts, ch 57, §1, 7 Referred to in §669.14, 670.4 Subsection 1 amended NEW subsection 4 and former subsections 4 and 5 renumbered as 5 and 6

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135I - SWIMMING POOLS, SPAS, AND SPRAY PADS Section 135I.2 - Applicability.

135I.2 Applicability. This chapter applies to all spray pads, swimming pools, and spas owned or operated by local or state government, or commercial interests or private entities including but not limited to facilities operated by cities, counties, public or private school corporations, hotels, motels, camps, apartments, condominiums, and health or country clubs. This chapter does not apply to facilities intended for single family use or to a spray pad, swimming pool, or spa operated by a homeowners’ association or housing cooperative representing seventy-two or fewer dwelling units if the bylaws of the association or cooperative, which also apply to a rental agreement relative to any of the dwelling units, include an exemption from the requirements of this chapter, provide for inspection of the spray pad, swimming pool, or spa by an entity other than the department or local board of health, and assume any liability associated with operation of the spray pad, swimming pool, or spa. This chapter does not apply to a spray pad, swimming pool, or spa used exclusively for therapy under the direct supervision of qualified medical personnel. To avoid duplication and promote coordination of inspection activities, the department may enter into written agreements with a local board of health to provide for inspection and enforcement in accordance with this chapter. 89 Acts, ch 291, §2; 92 Acts, ch 1194, §2; 92 Acts, ch 1237, §8; 96 Acts, ch 1097, §1; 2001 Acts, ch 58, §6; 2008 Acts, ch 1058, §5; 2023 Acts, ch 57, §2, 7 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135I - SWIMMING POOLS, SPAS, AND SPRAY PADS Section 135I.3 - Registration required.

135I.3 Registration required. A person shall not operate a spray pad, swimming pool, or spa without first having registered with the department. Registration shall be renewed annually. 89 Acts, ch 291, §3; 2023 Acts, ch 57, §3, 7 Unnumbered paragraph 1 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135I - SWIMMING POOLS, SPAS, AND SPRAY PADS Section 135I.4 - Powers and duties.

135I.4 Powers and duties. The department is responsible for registering and regulating the operation of spray pads, swimming pools, spas, and, notwithstanding chapter 89, spray pad, swimming pool, or spa water heaters. The department shall conduct seminars and training sessions, and disseminate information regarding health practices, safety measures, and operating procedures required under this chapter. The department may: 1. Inspect, at the time of installation and periodically thereafter, all spray pads, swimming pools, and spas for the purpose of detecting and eliminating health or safety hazards. 2. Establish minimum safety and sanitation criteria for the operation and use of spray pads, swimming pools, and spas. 3. Establish minimum qualifications for swimming pool, spa, and waterslide operators and lifeguards. Swimming pools operated by apartments, condominiums, country clubs, neighborhoods, or manufactured home communities or mobile home parks are exempt from requirements regarding lifeguards. 4. Establish and collect fees to defray the cost of administering this chapter. It is the intent of the general assembly that fees collected under this chapter be used to defray the cost of administering this chapter. However, the portion of fees needed to defray the costs of a local board of health in implementing this chapter shall be established by the local board of health. A fee imposed for the inspection of a spray pad, swimming pool, or spa shall not be collected until the inspection has actually been performed. 5. Adopt rules in accordance with chapter 17A for the implementation and enforcement of this chapter and the establishment of fees. 6. Enter into agreements with a local board of health to implement the inspection and enforcement provisions of this chapter. The agreements shall provide that the fees established by the local board of health for inspection and enforcement shall be retained by the local board. However, inspection fees shall not be charged by the department for facilities which are inspected by third-party authorities. Third-party authorities shall be approved by the department. The department shall monitor and certify the inspection and enforcement programs of local boards of health and approved third-party authorities. 89 Acts, ch 291, §4; 92 Acts, ch 1194, §3; 92 Acts, ch 1237, §9; 2001 Acts, ch 153, §16; 2007 Acts, ch 159, §22; 2023 Acts, ch 57, §4, 5, 7 Unnumbered paragraph 1 amended Subsections 1, 2, and 4 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135I - SWIMMING POOLS, SPAS, AND SPRAY PADS Section 135I.5 - Penalty.

135I.5 Penalty. A person who violates a provision of this chapter commits a simple misdemeanor. Each day upon which a violation occurs constitutes a separate violation. 89 Acts, ch 291, §5

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135I - SWIMMING POOLS, SPAS, AND SPRAY PADS Section 135I.6 - Enforcement.

135I.6 Enforcement. If the department or a local board of health acting pursuant to agreement with the department determines that a provision of this chapter or a rule adopted pursuant to this chapter has been or is being violated, the department may withhold or revoke the registration of a spray pad, swimming pool, or spa, or the department or the local board of health may order that a facility or item of equipment not be used, until the necessary corrective action has been taken. The department or the local board of health may request the county attorney to bring appropriate legal proceedings to enforce this chapter, including an action to enjoin violations. The attorney general may also institute appropriate legal proceedings at the request of the department. This remedy is in addition to any other legal remedy available to the department or a local board of health. 89 Acts, ch 291, §6; 92 Acts, ch 1194, §4; 92 Acts, ch 1237, §10; 2007 Acts, ch 159, §23; 2023 Acts, ch 57, §6, 7 Unnumbered paragraph 1 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135J - LICENSED HOSPICE PROGRAMS Section 135J.1 - Definitions.

135J.1 Definitions. For the purposes of this chapter unless otherwise defined: 1. “Attending physician” means a physician licensed pursuant to chapter 148 or a physician assistant licensed pursuant to chapter 148C. 2. “Core services” means physician services, nursing services, medical social services, counseling services, and volunteer services. These core services, as well as others deemed necessary by the hospice in delivering safe and appropriate care to its case load, can be provided through either direct or indirect arrangement by the hospice. 3. “Department” means the department of inspections, appeals, and licensing. 4. “Hospice patient” or “patient” means a diagnosed terminally ill person with an anticipated life expectancy of six months or less, as certified by the attending physician, who, alone or in conjunction with a unit of care as defined in subsection 9, has voluntarily requested and received admission into the hospice program. If the patient is unable to request admission, a family member may voluntarily request and receive admission on the patient’s behalf. 5. “Hospice patient’s family” means the immediate kin of the patient, including a spouse, parent, stepparent, brother, sister, stepbrother, stepsister, child, or stepchild. Additional relatives or individuals with significant personal ties to the hospice patient may be included in the hospice patient’s family. 6. “Hospice program” means a centrally coordinated program of home and inpatient care provided directly or through an agreement under the direction of an identifiable hospice administration providing palliative care and supportive medical and other health services to terminally ill patients and their families. A licensed hospice program shall utilize a medically directed interdisciplinary team and provide care to meet the physical, emotional, social, spiritual, and other special needs which are experienced during the final stages of illness, dying, and bereavement. Hospice care shall be available twenty-four hours a day, seven days a week. 7. “Interdisciplinary team” means the hospice patient and the hospice patient’s family, the attending physician, and all of the following individuals trained to serve with a licensed hospice program: a. A licensed physician pursuant to chapter 148. b. A licensed registered nurse pursuant to chapter 152. c. An individual with at least a baccalaureate degree in the field of social work providing medical-social services. d. Trained hospice volunteers. e. As deemed appropriate by the hospice, physician assistants, providers of special services including but not limited to a

spiritual counselor, a pharmacist, or professionals in the fields of mental health may be included on the interdisciplinary team. 8. “Palliative care” means care directed at managing symptoms experienced by the hospice patient, as well as addressing related needs of the patient and family as they experience the stress of the dying process. The intent of palliative care is to enhance the quality of life for the hospice patient and family unit, and is not treatment directed at cure of the terminal illness. 9. “Unit of care” means the patient and the patient’s family within a hospice program. 10. “Volunteer services” means the services provided by individuals who have successfully completed a training program developed by a licensed hospice program. 84 Acts, ch 1284, §2 C85, §135.90 90 Acts, ch 1204, §66 C91, §135J.1 2005 Acts, ch 3, §32; 2008 Acts, ch 1088, §91; 2009 Acts, ch 133, §196; 2022 Acts, ch 1066, §6, 7; 2023 Acts, ch 19, §1898 Referred to in §144C.2, 144D.1, 331.802, 441.21 Subsection 3 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135J - LICENSED HOSPICE PROGRAMS Section 135J.2 - Licenses — fees — criteria.

135J.2 Licenses — fees — criteria. 1. A person or governmental unit, acting severally or jointly with any other person may establish, conduct, or maintain a hospice program in this state and receive a license from the department after meeting the requirements of this chapter. The application shall be on a form prescribed by the department and shall require information the department deems necessary. Nothing in this chapter shall prohibit a person or governmental unit from establishing, conducting, or maintaining a hospice program without a license. Each application for license shall be accompanied by a nonrefundable biennial license fee determined by the department. 2. The hospice program shall meet the criteria pursuant to section 135J.3 before a license is issued. The department is responsible to provide the necessary personnel to inspect the hospice program, the home care and inpatient care provided and the hospital or facility used by the hospice to determine if the hospice complies with necessary standards before a license is issued. Hospices that are certified as Medicare hospice providers by the department or are accredited as hospices by the joint commission on the accreditation of health care organizations, shall be licensed without inspection by the department. 84 Acts, ch 1284, §3 C85, §135.91 86 Acts, ch 1245, §1111; 90 Acts, ch 1204, §66 C91, §135J.2 98 Acts, ch 1100, §17; 2005 Acts, ch 3, §33; 2021 Acts, ch 76, §150; 2023 Acts, ch 19, §1899 Subsection 2 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135J - LICENSED HOSPICE PROGRAMS Section 135J.3 - Basic requirements.

135J.3 Basic requirements. A licensed hospice program shall include: 1. A planned program of hospice care, the medical components of which shall be under the direction of an attending physician. 2. Centrally administered, coordinated hospice core services provided in home, outpatient, or institutional settings. 3. A mechanism that assures the rights of the patient and family. 4. Palliative care provided to a hospice patient and family under the direction of an attending physician. 5. An interdisciplinary team which develops, implements, and evaluates the hospice plan of care for the patient and family. 6. Bereavement services. 7. Accessible hospice care twenty-four hours a day, seven days a week in all settings. 8. An ongoing system of quality assurance and utilization review. 84 Acts, ch 1284, §7 C85, §135.95 90 Acts, ch 1204, §66 C91, §135J.3 2022 Acts, ch 1066, §8 Referred to in §135J.2

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135J - LICENSED HOSPICE PROGRAMS Section 135J.4 - Inspection.

135J.4 Inspection. The department shall make or be responsible for inspections of the hospice program, the home care and the inpatient care provided in the hospice program, and the hospital or facility before a license is issued. The department shall inspect the hospice program periodically after initial inspection. 84 Acts, ch 1284, §6 C85, §135.94 86 Acts, ch 1245, §1112; 90 Acts, ch 1204, §66 C91, §135J.4 2023 Acts, ch 19, §1900 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135J - LICENSED HOSPICE PROGRAMS Section 135J.5 - Denial, suspension, or revocation of licenses.

135J.5 Denial, suspension, or revocation of licenses. The department may deny, suspend, or revoke a license if the department determines there is failure of the program to comply with this chapter or the rules adopted under this chapter. The suspension or revocation may be appealed under chapter 17A. The department may reissue a license following a suspension or revocation after the hospice corrects the conditions upon which the suspension or revocation was based. 84 Acts, ch 1284, §4 C85, §135.92 90 Acts, ch 1204, §66 C91, §135J.5 2005 Acts, ch 3, §34

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135J - LICENSED HOSPICE PROGRAMS Section 135J.6 - Limitation, expiration, and renewal of licenses.

135J.6 Limitation, expiration, and renewal of licenses. Licenses for hospice programs shall be issued only for the premises, person, hospital, or facility named in the application and are not transferable or assignable. A license, unless sooner suspended or revoked, shall expire two years after the date of issuance and shall be renewed biennially upon an application by the licensee. Application for renewal shall be made in writing to the department at least thirty days prior to the expiration of the license. The fee for a license renewal shall be determined by the department. Licensed hospice programs which have allowed their licenses to lapse through failure to make timely application for renewal shall pay an additional fee of twenty-five percent of the biennial license fee. 84 Acts,

ch 1284, §5 C85, §135.93 85 Acts, ch 67, §17; 89 Acts, ch 122, §1; 90 Acts, ch 1204, §66 C91, §135J.6

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135J - LICENSED HOSPICE PROGRAMS Section 135J.7 - Rules.

135J.7 Rules. Except as otherwise provided in this chapter, the department shall adopt rules pursuant to chapter 17A necessary to implement this chapter, subject to approval of the council on health and human services. Formulation of the rules shall include consultation with Iowa hospice organization representatives and other persons affected by this chapter. 84 Acts, ch 1284, §8 C85, §135.96 87 Acts, ch 8, §3; 90 Acts, ch 1204, §66 C91, §135J.7 2005 Acts, ch 3, §35; 2023 Acts, ch 19, §191 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135K - BACKFLOW PREVENTION ASSEMBLY TESTERS Section 135K.1 - Definitions.

135K.1 Definitions. As used in this chapter, unless the context otherwise requires: 1. “Approved course” means a course covering the testing and repair of backflow prevention assemblies which has been approved by the department. 2. “Backflow prevention assembly” means a device or means to prevent backflow into the potable water system. 3. “Department” means the department of inspections, appeals, and licensing. 4. “Registered backflow prevention assembly tester” means a person who has successfully completed an approved course and has registered with the department. 92 Acts, ch 1204, §1; 2023 Acts, ch 19, §1619 Subsection 3 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135K - BACKFLOW PREVENTION ASSEMBLY TESTERS Section 135K.2 - Applicability.

135K.2 Applicability. This chapter applies to all persons who test or repair backflow prevention assemblies. 92 Acts, ch 1204, §2

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135K - BACKFLOW PREVENTION ASSEMBLY TESTERS Section 135K.3 - Registration and approval required.

135K.3 Registration and approval required. A person shall not test or repair backflow prevention assemblies without first having registered with and having been approved by the department. 92 Acts, ch 1204, §3

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135K - BACKFLOW PREVENTION ASSEMBLY TESTERS Section 135K.4 - Powers and duties.

135K.4 Powers and duties. The department shall adopt rules in accordance with chapter 17A, which provide for all of the following: 1. The establishment of minimum qualifications for registered backflow prevention assembly testers. 2. The establishment of minimum standards for approved courses. 3. The establishment and collection of fees to defray the cost of administering this chapter. 4. The provision of a listing of registered backflow prevention assembly testers to local health officials. 5. The administration and enforcement of this chapter. 92 Acts, ch 1204, §4

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135K - BACKFLOW PREVENTION ASSEMBLY TESTERS Section 135K.5 - Penalty.

135K.5 Penalty. A person who violates this chapter is guilty of a simple misdemeanor. 92 Acts, ch 1204, §5

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135K - BACKFLOW PREVENTION ASSEMBLY TESTERS Section 135K.6 - Enforcement.

135K.6 Enforcement. 1. The department shall investigate complaints regarding backflow prevention assembly testers. If the department determines that a provision of this chapter regarding the requirements for a backflow prevention assembly tester has been violated, the department may order a person not to test or repair backflow prevention assemblies or may revoke the registration of a registered backflow prevention assembly tester until the necessary corrective action has been taken. 2. The department shall investigate complaints regarding courses covering the testing and repair of backflow prevention assemblies. If the department determines that a provision of this chapter regarding approved courses has been violated, the department may revoke the approval of a course until the necessary corrective action has been taken. 92 Acts, ch 1204, §6

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135L - NOTIFICATION REQUIREMENTS REGARDING PREGNANT MINORS Section 135L.1 - Definitions.

135L.1 Definitions. As used in this chapter unless the context otherwise requires: 1. “Abortion” means an abortion as defined in chapter 146. 2. “Adult” means a person eighteen years of age or older. 3. “Child-placing agency” means any agency, public, semipublic, or private, which represents itself as placing children, receiving children for placement, or actually engaging in placement of children and includes the department of health and human services. 4. “Court” means the juvenile court. 5. “Grandparent” means the parent of an individual who is the parent of the pregnant minor. 6. “Medical emergency” means a condition which, based upon a physician’s judgment, necessitates an abortion to avert the pregnant minor’s death, or for which a delay will create a risk of serious impairment of a major bodily function. 7. “Minor” means a person under eighteen years of age who has not been and is not married. 8. “Parent” means one parent or a legal guardian or custodian of a pregnant minor. 9.

“Responsible adult” means an adult, who is not associated with an abortion provider, chosen by a pregnant minor to assist the minor in the decision-making process established in this chapter. 96 Acts, ch 1011, §1, 14; 97 Acts, ch 173, §1; 2023 Acts, ch 19, §192 Subsection 3 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135L - NOTIFICATION REQUIREMENTS REGARDING PREGNANT MINORS Section 135L.2 - Prospective minor parents decision-making assistance program established.

135L.2 Prospective minor parents decision-making assistance program established. 1. A decision-making assistance program is created to provide assistance to minors in making informed decisions relating to pregnancy. The program shall offer and include all of the following: a. (1) A video, to be developed by a person selected through a request for proposals process or other contractual agreement, which provides information regarding the various options available to a pregnant minor with regard to the pregnancy, including a decision to continue the pregnancy to term and retain parental rights following the child’s birth, a decision to continue the pregnancy to term and place the child for adoption following the child’s birth, and a decision to terminate the pregnancy through abortion. The video shall provide the information in a manner and language, including but not limited to the use of closed captioning for the deaf and hard of hearing, which could be understood by a minor. (2) The video shall explain that public and private agencies are available to assist a pregnant minor with any alternative chosen. (3) The video shall explain that if the pregnant minor decides to continue the pregnancy to term, and to retain parental rights to the child, the father of the child is liable for the support of the child. (4) The video shall explain that tendering false documents is a fraudulent practice in the fourth degree pursuant to section 135L.6. b. Written decision-making materials which include all of the following: (1) Information regarding the options described in the video including information regarding the agencies and programs available to provide assistance to the pregnant minor in parenting a child; information relating to adoption including but not limited to information regarding child-placing agencies; and information regarding abortion including but not limited to the legal requirements relative to the performance of an abortion on a pregnant minor. The information provided shall include information explaining that if a pregnant minor decides to continue the pregnancy to term and to retain parental rights, the father of the child is liable for the support of the child and that if the pregnant minor seeks public assistance on behalf of the child, the pregnant minor shall, and if the pregnant minor is not otherwise eligible as a public assistance recipient, the pregnant minor may, seek the assistance of child support services in establishing the paternity of the child, and in seeking support payments for a reasonable amount of the costs associated with the pregnancy, medical support, and maintenance from the father of the child, or if the father is a minor, from the parents of the minor father. The information shall include a listing of the agencies and programs and the services available from each. (2) A workbook which is to be used in viewing the video and which includes a questionnaire and exercises to assist a pregnant minor in viewing the video and in considering the options available regarding the minor’s pregnancy. (3) A detachable certification form to be signed by the pregnant minor certifying that the pregnant minor was offered a viewing of the video and the written decision-making materials. 2. a. The video shall be available through the state and local offices of the department of health and human services and the judicial branch and through the office of each licensed physician who performs abortions. b. The video may be available through the office of any licensed physician who does not perform abortions, upon the request of the physician; through any nonprofit agency serving minors, upon the request of the agency; and through any other person providing services to minors, upon the request of the person. 3. During the initial appointment between a licensed physician from whom a pregnant minor is seeking the performance of an abortion and a pregnant minor, the licensed physician shall offer the viewing of the video and the written decision-making materials to the pregnant minor, and shall obtain the signed and dated certification form from the pregnant minor. A licensed physician shall not perform an abortion on a pregnant minor prior to obtaining the completed certification form from a pregnant minor. 4. A pregnant minor shall be encouraged to select a responsible adult, preferably a parent of the pregnant minor, to accompany the pregnant minor in viewing the video and receiving the decision-making materials. 5. To the extent possible and at the discretion of the pregnant minor, the person responsible for impregnating the pregnant minor shall also be involved in the viewing of the video and in the receipt of written decision-making materials. 6. Following the offering of the viewing of the video and of the written decision-making materials, the pregnant minor shall sign and date the certification form attached to the materials, and shall submit the completed form to the licensed physician. The licensed physician shall also provide a copy of the completed certification form to the pregnant minor. 96 Acts, ch 1011, §2, 14; 96 Acts, ch 1174, §1; 97 Acts, ch 173, §2; 98 Acts, ch 1047, §16; 2020 Acts, ch 1102, §5; 2023 Acts, ch 19, §193, 194 Referred to in §135L.3, 135L.6 Subsection 1, paragraph b, subparagraph (1) amended Subsection 2, paragraph a amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135L - NOTIFICATION REQUIREMENTS REGARDING PREGNANT MINORS Section 135L.3 - Notification of parent prior to the performance of abortion on a pregnant minor — requirements — criminal penalty.

135L.3 Notification of parent prior to the performance of abortion on a pregnant minor — requirements — criminal penalty. 1. A licensed physician shall not perform an abortion on a pregnant minor until at least forty-eight hours’ prior notification is provided to a parent of the pregnant minor. 2. The licensed physician who will perform the abortion shall provide notification in person or by mailing the notification by restricted certified mail to a parent of the pregnant minor at the usual place of abode of the parent. For the purpose of delivery by restricted certified mail, the time of delivery is deemed to occur at 12:00 noon on the next day on which regular mail delivery takes place, subsequent to the mailing. 3. If the pregnant minor objects to the notification of a parent prior to the performance of an abortion on the pregnant minor, the pregnant minor may petition the court to authorize waiver of the

notification requirement pursuant to this section in accordance with the following procedures: a. The court shall ensure that the pregnant minor is provided with assistance in preparing and filing the petition for waiver of notification and shall ensure that the pregnant minor's identity remains confidential. b. The pregnant minor may participate in the court proceedings on the pregnant minor's own behalf. The court may appoint a guardian ad litem for the pregnant minor and the court shall appoint a guardian ad litem for the pregnant minor if the pregnant minor is not accompanied by a responsible adult or if the pregnant minor has not viewed the video as provided pursuant to section 135L.2. In appointing a guardian ad litem for the pregnant minor, the court shall consider a person licensed to practice psychology pursuant to chapter 154B, a licensed social worker pursuant to chapter 154C, a licensed marital and family therapist pursuant to chapter 154D, or a licensed mental health counselor pursuant to chapter 154D to serve in the capacity of guardian ad litem. The court shall advise the pregnant minor of the pregnant minor's right to court-appointed legal counsel, and shall, upon the pregnant minor's request, provide the pregnant minor with court-appointed legal counsel, at no cost to the pregnant minor. c. The court proceedings shall be conducted in a manner which protects the confidentiality of the pregnant minor and notwithstanding section 232.147 or any other provision to the contrary, all court documents pertaining to the proceedings shall remain confidential and shall be sealed. Only the pregnant minor, the pregnant minor's guardian ad litem, the pregnant minor's legal counsel, and persons whose presence is specifically requested by the pregnant minor, by the pregnant minor's guardian ad litem, or by the pregnant minor's legal counsel may attend the hearing on the petition. d. Notwithstanding any law or rule to the contrary, the court proceedings under this section shall be given precedence over other pending matters to ensure that the court reaches a decision expeditiously. e. Upon petition and following an appropriate hearing, the court shall waive the notification requirements if the court determines either of the following: (1) That the pregnant minor is mature and capable of providing informed consent for the performance of an abortion. (2) That the pregnant minor is not mature, or does not claim to be mature, but that notification is not in the best interest of the pregnant minor. f. The court shall issue specific factual findings and legal conclusions, in writing, to support the decision. g. Upon conclusion of the hearing, the court shall immediately issue a written order which shall be provided immediately to the pregnant minor, the pregnant minor's guardian ad litem, the pregnant minor's legal counsel, or to any other person designated by the pregnant minor to receive the order. h. An expedited, confidential appeal shall be available to a pregnant minor for whom the court denies a petition for waiver of notification. An order granting the pregnant minor's application for waiver of notification is not subject to appeal. Access to the appellate courts for the purpose of an appeal under this section shall be provided to a pregnant minor twenty-four hours a day, seven days a week. i. A pregnant minor who chooses to utilize the waiver of notification procedures under this section shall not be required to pay a fee at any level of the proceedings. Fees charged and court costs taxed in connection with a proceeding under this section are waived. j. If the court denies the petition for waiver of notification and if the decision is not appealed or all appeals are exhausted, the court shall advise the pregnant minor that, upon the request of the pregnant minor, the court will appoint a licensed marital and family therapist to assist the pregnant minor in addressing any intrafamilial problems. All costs of services provided by a court-appointed licensed marital and family therapist shall be paid by the court through the expenditure of funds appropriated to the judicial branch. k. Venue for proceedings under this section is in any court in the state. l. The supreme court shall prescribe rules to ensure that the proceedings under this section are performed in an expeditious and confidential manner. The rules shall require that the hearing on the petition shall be held and the court shall rule on the petition within forty-eight hours of the filing of the petition. If the court fails to hold the hearing and rule on the petition within forty-eight hours of the filing of the petition and an extension is not requested, the petition is deemed granted and waiver of the notification requirements is deemed authorized. The court shall immediately provide documentation to the pregnant minor and to the pregnant minor's legal counsel if the pregnant minor is represented by legal counsel, demonstrating that the petition is deemed granted and that waiver of the notification requirements is deemed authorized. Resolution of a petition for authorization of waiver of the notification requirement shall be completed within ten calendar days as calculated from the day after the filing of the petition to the day of issuance of any final decision on appeal. m. The requirements of this section regarding notification of a parent of a pregnant minor prior to the performance of an abortion on a pregnant minor do not apply if any of the following applies: (1) The abortion is authorized in writing by a parent entitled to notification. (2) (a) The pregnant minor declares, in a written statement submitted to the attending physician, a reason for not notifying a parent and a reason for notifying a grandparent of the pregnant minor in lieu of the notification of a parent. Upon receipt of the written statement from the pregnant minor, the attending physician shall provide notification to a grandparent of the pregnant minor, specified by the pregnant minor, in the manner in which notification is provided to a parent. (b) The notification form shall be in duplicate and shall include both of the following: (i) A declaration which informs the grandparent of the pregnant minor that the grandparent of the pregnant minor may be subject to civil action if the grandparent accepts notification. (ii) A provision that the grandparent of the pregnant minor may refuse acceptance of notification. (3) The pregnant minor's attending physician certifies in writing that a medical emergency exists which necessitates the immediate performance of an abortion, and places the written certification in the medical file of the pregnant minor. (4) The pregnant minor declares that the pregnant minor is a victim of child abuse pursuant to section 232.68, the person responsible for the care of the child is a parent of the child, and either the abuse has been reported pursuant to the procedures prescribed in chapter 232, subchapter III, part 2, or a parent of the child is named in a report of founded child abuse. The department of health and human services shall maintain confidentiality under chapter 232 and shall not release any information in response to a request for public records, discovery procedures, subpoena, or any other means, unless the release of information is expressly authorized by the pregnant minor regarding the pregnant minor's pregnancy and abortion, if the abortion is obtained. A person who knowingly violates the confidentiality provisions of this subparagraph is guilty of a serious misdemeanor. (5) The pregnant minor declares that the pregnant minor is a victim of sexual abuse as defined in chapter 709 and has reported the sexual abuse to law enforcement. n. A

licensed physician who knowingly performs an abortion in violation of this section is guilty of a serious misdemeanor. o. All records and files of a court proceeding maintained under this section shall be destroyed by the clerk of court when one year has elapsed from any of the following, as applicable: (1) The date that the court issues an order waiving the notification requirements. (2) The date after which the court denies the petition for waiver of notification and the decision is not appealed. (3) The date after which the court denies the petition for waiver of notification, the decision is appealed, and all appeals are exhausted. p. A person who knowingly violates the confidentiality requirements of this section relating to court proceedings and documents is guilty of a serious misdemeanor. 96 Acts, ch 1011, §4, 14; 96 Acts, ch 1174, §2; 97 Acts, ch 173, §3 – 11; 98 Acts, ch 1047, §17; 2015 Acts, ch 29, §26; 2020 Acts, ch 1062, §94; 2023 Acts, ch 19, §195 Referred to in §232.5, 602.8102(31) Subsection 3, paragraph m, subparagraph (4) amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135L - NOTIFICATION REQUIREMENTS REGARDING PREGNANT MINORS Section 135L.6 - Fraudulent practice.

135L.6 Fraudulent practice. A person who does any of the following is guilty of a fraudulent practice in the fourth degree pursuant to section 714.12: 1. Knowingly tenders a false original or copy of the signed and dated certification form described in section 135L.2, to be retained by the licensed physician. 2. Knowingly tenders a false original or copy of the notification document mailed to a parent or grandparent of the pregnant minor under this chapter, or a false original or copy of the order waiving notification relative to the performance of an abortion on a pregnant minor. 96 Acts, ch 1011, §7, 14; 96 Acts, ch 1174, §5; 97 Acts, ch 173, §12 Referred to in §135L.2

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135L - NOTIFICATION REQUIREMENTS REGARDING PREGNANT MINORS Section 135L.7 - Immunities.

135L.7 Immunities. 1. With the exception of the civil liability which may apply to a grandparent of a pregnant minor who accepts notification under this chapter, a person is immune from any liability, civil or criminal, for any act, omission, or decision made in connection with a good faith effort to comply with the provisions of this chapter. 2. This section shall not be construed to limit civil liability of a person for any act, omission, or decision made in relation to the performance of a medical procedure on a pregnant minor. 96 Acts, ch 1011, §8, 14; 97 Acts, ch 173, §13

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135L - NOTIFICATION REQUIREMENTS REGARDING PREGNANT MINORS Section 135L.8 - Adoption of rules — implementation and documents.

135L.8 Adoption of rules — implementation and documents. The department of health and human services shall adopt rules to implement the notification procedures pursuant to this chapter including but not limited to rules regarding the documents necessary for notification of a parent or grandparent of a pregnant minor who is designated to receive notification under this chapter. 96 Acts, ch 1011, §9, 14; 97 Acts, ch 173, §14; 2023 Acts, ch 19, §196 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135M - PRESCRIPTION DRUG DONATION REPOSITORY Section 135M.1 - Purpose.

135M.1 Purpose. The purpose of this chapter is to improve the health of low-income Iowans and Iowans who have been victims of a state of disaster emergency proclaimed by the governor pursuant to section 29C.6 or a public health disaster as defined in section 135.140, subsection 5, through a prescription drug donation repository that authorizes medical facilities, pharmacies, and the department to redispense prescription drugs and supplies that would otherwise be destroyed. 2005 Acts, ch 97, §1; 2009 Acts, ch 127, §1 Section not amended; internal reference change applied

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135M - PRESCRIPTION DRUG DONATION REPOSITORY Section 135M.2 - Definitions.

135M.2 Definitions. 1. “Anti-rejection drug” means a prescription drug that suppresses the immune system to prevent or reverse rejection of a transplanted organ. 2. “Cancer drug” means a prescription drug that is used to treat any of the following: a. Cancer or the side effects of cancer. b. The side effects of any prescription drug that is used to treat cancer or the side effects of cancer. 3. “Controlled substance” means the same as defined in section 155A.3. 4. “Department” means the department of health and human services. 5. “Indigent” means a person with an income that is below two hundred percent of the federal poverty level as defined by the most recently revised poverty income guidelines published by the United States department of health and human services. 6. “Medical facility” means any of the following: a. A physician’s office. b. A hospital. c. A health clinic. d. A nonprofit health clinic which includes a federally qualified health center as defined in 42 U.S.C. §1396d(l)(2)(B); a rural health clinic as defined in 42 U.S.C. §1396d(l)(1); and a nonprofit health clinic that provides medical care to patients who are indigent, uninsured, or underinsured. e. A free clinic as defined in section 135.24. f. A charitable organization as defined in section 135.24. g. A nursing facility as defined in section 135C.1. 7. “Pharmacy” means a pharmacy as defined in section 155A.3. 8. “Prescription drug” means the same as defined in section 155A.3, and includes cancer drugs and anti-rejection drugs, but does not include controlled substances. 9. “Supplies” means the supplies necessary to administer the prescription drugs donated. 2005 Acts, ch 97, §2; 2023 Acts, ch 19, §197 Subsection 4 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135M - PRESCRIPTION DRUG DONATION REPOSITORY Section 135M.3 - Prescription drug donation repository program authorized.

135M.3 Prescription drug donation repository program authorized. 1. The department, in cooperation with the board of pharmacy, may establish and maintain a prescription drug donation repository program under which any person may donate prescription drugs and supplies for use by an individual who meets eligibility criteria specified by the department by rule. The department may contract with a third party to implement and administer the program. 2. Donations of prescription drugs and supplies under the program may be made on the premises of a medical facility or pharmacy that elects to participate in the program and meets the requirements established by the department. 3. The medical facility or pharmacy may charge an individual who receives a prescription drug or supplies a handling fee that shall not exceed an amount established by rule by the department. 4. a. A medical facility or pharmacy that receives prescription drugs or supplies may distribute the prescription drugs or supplies to another eligible medical facility or pharmacy for use pursuant to the program. b. The department may receive prescription drugs or supplies directly from the prescription drug donation repository contractor and may distribute such prescription drugs and supplies through persons licensed to dispense prescription drugs and supplies to an eligible individual for use by the individual pursuant to the program. The department may receive and distribute such prescription drugs or supplies under this paragraph during or in preparation for a state of disaster emergency proclaimed by the governor pursuant to section 29C.6 or during or in preparation for a public health disaster as defined in section 135.140, subsection 5. 5. Participation in the program shall be voluntary. 2005 Acts, ch 97, §3; 2007 Acts, ch 10, §22; 2009 Acts, ch 127, §2 Section not amended; internal reference change applied

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135M - PRESCRIPTION DRUG DONATION REPOSITORY Section 135M.4 - Prescription drug donation repository program requirements.

135M.4 Prescription drug donation repository program requirements. 1. A prescription drug or supplies may be accepted and dispensed under the prescription drug donation repository program if all of the following conditions are met: a. The prescription drug is in its original sealed and tamper-evident packaging. However, a prescription drug in a single-unit dose or blister pack with the outside packaging opened may be accepted if the single-unit dose packaging remains intact. b. The prescription drug bears an expiration date that is more than six months after the date the prescription drug was donated. However, a donated prescription drug bearing an expiration date that is six months or less after the date the prescription drug was donated may be accepted and distributed if the drug is in high demand and can be dispensed for use prior to the drug's expiration date. c. The prescription drug or supplies are inspected before the prescription drug or supplies are dispensed by a licensed pharmacist employed by or under contract with the medical facility or pharmacy, and the licensed pharmacist determines that the prescription drug or supplies are not adulterated or misbranded. d. The prescription drug or supplies are prescribed by a health care practitioner for use by an eligible individual and are dispensed by a pharmacist or are dispensed to an eligible individual by the prescribing health care practitioner or the practitioner's authorized agent. 2. A prescription drug or supplies donated under this chapter shall not be resold. 3. a. If a person who donates prescription drugs under this chapter to a medical facility or pharmacy receives a notice from a pharmacy that a prescription drug has been recalled, the person shall inform the medical facility or pharmacy of the recall. b. If a medical facility or pharmacy receives a recall notification from a person who donated prescription drugs under this chapter, the medical facility or pharmacy shall perform a uniform destruction of all of the recalled prescription drugs in the medical facility or pharmacy. 4. A prescription drug dispensed through the prescription drug donation repository program shall not be eligible for reimbursement under the medical assistance program. 5. The department shall adopt rules establishing all of the following: a. Requirements for medical facilities and pharmacies to accept and dispense donated prescription drugs and supplies, including all of the following: (1) Eligibility criteria for participation by medical facilities and pharmacies. (2) Standards and procedures for accepting, safely storing, and dispensing donated prescription drugs and supplies. (3) Standards and procedures for inspecting donated prescription drugs to determine if the prescription drugs are in their original sealed and tamper-evident packaging, or if the prescription drugs are in single-unit doses or blister packs and the outside packaging is opened, if the single-unit dose packaging remains intact. (4) Standards and procedures for inspecting donated prescription drugs and supplies to determine that the prescription drugs and supplies are not adulterated or misbranded. b. (1) Eligibility criteria for individuals to receive donated prescription drugs and supplies dispensed by medical facilities and pharmacies under the program. The standards shall prioritize dispensing to individuals who are indigent or uninsured, but may permit dispensing to other individuals if an uninsured or indigent individual is unavailable. (2) Eligibility criteria for individuals to receive donated prescription drugs and supplies dispensed directly by the department through persons licensed to dispense prescription drugs and supplies. The department shall accept and dispense donated prescription drugs and supplies received from the prescription drug donation repository contractor during or in preparation for a state of disaster emergency proclaimed by the governor pursuant to section 29C.6 or during or in preparation for a public health disaster as defined in section 135.140, subsection 5. c. Necessary forms for administration of the prescription drug donation repository program, including forms for use by individuals who donate, accept, distribute, or dispense the prescription drugs or supplies under the program. d. A means by which an individual who is eligible to receive donated prescription drugs and supplies may indicate such eligibility. e. The maximum handling fee that a medical facility or pharmacy may charge for accepting, distributing, or dispensing donated prescription drugs and supplies under the program. f. A list of prescription drugs that the prescription drug donation repository program will accept. 2005 Acts, ch 97, §4; 2007 Acts, ch 159, §24; 2008 Acts, ch 1058, §6; 2009 Acts, ch 127, §3 Section not amended; internal reference change applied

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135M - PRESCRIPTION DRUG DONATION REPOSITORY Section

135M.5 - Exemption from disciplinary action, civil liability, and criminal prosecution.

135M.5 Exemption from disciplinary action, civil liability, and criminal prosecution. 1. A drug manufacturer acting reasonably and in good faith, is not subject to criminal prosecution or civil liability for injury, death, or loss to a person or property for matters related to the donation, acceptance, or dispensing of a prescription drug manufactured by the drug manufacturer that is donated under this chapter, including liability for failure to transfer or communicate product or consumer information or the expiration date of the donated prescription drug. 2. Except as provided in subsection 3, a person including the department or the department's employees, agents, or volunteers, but not a drug manufacturer subject to subsection 1, acting reasonably and in good faith, is immune from civil liability and criminal prosecution for injury to or the death of an individual to whom a donated prescription drug is dispensed under this chapter and shall be exempt from disciplinary action related to the person's acts or omissions related to the donation, acceptance, distribution, or dispensing of a donated prescription drug under this chapter. 3. The immunity and exemption provided in subsection 2 do not extend to any of the following: a. The donation, acceptance, distribution, or dispensing of a donated prescription drug under this chapter by a person if the person's acts or omissions are not performed reasonably and in good faith. b. To acts or omissions outside the scope of the program. 2005 Acts, ch 97, §5; 2009 Acts, ch 127, §4

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135M - PRESCRIPTION DRUG DONATION REPOSITORY Section 135M.6 - Sample prescription drugs.

135M.6 Sample prescription drugs. This chapter shall not be construed to restrict the use of samples by a physician or other person legally authorized to prescribe drugs under state and federal law during the course of the physician's or other person's duties at a medical facility or pharmacy. 2005 Acts, ch 97, §6; 2005 Acts, ch 179, §119

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135M - PRESCRIPTION DRUG DONATION REPOSITORY Section 135M.7 - Resale prohibited.

135M.7 Resale prohibited. This chapter shall not be construed to authorize the resale of prescription drugs by any person. 2005 Acts, ch 97, §7

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135N - DIRECT HEALTH CARE AGREEMENTS Section 135N.1 - Direct health care agreements.

135N.1 Direct health care agreements. 1. Definitions. For the purpose of this section: a. "Direct health care agreement" means an agreement between a provider and a patient, or the patient's representative, in which the provider agrees to provide health care services for a specified period of time to the patient for a service charge. b. "Durable power of attorney for health care" means the same as defined in section 144B.1. c. "Health care services" means services for the diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury, or disease. "Health care services" includes dental care services. d. "Patient" means an individual, or an individual and the individual's immediate family, that is a party to a direct health care agreement. e. "Patient's representative" means a parent, guardian, or an individual holding a durable power of attorney for health care for a patient. f. "Provider" means a health care professional licensed, accredited, registered, or certified to perform health care services consistent with the laws of this state. "Provider" includes an individual health care professional or other legal health care entity alone or with other health care professionals professionally associated with the individual health care professional or other legal health care entity. g. "Service charge" means a charge for health care services provided by a provider to a patient covered by a direct health care agreement. "Service charge" may include a periodic retainer, a membership fee, a subscription fee, or a charge in any other form paid by a patient to a provider under a direct health care agreement. 2. Requirements for a valid direct health care agreement. a. In order to be a valid agreement, a direct health care agreement must meet all of the following requirements: (1) Be in writing. (2) Be signed by the provider, or an agent of the provider, and the patient or the patient's representative. (3) Describe the scope of the health care services covered by the direct health care agreement. (4) State each of the provider's locations where a patient may obtain health care services and specify any out-of-office health care services that are covered under the direct health care agreement. (5) Specify the service charge and the frequency at which the service charge must be paid by the patient. A patient shall not be required to pay more than twelve months of a service charge in advance. (6) Specify any additional costs for health care services not covered by the service charge for which the patient will be responsible. (7) Specify the duration of the direct health care agreement, whether renewal is automatic, and if required, the procedure for renewal. (8) Specify the terms and conditions under which the direct health care agreement may be terminated by the provider. A termination of the direct health care agreement by the provider shall include a minimum of a thirty-calendar-day advance, written notice to the patient or to the patient's representative. (9) Specify that the direct health care agreement may be terminated at any time by the patient upon written notice to the provider. (10) State that if the direct health care agreement is terminated by either the patient or the provider all of the following apply: (a) Within thirty calendar days of the date of the notice of termination from either party, the provider shall refund all unearned service charges to the patient. (b) Within thirty calendar days of the date of the notice of termination from either party, the patient shall pay all outstanding earned service charges to the provider. (11) Include a notice in bold, twelve-point type that states substantially as follows: NOTICE. This direct health care agreement is not health insurance and is not a plan that provides health coverage for purposes of any federal mandates. This direct health care agreement only covers the health care services described in this agreement. It is recommended that you obtain health insurance to cover health care services not covered under this direct health care agreement. You are personally

responsible for the payment of any additional health care expenses you may incur. b. The provider shall provide the patient, or the patient's representative, with a fully executed copy of the direct health care agreement at the time the direct health care agreement is executed. 3. Application for a direct health care agreement. If a provider requires a prospective patient to complete an application for a direct health care agreement, the provider shall provide a written disclaimer on each application that informs the prospective patient of the patient's financial rights and responsibilities and that states that the provider will not bill a health insurance carrier for health care services covered under the direct health care agreement. The disclaimer shall also include the identical notice required by subsection 2, paragraph "a", subparagraph (11). 4. Notice required for changes to the terms or conditions of a direct health care agreement. a. A provider shall provide at least a sixty-calendar-day advance, written notice to a patient of any of the following changes to a direct health care agreement: (1) Any change in the scope of the health care services covered under the agreement. (2) Any change in the provider's locations where the patient may access health care services. (3) Any change in the out-of-office services that are covered under the direct health care service agreement. (4) Any change in the service charge. (5) Any change in the additional costs for health care services not covered by the service charge. (6) Any change in the renewal terms. (7) Any change in the terms to terminate the agreement. b. A provider shall provide the notice by mailing a letter to the last known address of the patient that the provider has on file. The postmark date on the letter shall be the first day of the required sixty-calendar-day notice period. 5. Discrimination based on an individual's health status or preexisting condition. A provider shall not do any of the following based on a patient's or prospective patient's preexisting condition or health status: a. Refuse to accept a new patient. b. Refuse to renew a direct health care agreement. c. Establish an additional service charge for a direct health care agreement. 6. A direct health care agreement is not insurance. a. A direct health care agreement shall be deemed to not be insurance and shall not be subject to the authority of the commissioner of insurance. Neither a provider or an agent of a provider shall be required to be licensed by the commissioner to transact the business of insurance in this state, or to obtain a certificate issued by the commissioner to market or offer a direct health care agreement. b. A provider shall not bill an insurer for a health care service provided under a direct health care agreement. A patient may submit a request for reimbursement to an insurer if permitted under the patient's policy of insurance. This paragraph does not prohibit a provider from billing a patient's insurance for a health care service provided to the patient by the provider that is not covered under the direct health care agreement. 7. Third-party payment of a service charge. A provider may accept payment of a service charge for a patient either directly or indirectly from a third party. A provider may accept all or part of a service charge paid by an employer on behalf of an employee who is a patient of the provider. A provider shall not enter directly into an agreement with an employer relating to a health care agreement between the provider and employees of the employer, other than an agreement to establish the timing and method of the payment of a service charge paid by the employer on behalf of the employee. 8. Sale or transfer of a direct health care agreement. A direct health care agreement shall not be sold or transferred by a provider without the prior written consent of the patient who is a party to the direct health care agreement. A patient shall not sell or transfer a direct health care agreement to which the patient is a party. 2018 Acts, ch 1043, §1; 2022 Acts, ch 1064, §1 – 3 2022 amendment applies to direct health care agreements that are fully executed on or after May 12, 2022; 2022 Acts, ch 1064, §3; 2022 Acts, ch 1153, §15, 20, 22

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 1350 - BOARDING HOMES Section 1350.1 - Definitions.

1350.1 Definitions. For the purposes of this chapter unless the context otherwise requires: 1. "Boarding home" means a premises used by its owner or lessee for the purpose of letting rooms for rental to three or more persons not related within the third degree of consanguinity to the owner or lessee where supervision or assistance with activities of daily living is provided to such persons. A boarding home does not include a facility, home, or program otherwise subject to licensure or regulation by the department of health and human services or the department. 2. "Department" means the department of inspections, appeals, and licensing. 3. "Premises" means the same as defined in section 562A.6. 2009 Acts, ch 136, §3; 2023 Acts, ch 19, §1901 Subsections 1 and 2 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 1350 - BOARDING HOMES Section 1350.2 - Required registration and reporting — rules — penalty.

1350.2 Required registration and reporting — rules — penalty. 1. The owner or lessee of a boarding home in this state shall register with and submit occupancy reports to the department. The content of the required occupancy reports shall include but is not limited to the number of individuals living in the boarding home and the supervision or assistance with activities of daily living being provided to the individuals. 2. The department shall adopt rules to administer this chapter in consultation with the departments of health and human services and public safety. 3. a. The owner or lessee of a boarding home who fails to register with the department or to timely submit occupancy reports required by this section and rules adopted pursuant to this chapter is subject to a civil penalty of not more than five hundred dollars. b. The department may reduce, alter, or waive a penalty under paragraph "a" upon the owner's or lessee's showing of good faith compliance with the department's request to immediately cease and desist from conduct in violation of this chapter. 2009 Acts, ch 136, §4; 2023 Acts, ch 19, §1358, 1902 Subsection 2 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 1350 - BOARDING HOMES Section 1350.3 - Response to allegations.

1350.3 Response to allegations. 1. If the department or other state agency receives an allegation of a violation of this chapter by a boarding home or an allegation regarding the care or safety of an individual living in a boarding home, a coordinated, interagency approach shall be used to respond to the allegation. 2. a. The interagency approach may involve a multidisciplinary team consisting of employees of the department, the department of health and human services, and the division of criminal investigation of the

department of public safety, or other local, state, and federal agencies. b. The multidisciplinary team may consult with local, state, and federal law enforcement agencies, first responders, health and human services professionals, and governmental and nongovernmental advocacy organizations, and other appropriate persons. 3. The name of a person who files an allegation shall be kept confidential and shall not be subject to discovery, subpoena, or other means of legal compulsion for its release to a person other than department employees or the members of a multidisciplinary team involved in the investigation of the allegation. 4. If the department or a multidisciplinary team has probable cause to believe that a boarding home is in violation of this chapter or licensing or other regulatory requirements of the department of health and human services or the department, or that dependent adult abuse of any individual living in a boarding home has occurred, and upon producing proper identification, is denied entry to the boarding home or access to any individual living in the boarding home for the purpose of making an inspection or conducting an investigation, the department or multidisciplinary team may, with the assistance of the county attorney of the county in which the boarding home is located, apply to the district court for an order requiring the owner or lessee to permit entry to the boarding home and access to the individuals living in the boarding home. 2009 Acts, ch 136, §5; 2023 Acts, ch 19, §1358, 1903, 1904 Subsection 2, paragraph a amended Subsection 4 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135O - BOARDING HOMES Section 135O.4 - Public disclosure of findings.

135O.4 Public disclosure of findings. Following an inspection or investigation of a boarding home under this chapter by the department or a multidisciplinary team, the final findings with respect to compliance by the boarding home shall be made available to the public. Other information relating to a boarding home obtained by the department or a multidisciplinary team which does not constitute the findings from an inspection or investigation of the boarding home shall not be made available to the public except in proceedings involving the denial, suspension, or revocation of a boarding home registration under this chapter. The information made available to the public pursuant to this section shall not include information which is kept confidential under section 22.7. 2009 Acts, ch 136, §6

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135P - ADVERSE HEALTH CARE INCIDENTS — COMMUNICATIONS — CONFIDENTIALITY Section 135P.1 - Definitions.

135P.1 Definitions. For the purposes of this chapter, unless the context otherwise requires: 1. “Adverse health care incident” means an objective and definable outcome arising from or related to patient care that results in the death or physical injury of a patient. 2. “Health care provider” means a physician or osteopathic physician licensed under chapter 148, a physician assistant licensed under chapter 148C, a podiatrist licensed under chapter 149, a chiropractor licensed under chapter 151, a licensed practical nurse, a registered nurse, or an advanced registered nurse practitioner licensed under chapter 152 or 152E, a dentist licensed under chapter 153, an optometrist licensed under chapter 154, a pharmacist licensed under chapter 155A, or any other person who is licensed, certified, or otherwise authorized or permitted by the law of this state to administer health care in the ordinary course of business or in the practice of a profession. 3. “Health facility” means an institutional health facility as defined in section 10A.711, a hospice licensed under chapter 135J, a home health agency as defined in section 144D.1, an assisted living program certified under chapter 231C, a clinic, a community health center, or the university of Iowa hospitals and clinics, and includes any corporation, professional corporation, partnership, limited liability company, limited liability partnership, or other entity comprised of such health facilities. 4. “Open discussion” means all communications that are made under section 135P.3, and includes all memoranda, work products, documents, and other materials that are prepared for or submitted in the course of or in connection with communications under section 135P.3. 5. “Patient” means a person who receives medical care from a health care provider, or if the person is a minor, deceased, or incapacitated, the person’s legal representative. 2015 Acts, ch 33, §1; 2017 Acts, ch 107, §1, 5; 2020 Acts, ch 1045, §7; 2023 Acts, ch 73, §3 Referred to in §147.136A Subsection 2 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135P - ADVERSE HEALTH CARE INCIDENTS — COMMUNICATIONS — CONFIDENTIALITY Section 135P.2 - Confidentiality of open discussions.

135P.2 Confidentiality of open discussions. 1. Open discussion communications and offers of compensation made under section 135P.3: a. Do not constitute an admission of liability. b. Are privileged, confidential, and shall not be disclosed. c. Are not admissible as evidence in any subsequent judicial, administrative, or arbitration proceeding and are not subject to discovery, subpoena, or other means of legal compulsion for release and shall not be disclosed by any party in any subsequent judicial, administrative, or arbitration proceeding. 2. Communications, memoranda, work products, documents, and other materials, otherwise subject to discovery, that were not prepared specifically for use in a discussion under section 135P.3, are not confidential. 3. The limitation on disclosure imposed by this section includes disclosure during any discovery conducted as part of a subsequent adjudicatory proceeding, and a court or other adjudicatory body shall not compel any person who engages in an open discussion under this chapter to disclose confidential communications or agreements made under section 135P.3. 4. This section does not affect any other law, regulation, or requirement with respect to confidentiality. 2015 Acts, ch 33, §2

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135P - ADVERSE HEALTH CARE INCIDENTS — COMMUNICATIONS — CONFIDENTIALITY Section 135P.3 - Engaging in an open discussion.

135P.3 Engaging in an open discussion. 1. If an adverse health care incident occurs in a health facility, the health care provider, the health facility, or the health care provider jointly with the health facility, may provide the patient with written notice of the desire of the health care provider, the health facility, or of the health care provider jointly with the health facility, to enter into an open discussion under this chapter. A health facility may designate a person or class of persons who have authority to provide such notice on behalf of the facility. If the health care provider or health facility provides such notice, such notice must be sent within one year after the date on which the health care provider knew, or through the use of diligence should have known, of the adverse health care incident. The notice must include all of the following: a. Notice of the desire of the health care provider, or of the health care provider jointly with the health facility, to proceed with an open discussion under this chapter. b. Notice of the patient's right to receive a copy of the medical records related to the adverse health care incident and of the patient's right to authorize the release of the patient's medical records related to the adverse health care incident to any third party. c. Notice of the patient's right to seek legal counsel. d. A copy of section 614.1, subsection 9, and notice that the time for a patient to bring a lawsuit is limited under section 614.1, subsection 9, and will not be extended by engaging in an open discussion under this chapter unless all parties agree to an extension in writing. e. Notice that if the patient chooses to engage in an open discussion with the health care provider or health facility, that all communications made in the course of such a discussion under this chapter, including communications regarding the initiation of an open discussion, are privileged and confidential, are not subject to discovery, subpoena, or other means of legal compulsion for release, and are not admissible in evidence in a judicial, administrative, or arbitration proceeding. 2. If the patient agrees in writing to engage in an open discussion, the patient, health care provider, or health facility engaged in an open discussion under this chapter may include other persons in the open discussion. All additional parties shall also be advised in writing prior to the discussion that discussions are privileged and confidential, are not subject to discovery, subpoena, or other means of legal compulsion for release, and are not admissible in evidence in a judicial, administrative, or arbitration proceeding. The advice in writing must indicate that communications, memoranda, work products, documents, and other materials, otherwise subject to discovery, that were not prepared specifically for use in a discussion under this section, are not confidential. 3. The health care provider or health facility that agrees to engage in an open discussion may do all of the following: a. Investigate how the adverse health care incident occurred and gather information regarding the medical care or treatment provided. b. Disclose the results of the investigation to the patient. c. Openly communicate to the patient the steps the health care provider or health facility will take to prevent future occurrences of the adverse health care incident. d. Determine either of the following: (1) That no offer of compensation for the adverse health care incident is warranted and orally communicate that determination to the patient. (2) That an offer of compensation for the adverse health care incident is warranted and extend such an offer in writing to the patient. 4. If a health care provider or health facility makes an offer of compensation under subsection 3 and the patient is not represented by legal counsel, the health care provider or health facility shall advise the patient of the patient's right to seek legal counsel regarding the offer of compensation. 5. Except for offers of compensation under subsection 3, discussions between the health care provider or health facility and the patient about the compensation offered under subsection 3 shall remain oral. 2015 Acts, ch 33, §3; 2020 Acts, ch 1045, §8; 2021 Acts, ch 80, §70 Referred to in §135P.1, 135P.2, 135P.4

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135P - ADVERSE HEALTH CARE INCIDENTS — COMMUNICATIONS — CONFIDENTIALITY Section 135P.4 - Payment and resolution.

135P.4 Payment and resolution. 1. A payment made to a patient pursuant to section 135P.3 is not a payment resulting from any of the following: a. A written claim or demand for payment. b. A claim for purposes of section 272C.9. c. A claim for purposes of section 505.27. 2. A health care provider or health facility may require the patient, as a condition of an offer of compensation under section 135P.3, to execute all documents and obtain any necessary court approval to resolve an adverse health care incident. The parties shall negotiate the form of such documents or obtain court approval as necessary. 2015 Acts, ch 33, §4

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135Q - HEALTH CARE EMPLOYMENT AGENCIES AND WORKERS Section 135Q.1 - Definitions.

135Q.1 Definitions. As used in this chapter, unless the context otherwise requires: 1. "Department" means the department of inspections, appeals, and licensing. 2. "Health care employment agency" or "agency" means an agency that contracts with a health care entity in this state to provide agency workers for temporary or temporary-to-hire employee placements. 3. "Health care employment agency worker" or "agency worker" means an individual who contracts with or is employed by a health care employment agency to provide nursing services to health care entity consumers. 4. "Health care entity" means a facility, agency, or program licensed or certified by the department or by the centers for Medicare and Medicaid services of the United States department of health and human services. 5. "Managing entity" means a business entity, owner, ownership group, chief executive officer, program administrator, director, or other decision maker whose responsibilities include directing the management or policies of a health care employment agency. "Managing entity" includes an individual who, directly or indirectly, holds a beneficial interest in a corporation, partnership, or other business entity that constitutes a managing entity. 6. "Nursing services" means those services which may be provided only by or under the supervision of a nurse. "Nursing services" includes services performed by a registered nurse, a licensed practical nurse, a certified nurse aide, a certified medication aide, a home health aide, a medication manager, or by noncertified or nonlicensed staff providing personal care as defined in section 231C.2. "Nursing services" does not include the practice of nursing by an advanced registered nurse practitioner or an advanced practice registered nurse licensed under chapter 152 or 152E. 2022 Acts, ch 1069, §1; 2022 Acts, ch 1153, §49; 2023 Acts, ch 19, §1905; 2023 Acts, ch 131, §1, 3 Section applies

retroactively to any contract between a health care employment agency and an agency worker or health care entity referred to under section 135Q.2 that was entered into or executed on or after January 1, 2019; 2022 Acts, ch 1153, §49 ; 2023 Acts, ch 131, §3 See Code editor's note on simple harmonization at the beginning of this Code volume Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135Q - HEALTH CARE EMPLOYMENT AGENCIES AND WORKERS Section 135Q.2 - Health care employment agency requirements — registration — liability — penalties.

135Q.2 Health care employment agency requirements — registration — liability — penalties. 1. A health care employment agency operating in the state shall register annually with the department. Each separate location of a health care employment agency shall register annually with and pay an annual registration fee of five hundred dollars to the department. The department shall issue each location a separate certification of registration upon approval of registration and payment of the fee. The annual registration fees shall be retained by the department as repayment receipts as defined in section 8.2. 2. A health care employment agency shall do all of the following: a. Ensure that agency workers comply with all applicable requirements relating to the health requirements and qualifications of personnel in health care entity settings. b. Document that each agency worker meets the minimum licensing, certification, training, and health requirements and the continuing education standards for the agency worker's position in the health care entity setting. c. Maintain records for each agency worker and report, file, or otherwise provide any required documentation to external parties or regulators which would otherwise be the responsibility of the health care entity if the agency worker was employed by the health care entity. d. Maintain professional and general liability insurance coverage with minimum per occurrence coverage of one million dollars and aggregate coverage of three million dollars to insure against loss, damage, or expense incident to a claim arising out of the death or injury of any person as the result of negligence or malpractice in the provision of services by the agency or an agency worker. 3. a. A health care employment agency shall not do any of the following: (1) Restrict in any manner the employment opportunities of an agency worker by including a non-compete clause in any contract with an agency worker or health care entity. (2) In any contract with an agency worker or health care entity, require payment of liquidated damages, employment fees, or other compensation if the agency worker is subsequently hired as a permanent employee of the health care entity. b. This subsection shall not apply to a contract between a health care employment agency and an agency worker or a health care entity if the contract meets all of the following criteria: (1) The contract is entered into for the purpose of placing an agency worker the health care employment agency assisted in obtaining authorization to work in the United States. (2) The contract contains an initial duration term of not less than twenty-four months and a total duration term, including any renewals or extensions, of not more than thirty-six months. (3) The contract requires the agency worker to work for a single health care entity for the entire duration of the contract. c. Any contract that violates this subsection shall be unenforceable in court. 4. A health care employment agency shall submit a report to the department on a quarterly basis for each health care entity participating in Medicare or Medicaid with whom the agency contracts that includes all of the following by provider type: a. A detailed list of the average amount charged to the health care entity for each individual agency worker category. b. A detailed list of the average amount paid by the agency to agency workers in each individual agency worker category. 5. a. A health care employment agency that violates subsection 1 or subsection 2 is subject to denial or revocation of registration for a period of one year and a monetary penalty of five hundred dollars for a first offense and five thousand dollars for each offense thereafter. b. A health care employment agency that violates subsection 3 or that knowingly provides an agency worker who has an illegally or fraudulently obtained or issued diploma, registration, license, certification, or background check to a health care entity is subject to immediate revocation of registration. The department shall notify the agency thirty days in advance of the date of such revocation. c. (1) The managing entity of an agency for which registration has been denied or revoked under this subsection shall not be eligible to apply for or be granted registration for another agency during the two-year period following the date of the denial or revocation. (2) The department shall not approve a new registration or renew an existing registration for any agency for which the managing entity is also the managing entity of an agency for which registration has been denied or revoked during the two-year period in which registration of the violating agency is denied or revoked. 6. The department shall establish a system for members of the public to report complaints against an agency or agency worker. The department shall investigate any complaint received and shall report the department's findings to the complaining party and the agency involved. 2022 Acts, ch 1069, §2; 2022 Acts, ch 1153, §49; 2023 Acts, ch 131, §2, 3 Section applies retroactively to any contract between a health care employment agency and an agency worker or health care entity referred to under this section that was entered into or executed on or after January 1, 2019; 2022 Acts, ch 1153, §49 ; 2023 Acts, ch 131, §3 Subsections 1 and 3 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135R - AMBULATORY SURGICAL CENTERS Section 135R.1 - Definitions.

135R.1 Definitions. As used in this chapter, unless the context otherwise requires: 1. "Ambulatory surgical center" means a distinct facility that operates primarily for the purpose of providing surgical services to patients not requiring hospitalization and in which the expected duration of services does not exceed twenty-four hours following an admission. "Ambulatory surgical center" includes a facility certified or seeking certification as an ambulatory surgical center under the federal Medicare program or under the medical assistance program established pursuant to chapter 249A. "Ambulatory surgical center" does not include the individual or group practice office of a private physician, podiatrist, or dentist who there engages in the lawful practice of surgery, not including cosmetic, reconstructive, or plastic surgery, or the portion of a licensed hospital designated for outpatient surgical treatment. 2. "Department" means the department of inspections, appeals, and licensing. 2023 Acts, ch 16, §22; 2023 Acts, ch 119, §20 Referred

to in §10A.711 NEW section

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 135R - AMBULATORY SURGICAL CENTERSSection 135R.2 - Licensure.

135R.2 Licensure. A person, acting severally or jointly with any other person, shall not establish, operate, or maintain an ambulatory surgical center in this state without obtaining a license as provided under this chapter. 2023 Acts, ch 16, §23 NEW section

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 135R - AMBULATORY SURGICAL CENTERSSection 135R.3 - Application for license — fee.

135R.3 Application for license — fee. 1. An applicant for an ambulatory surgical center license shall submit an application to the department. Applications shall be upon such forms and shall include such information as the department may reasonably require, which may include affirmative evidence of the ability to comply with reasonable rules and standards prescribed under this chapter but which shall not exceed the requirements for applications required by Medicare or an accrediting organization with deeming authority authorized by the centers for Medicare and Medicaid services of the United States department of health and human services. 2. An applicant for an initial ambulatory surgical center license that has been certified by Medicare or an accrediting organization with deeming authority authorized by the centers for Medicare and Medicaid services of the United States department of health and human services shall be granted an initial license. 3. An application for an initial license for an ambulatory surgical center shall be accompanied by a fee of fifty dollars. 4. The fees collected under this section shall be considered repayment receipts as defined in section 8.2 and shall be used by the department to administer this chapter. 2023 Acts, ch 16, §24; 2023 Acts, ch 119, §38 NEW section

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 135R - AMBULATORY SURGICAL CENTERSSection 135R.4 - Rules.

135R.4 Rules. 1. The department, with the advice and approval of the council on health and human services, shall adopt rules specifying the standards for ambulatory surgical centers to be licensed under this chapter. The rules shall be consistent with and shall not exceed the requirements of this chapter and the conditions for coverage in the federal Medicare program for ambulatory surgical centers under 42 C.F.R. pt. 416 . 2. The department shall adopt rules as the department deems necessary to administer the provisions of this chapter relating to the issuance, renewal, denial, suspension, and revocation of a license to establish, operate, and maintain an ambulatory surgical center. 3. An ambulatory surgical center which is in operation at the time of adoption of any applicable rules or standards under this chapter shall be given a reasonable time, not to exceed one year from the date of adoption, within which to comply with such rules and standards. 4. The department shall enforce the rules. 2023 Acts, ch 16, §25; 2023 Acts, ch 19, §1358 NEW section

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 135R - AMBULATORY SURGICAL CENTERSSection 135R.5 - Inspections or investigations.

135R.5 Inspections or investigations. 1. The department shall make or cause to be made inspections or investigations of ambulatory surgical centers to determine compliance with this chapter and applicable rules and standards. The department shall perform inspections on a schedule that is of the same frequency required for inspections of Medicare-certified ambulatory surgical centers. 2. The department shall recognize, in lieu of its own licensure inspection, the comparable inspection and inspection findings of a Medicare conditions for coverage survey completed by the department or an accrediting organization with deeming authority authorized by the centers for Medicare and Medicaid services of the United States department of health and human services. 3. A department inspector shall not participate in an inspection or investigation of an ambulatory surgical center in which the inspector or a member of the inspector's immediate family works or has worked within the last two years or in which the inspector or the inspector's immediate family has a financial ownership interest. For the purposes of this section, "immediate family member" means a spouse, natural or adoptive parent or grandparent, child, grandchild, sibling, stepparent, stepchild, or stepsibling. 2023 Acts, ch 16, §26 NEW section

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 135R - AMBULATORY SURGICAL CENTERSSection 135R.6 - Confidentiality.

135R.6 Confidentiality. The department's final findings with respect to compliance by an ambulatory surgical center with requirements for licensing shall be made available to the public in a readily available form and place. Other information relating to an ambulatory surgical center obtained by the department which does not constitute the department's findings from an inspection of the ambulatory surgical center shall not be made available to the public, except in proceedings involving the denial, suspension, or revocation of a license under this chapter. The name of a person who files a complaint with the department shall remain confidential and shall not be subject to discovery, subpoena, or other means of legal compulsion for its release to a person other than department employees or agents involved in the investigation of the complaint. 2023 Acts, ch 16, §27 NEW section

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 135R - AMBULATORY SURGICAL CENTERSSection 135R.7 - Injunction.

135R.7 Injunction. Notwithstanding the existence or pursuit of any other remedy, the department may, in the manner provided by law, maintain an action in the name of the state for injunction or other process against any person to restrain or prevent the establishment, operation, or maintenance of an ambulatory surgical center without a license. 2023 Acts, ch 16, §28 NEW section

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135R - AMBULATORY SURGICAL CENTERS Section 135R.8 - Judicial review.

135R.8 Judicial review. Judicial review of an action of the department may be sought in accordance with chapter 17A. Notwithstanding the provisions of chapter 17A, petitions for judicial review may be filed in the district court of the county in which the ambulatory surgical center is located or is to be located and the status quo of the petitioner or licensee shall be preserved pending final disposition of the judicial review matter. 2023 Acts, ch 16, §29 NEW section

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 135R - AMBULATORY SURGICAL CENTERS Section 135R.9 - Penalties.

135R.9 Penalties. Any person establishing, operating, or maintaining any ambulatory surgical center without a license commits a serious misdemeanor, and each day of continuing violation after conviction shall be considered a separate offense. 2023 Acts, ch 16, §30 NEW section

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 136A - CONGENITAL AND INHERITED DISORDERS Section 136A.1 - Purpose.

136A.1 Purpose. To reduce and avoid adverse health conditions of inhabitants of the state, the department shall initiate, conduct, and supervise screening and health care programs in order to detect and predict congenital or inherited disorders. The department shall assist in the translation and integration of genetic and genomic advances into public health services to improve health outcomes throughout the life span of the inhabitants of the state. 2004 Acts, ch 1031, §2, 12; 2023 Acts, ch 19, §198 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 136A - CONGENITAL AND INHERITED DISORDERS Section 136A.2 - Definitions.

136A.2 Definitions. As used in this chapter, unless the context otherwise requires: 1. "Attending health care provider" means a licensed physician, nurse practitioner, certified nurse midwife, or physician assistant. 2. "Congenital and inherited disorders advisory committee" or "advisory committee" means the congenital and inherited disorders advisory committee created in this chapter. 3. "Congenital disorder" means an abnormality existing prior to or at birth, including a stillbirth, that adversely affects the health and development of a fetus, newborn, child, or adult, including a structural malformation or a genetic, chromosomal, inherited, or biochemical disorder. 4. "Department" means the department of health and human services. 5. "Disorder" means a congenital or inherited disorder. 6. "Genetics" means the study of inheritance and how genes contribute to health conditions and the potential for disease. 7. "Genomics" means the functions and interactions of all human genes and their variation within human populations, including their interaction with environmental factors, and their contribution to health. 8. "Inherited disorder" means a condition caused by an abnormal change in a gene or genes passed from a parent or parents to their child. Onset of the disorder may be prior to or at birth, during childhood, or in adulthood. 9. "Stillbirth" means an unintended fetal death occurring after a gestation period of twenty completed weeks, or an unintended fetal death of a fetus with a weight of three hundred fifty or more grams. 2004 Acts, ch 1031, §3, 12; 2022 Acts, ch 1023, §1; 2023 Acts, ch 19, §199 Referred to in §144.31A Subsection 4 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 136A - CONGENITAL AND INHERITED DISORDERS Section 136A.3 - Congenital and inherited disorders — department duties.

136A.3 Congenital and inherited disorders — department duties. The department shall do all of the following: 1. Initiate, conduct, and supervise statewide screening programs for congenital and inherited disorders amenable to population screening. 2. Initiate, conduct, and supervise statewide health care programs to aid in the early detection, treatment, prevention, education, and provision of supportive care related to congenital and inherited disorders. 3. Develop specifications for and designate a central laboratory in which tests conducted pursuant to the screening programs provided for in subsection 1 will be performed. 4. Gather, evaluate, and maintain information related to causes, severity, prevention, and methods of treatment for congenital and inherited disorders in conjunction with a central registry, screening programs, genetic health care programs, and ongoing scientific investigations and surveys. 5. Perform surveillance and monitoring of congenital and inherited disorders to determine the occurrence and trends of the disorders, to conduct thorough and complete epidemiological surveys, to assist in the planning for and provision of services to children with congenital and inherited disorders and their families, and to identify environmental and genetic risk factors for congenital and inherited disorders. 6. Provide information related to severity, causes, prevention, and methods of treatment for congenital and inherited disorders to the public, medical and scientific communities, and health science disciplines. 7. Implement public education programs, continuing education programs for health practitioners, and education programs for trainees of the health science disciplines related to genetics, congenital disorders, and inheritable disorders. 8. Participate in policy development to assure the appropriate use and confidentiality of genetic information and technologies to improve health and prevent disease. 9. Collaborate with state and local health agencies and other public and private organizations to provide education, intervention, and treatment for

congenital and inherited disorders and to integrate genetics and genomics advances into public health activities and policies. 2004 Acts, ch 1031, §4, 12; 2023 Acts, ch 19, §200 Referred to in §136A.5B Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 136A - CONGENITAL AND INHERITED DISORDERS Section 136A.3A - Congenital and inherited disorders advisory committee established — process for addition of conditions to newborn screening.

136A.3A Congenital and inherited disorders advisory committee established — process for addition of conditions to newborn screening. 1. A congenital and inherited disorders advisory committee is established to assist the department in the development of programs that ensure the availability and access to quality genetic and genomic health care services for all Iowans. 2. The members of the advisory committee shall be appointed by the director and shall include persons with relevant expertise and interest including parent representatives. 3. The advisory committee shall assist the department in designating the conditions to be included in the newborn screening and in regularly evaluating the effectiveness and appropriateness of the newborn screening. 4. a. Beginning July 1, 2022, the advisory committee shall ensure that all conditions included in the federal recommended uniform screening panel as of January 1, 2022, are included in the newborn screening. b. Within twelve months of the addition of a new condition to the federal recommended uniform screening panel, the advisory committee shall consider and make a recommendation to the department regarding inclusion of the new condition in the newborn screening, including the current newborn screening capacity to screen for the new condition and the resources necessary to screen for the new condition going forward. If the advisory committee recommends inclusion of a new condition, the department shall include the new condition in the newborn screening within eighteen months of receipt of the recommendation. 5. The department shall submit a status report to the general assembly, annually, by December 31, regarding all of the following: a. The current conditions included in the newborn screening. b. Any new conditions currently under consideration or recommended by the advisory committee for inclusion in the newborn screening. c. Any new conditions considered but not recommended by the advisory committee in the prior twelve-month period and the reason for not recommending any such conditions. d. Any departmental request for additional program capacity or resources necessitated by the inclusion of a recommended new condition in the newborn screening. e. Any delay and the reason for the delay by the advisory committee in complying with the specified twelve-month time frame in considering or recommending the inclusion of a new condition in the newborn screening to the department. f. Any delay and the reason for the delay by the department in complying with the specified eighteen-month time frame in including a new condition in the newborn screening following receipt of a recommendation from the advisory committee recommending the inclusion of such condition. 6. The state hygienic laboratory shall establish the newborn screening fee schedule in a manner sufficient to support the newborn screening system of care including laboratory screening costs, short-term and long-term follow-up program costs, the newborn screening developmental fund, and the cost of the department's newborn screening data system. 2022 Acts, ch 1023, §2; 2023 Acts, ch 19, §201 Subsections 1 and 3 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 136A - CONGENITAL AND INHERITED DISORDERS Section 136A.4 - Genetic health services.

136A.4 Genetic health services. The department may initiate, conduct, and supervise genetic health services for the inhabitants of the state, including the provision of regional genetic consultation clinics, comprehensive neuromuscular health care outreach clinics, and other outreach services and clinics as established by rule. 2004 Acts, ch 1031, §5, 12; 2023 Acts, ch 19, §202 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 136A - CONGENITAL AND INHERITED DISORDERS Section 136A.5 - Newborn screening.

136A.5 Newborn screening. 1. All newborns born in this state shall be screened for congenital and inherited disorders in accordance with rules adopted by the department. 2. An attending health care provider shall ensure that every newborn under the provider's care is screened for congenital and inherited disorders in accordance with rules adopted by the department. 3. This section does not apply if a parent objects to the screening. If a parent objects to the screening of a newborn, the attending health care provider shall document the refusal in the newborn's medical record and shall obtain a written refusal from the parent and report the refusal to the department as provided by rule of the department. 2004 Acts, ch 1031, §6, 12; 2005 Acts, ch 19, §33; 2022 Acts, ch 1023, §3 Referred to in §136A.5A, 148I.4

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 136A - CONGENITAL AND INHERITED DISORDERS Section 136A.5A - Newborn critical congenital heart disease screening.

136A.5A Newborn critical congenital heart disease screening. 1. Each newborn born in this state shall receive a critical congenital heart disease screening by pulse oximetry or other means as determined by rule, in conjunction with the newborn screening required pursuant to section 136A.5. 2. An attending health care provider shall ensure that every newborn under the provider's care receives the critical congenital heart disease screening. 3. This section does not apply if a parent objects to the screening. If a parent objects to the screening of a newborn, the attending health care provider shall document the refusal in the newborn's medical record and shall obtain a written refusal from the parent and report the refusal to the department. 4. Notwithstanding any provision to the contrary, the results of each newborn's critical congenital heart disease screening shall only be reported in a manner consistent with

the reporting of the results of newborn screenings pursuant to section 136A.5 if funding is available for implementation of the reporting requirement. 5. This section shall be administered in accordance with rules adopted pursuant to section 136A.8. 2013 Acts, ch 140, §91; 2022 Acts, ch 1023, §4 Referred to in §148I.4

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 136A - CONGENITAL AND INHERITED DISORDERS Section 136A.5B - Cytomegalovirus public health initiative.

136A.5B Cytomegalovirus public health initiative. 1. In accordance with the duties prescribed in section 136A.3, the department shall collaborate with state and local health agencies and other public and private organizations to develop and publish or approve and publish informational materials to educate and raise awareness of cytomegalovirus and congenital cytomegalovirus among women who may become pregnant, expectant parents, parents of infants, attending health care providers, and others, as appropriate. The materials shall include information regarding all of the following: a. The incidence of cytomegalovirus and congenital cytomegalovirus. b. The transmission of cytomegalovirus to a pregnant woman or a woman who may become pregnant. c. Birth defects caused by congenital cytomegalovirus. d. Methods of diagnosing congenital cytomegalovirus. e. Available preventive measures to avoid cytomegalovirus infection by women who are pregnant or who may become pregnant. f. Early interventions, treatment, and services available for children diagnosed with congenital cytomegalovirus. 2. An attending health care provider shall provide to a pregnant woman during the first trimester of the pregnancy the informational materials published under this section. The department shall make the informational materials available to attending health care providers upon request. 3. The department shall publish the informational materials on its internet site and shall specifically make the informational materials available electronically to child care facilities and child care homes as defined in section 237A.1, school nurses, hospitals, attending health care providers, and other health care providers offering care to pregnant women and infants. 2017 Acts, ch 77, §1; 2018 Acts, ch 1026, §51; 2023 Acts, ch 19, §203, 204 Subsection 1, unnumbered paragraph 1 amended Subsection 2 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 136A - CONGENITAL AND INHERITED DISORDERS Section 136A.6 - Central registry.

136A.6 Central registry. The department shall maintain a central registry, or shall establish an agreement with a designated contractor to maintain a central registry, to compile, evaluate, retain, and disseminate information on the occurrence, prevalence, causes, treatment, and prevention of congenital disorders. Congenital disorders shall be considered reportable conditions in accordance with rules adopted by the department and shall be abstracted and maintained by the registry. 2004 Acts, ch 1031, §7, 12; 2023 Acts, ch 19, §205 Referred to in §144.13A Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 136A - CONGENITAL AND INHERITED DISORDERS Section 136A.7 - Confidentiality.

136A.7 Confidentiality. The department shall maintain the confidentiality of any identifying information collected, used, or maintained pursuant to this chapter in accordance with section 22.7, subsection 2. 2004 Acts, ch 1031, §8, 12; 2023 Acts, ch 19, §206 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 136A - CONGENITAL AND INHERITED DISORDERS Section 136A.8 - Rules.

136A.8 Rules. The department shall adopt rules pursuant to chapter 17A to administer this chapter. 2004 Acts, ch 1031, §9, 12; 2023 Acts, ch 19, §207 Referred to in §136A.5A Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 136A - CONGENITAL AND INHERITED DISORDERS Section 136A.9 - Cooperation of other agencies.

136A.9 Cooperation of other agencies. All state, district, county, and city health or welfare agencies shall cooperate and participate in the administration of this chapter. 2004 Acts, ch 1031, §10, 12

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 136B - RADON TESTING Section 136B.1 - Radon testing and abatement program.

136B.1 Radon testing and abatement program. 1. As used in this chapter, unless the context otherwise requires, “department” means the department of health and human services. 2. The department shall establish programs and adopt rules for the certification of persons who test for the presence of radon gas and radon progeny in buildings, the credentialing of persons abating the level of radon in buildings, and standards for radon abatement systems. 3. Following the establishment of the certification and credentialing programs by the department, a person who is not certified, as appropriate, shall not test for the presence of radon gas and radon progeny, and a person who is not credentialed, as required, shall not perform abatement measures. This section does not apply to a person performing the testing or abatement on a building which the person owns, or to a person performing testing or abatement without compensation. 4. For the purposes of this section, radon abatement systems shall be classified as mechanical ventilation systems. 88 Acts, ch 1237, §1; 89 Acts, ch 224, §1; 2004 Acts, ch 1168, §4; 2023 Acts, ch 19, §208 Referred to in §136B.2, 136B.3, 136B.4, 280.32 Subsection 1 amended

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 136B - RADON TESTINGSection 136B.2 - Radon testing information — disclosure.

136B.2 Radon testing information — disclosure. 1. a. A person certified or credentialed pursuant to section 136B.1 shall, within thirty days of the provision of any radon testing services or abatement measures or at the request of the department prior to testing or abatement, disclose to the department the address or location of the building, the name of the owner of the building where the services or measures were or will be provided, and the results of any tests or abatement measures performed. b. A person shall not disclose to any other person, except to the department, the results of a test or the address or the name of the owner of a nonpublic building that the person tested for the presence of radon gas and radon progeny, unless the owner of the building waives, in writing, this right of confidentiality. However, a person certified or credentialed pursuant to section 136B.1 may disclose the results of a test performed by the person for the presence of radon and radon progeny to a potential buyer of a nonpublic building when an offer to purchase has been presented by the buyer and if the potential buyer paid for the testing. Any test results disclosed shall be results of a test performed within the five years prior to the date of the disclosure. 2. a. Notwithstanding the requirements of this section, disclosure to any person of the results of a test performed on a nonpublic building for the presence of radon gas and radon progeny is not required if the results do not exceed the currently established United States environmental protection agency action guidelines, except as required during a real estate transaction pursuant to section 558A.4, subsection 2. b. A person who tests a nonpublic building which the person owns is not required to disclose to any person the results of a test for the presence of radon gas or progeny if the test is performed by the person who owns the nonpublic building, except as required during a real estate transaction pursuant to section 558A.4, subsection 2. 88 Acts, ch 1237, §2; 89 Acts, ch 224, §2; 2009 Acts, ch 41, §48; 2015 Acts, ch 20, §1, 2

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 136B - RADON TESTINGSection 136B.3 - Testing and reporting of radon level.

136B.3 Testing and reporting of radon level. The department or its duly authorized agents shall from time to time perform inspections and testing of the premises of a property to determine the level at which it is contaminated with radon gas or radon progeny as a spot-check of the validity of measurements or the adequacy of abatement measures performed by persons certified or credentialed under section 136B.1. Following testing the department shall provide the owner of the property with a written report of its results including the concentration of radon gas or radon progeny contamination present, an interpretation of the results, and recommendation of appropriate action. A person certified or credentialed under section 136B.1 shall also be advised of the department's results, discrepancies revealed by the spot-check, actions required of the person, and actions the department intends to take with respect to the person's continued certification or credentialing. 88 Acts, ch 1237, §3; 89 Acts, ch 224, §3; 2004 Acts, ch 1168, §5 Referred to in §136B.4

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 136B - RADON TESTINGSection 136B.4 - Fees — rules.

136B.4 Fees — rules. 1. The department shall establish a fee schedule to defray the costs of the certification and credentialing programs established pursuant to section 136B.1 and the testing conducted and the written reports provided pursuant to section 136B.3. 2. The department shall adopt rules, pursuant to chapter 17A, to implement this chapter. 88 Acts, ch 1237, §4; 89 Acts, ch 224, §4; 2021 Acts, ch 76, §150

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 136B - RADON TESTINGSection 136B.5 - Penalty for violation.

136B.5 Penalty for violation. A person who violates a provision of this chapter is guilty of a serious misdemeanor. 88 Acts, ch 1237, §5; 99 Acts, ch 96, §12

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 136C - RADIATION MACHINES AND RADIOACTIVE MATERIALSSection 136C.1 - Definitions.

136C.1 Definitions. As used in this chapter, unless the context otherwise requires: 1. "Decommissioning" means final operational activities at a site to dismantle site structures, to decontaminate site surfaces and remaining structures, to stabilize and contain residual radioactive material, and to carry out any other activities to prepare the site for postoperational care. 2. "Department" means the department of health and human services. 3. "Director" means the director of health and human services or the director's designee. 4. "Licensed professional" means a person licensed or otherwise authorized by law to practice medicine, osteopathic medicine, podiatry, chiropractic, dentistry, dental hygiene, or veterinary medicine. 5. "Radiation" means energy forms capable of causing ionization including alpha particles, beta particles, gamma rays, X rays, neutrons, high-speed protons, and other atomic particles, but does not include sound or radio waves, or visible light, or infrared or ultraviolet light. 6. "Radiation machine" means a device capable of producing radiation except those that produce radiation solely from radioactive material. 7. "Radioactive material" means a solid, liquid, or gaseous material that emits radiation spontaneously including accelerator-produced and naturally occurring material, and byproduct, source, and special nuclear material as defined in the Atomic Energy Act of 1954 as amended to July 1, 1984. [C79, 81, §136C.1] 84 Acts, ch 1286, §10; 2009 Acts, ch 133, §37; 2023 Acts, ch 19, §209 Referred to in §455B.315 Subsections 2 and 3 amended

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 136C - RADIATION MACHINES AND RADIOACTIVE

MATERIALSSection 136C.10 - Fees.

136C.10 Fees. 1. a. The department shall establish and collect fees for the licensing and amendment of licenses for radioactive materials, the registration of radiation machines, the periodic inspection of radiation machines and radioactive materials, and the implementation of section 136C.3, subsection 2. Fees shall be in amounts sufficient to defray the cost of administering this chapter. The license fee may include the cost of environmental surveillance activities to assess the radiological impact of activities conducted by licensees. b. When a registrant or licensee fails to pay the applicable fee the department may suspend or revoke the registration or license or may issue an appropriate order. Fees for the license, amendment of a license, and inspection of radioactive material shall not exceed the fees prescribed by the United States nuclear regulatory commission. 2. The department may establish and collect a fee related to transporting radioactive material if the fee is used for a purpose related to transporting radioactive material, including enforcement and planning, developing, and maintaining a capability for emergency response. The fees shall be established by rules adopted pursuant to chapter 17A. 3. The department may establish and collect fees from persons providing mammography services to assure compliance with applicable rules and the federal Mammography Quality Standards Act of 1992, Pub. L. No. 102-539, as amended. Fees shall be in an amount determined by the department by rule and all fees collected shall be used to support the department's mammography program. 4. Fees collected pursuant to this section shall be retained by the department, shall be considered repayment receipts as defined in section 8.2, and shall be used for the purposes described in this section, including but not limited to the addition of full-time equivalent positions for program services and investigations. Notwithstanding section 8.33, moneys retained by the department pursuant to this subsection are not subject to reversion to the general fund of the state. 84 Acts, ch 1286, §5; 86 Acts, ch 1217, §2; 2004 Acts, ch 1167, §3; 2005 Acts, ch 175, §81; 2006 Acts, ch 1155, §1, 15 Referred to in §136C.15

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 136C - RADIATION MACHINES AND RADIOACTIVE MATERIALSSection 136C.11 - Federal-state agreements.

136C.11 Federal-state agreements. 1. The governor, on behalf of the state, may enter into an agreement with the United States nuclear regulatory commission pursuant to section 274b of the Atomic Energy Act of 1954, as amended to July 1, 1984, providing for the discontinuation of certain federal licensing and related regulatory authority over byproduct, source, and special nuclear material and the assumption of regulatory authority over these materials by the state. 2. A person who, on the effective date of an agreement made under subsection 1, possesses a license issued by the United States nuclear regulatory commission for radioactive material that comes under the agreement is considered to possess the license required under this chapter. The license shall expire either ninety days after receipt from the department of a notice of expiration of the license, or on the date of expiration specified in the license issued by the nuclear regulatory commission, whichever is earlier. 84 Acts, ch 1286, §6

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 136C - RADIATION MACHINES AND RADIOACTIVE MATERIALSSection 136C.12 - Conflicting laws.

136C.12 Conflicting laws. This chapter does not preempt ordinances, resolutions, or rules of a local government or of a state agency relating to radioactive material that are consistent with this chapter. This chapter does not give the department the authority to regulate a facility for the disposal of low-level radioactive waste as defined in article II of section 457B.1. 84 Acts, ch 1286, §7

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 136C - RADIATION MACHINES AND RADIOACTIVE MATERIALSSection 136C.13 - Emergencies.

136C.13 Emergencies. If the department finds that an emergency exists involving radioactive material or radiation machines that requires immediate action to protect the public health and safety, the department may, without notice or hearing, issue an order stating that an emergency exists and requiring that action be taken as necessary to meet the emergency. An emergency order shall be effective immediately. A person to whom the order is directed shall comply with the order immediately, but on application to the department shall be afforded a hearing within ten days of the date application is made. The emergency order may be continued, modified, or revoked within thirty days after the hearing, based on the evidence presented at the hearing. 84 Acts, ch 1286, §8

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 136C - RADIATION MACHINES AND RADIOACTIVE MATERIALSSection 136C.14 - Qualified operators — credentials available upon request.

136C.14 Qualified operators — credentials available upon request. 1. A person, other than a licensed professional, shall not operate a radiation machine or use radioactive materials for medical treatment or diagnostic purposes unless that person has completed a course of instruction approved by the department or has otherwise met the minimum training requirement established by the department. 2. A person, other than a licensed professional, who operates a radiation machine or uses radioactive materials for medical treatment or diagnostic purposes shall make available upon request the credentials which indicate that person's qualification to operate the machine or use the materials. A person who owns or controls the machine or materials shall not employ a person to operate the machine or use the materials for medical treatment or diagnostic purposes except as provided in this section. 84 Acts, ch 1286, §9; 85 Acts, ch 195, §17; 2012 Acts, ch 1113, §27

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 136C - RADIATION MACHINES AND RADIOACTIVE

MATERIALS**Section 136C.15 - Radiation machines used for mammography — registration standards and requirements — application for authority — inspection.**

136C.15 Radiation machines used for mammography — registration standards and requirements — application for authority — inspection. 1. A person shall not use a radiation machine to perform mammography unless the radiation machine is registered with the department pursuant to the department's rules and is specifically authorized for use for mammography as provided in this section. 2. The department shall authorize a radiation machine for use for mammography if the radiation machine meets all of the following: a. The radiation machine meets the criteria for a mammography accreditation program approved by the United States food and drug administration. The department shall make copies of those criteria available to the public and may by rule adopt modified criteria. The department may accept an evaluation report issued by such an approved accreditation program as evidence that a radiation machine meets those criteria. If at any time the department determines that it will not accept any evaluation reports issued by such an approved accreditation program as evidence that a radiation machine meets those criteria, the department shall promptly notify each person who has registered a radiation machine under this paragraph. b. The radiation machine, the film or other image receptor used in the radiation machine, and the facility where the radiation machine is used meet the requirements set forth in department rules for radiation machines. c. The radiation machine is specifically designed to perform mammography. d. The radiation machine is used in a facility that does all of the following: (1) At least annually has a qualified radiation physicist provide on-site consultation to the facility, including, but not limited to, a complete evaluation of the entire mammography system to ensure compliance with this section and the rules adopted pursuant to this section. (2) Maintains for at least seven years, records of the consultation required in subparagraph (1) and the findings of the consultation. e. The radiation machine is used according to the department rules on patient radiation exposure and radiation dose levels. f. The radiation machine is operated only by an individual who can demonstrate to the department that the individual is specifically trained in mammography and meets the standards established in this section, or an individual who is a physician or an osteopathic physician. 3. The department may issue a nonrenewable temporary authorization for a radiation machine for use for mammography if additional time is needed to allow submission of evidence satisfactory to the department that the radiation machine meets the standards set forth in subsection 2 for approval for mammography. A temporary authorization granted under this subsection shall be effective for no more than twelve months. The department may withdraw a temporary authorization prior to its expiration if the radiation machine does not meet one or more of the standards set forth in subsection 2. 4. To obtain authorization from the department to use a radiation machine for mammography, the person who owns or leases the radiation machine or an authorized agent of the person shall apply to the department for mammography authorization on an application form provided by the department and shall provide all of the information required by the department as specified on the application form. A person who owns or leases more than one radiation machine used for mammography shall obtain authorization for each radiation machine. The department shall process and respond to an application within thirty days after the date of receipt of the application. Upon determining to grant mammography authorization for a radiation machine, the department shall issue a certificate of registration specifying the mammography authorization. A mammography authorization is effective for three years. 5. The department shall annually inspect each authorized radiation machine and may inspect the radiation machine more frequently. The department shall make reasonable efforts to coordinate the inspections under this section with the department's other inspections of the facility in which the radiation machine is located. 6. After each satisfactory inspection by the department, the department shall issue a written proof of inspection or a similar document identifying the facility and radiation machine inspected and providing a record of the date the radiation machine was inspected. 7. The department may withdraw the mammography authorization for a radiation machine if it does not meet one or more of the standards set forth in subsection 2. 8. The department shall provide an opportunity for a hearing in connection with a denial or withdrawal of mammography authorization. 9. Upon a finding that a deficiency in a radiation machine used for mammography or a violation of this section or the rules adopted pursuant to this section seriously affects the health, safety, and welfare of individuals upon whom the radiation machine is used for mammography, the department may issue an emergency order summarily withdrawing the mammography authorization of the radiation machine. The department shall incorporate its findings in the order and shall provide an opportunity for a hearing within five working days after issuance of the order. The order shall be effective during the proceedings. 10. If the department withdraws the mammography authorization of a radiation machine, the radiation machine shall not be used for mammography. An application for reinstatement of a mammography authorization shall be filed and processed in the same manner as an application for mammography authorization under subsection 4, except that the department shall not issue a reinstated certificate of registration specifying the mammography authorization until the department inspects the radiation machine and determines that it meets the standards set forth in subsection 2. The department shall conduct an inspection required under this subsection no later than sixty days after receiving a proper application for reinstatement of a mammography authorization. 11. The department shall establish fees pursuant to section 136C.10 for the application for authorization and the inspection related to a radiation machine used for mammography. 92 Acts, ch 1054, §2; 93 Acts, ch 139, §4; 2008 Acts, ch 1058, §8, 9 Referred to in §136C.3

2024 Iowa Code**Title IV - PUBLIC HEALTH****Chapter 136C - RADIATION MACHINES AND RADIOACTIVE MATERIALS****Section 136C.2 - Applicability.**

136C.2 Applicability. This chapter applies to radiation machines and radioactive material located in this state. The provisions of this chapter do not supersede or duplicate the authority and programs of any other agency of the state or the United States government.

To avoid duplication and promote coordination of radiation protection activities, the department may enter into agreements pursuant to chapter 28E with other state and federal agencies, or with private organizations or individuals, to administer this chapter. [C79, 81, §136C.2] 84 Acts, ch 1286, §11

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 136C - RADIATION MACHINES AND RADIOACTIVE MATERIALS Section 136C.3 - Duties of department.

136C.3 Duties of department. The department is designated the state radiation control agency and is responsible for regulating the installation and use of radiation machines and the use of radioactive materials in this state as provided in this chapter. The department shall: 1. Establish minimum criteria and safety standards for the installation, operation, and use of radiation machines and radioactive materials. 2. Establish minimum training standards including continuing education requirements, and administer examinations and disciplinary procedures for operators of radiation machines and users of radioactive materials. A state of Iowa license to practice medicine, osteopathic medicine, chiropractic, podiatry, dentistry, dental hygiene, or veterinary medicine, or licensure as a physician assistant pursuant to chapter 148C, or certification by the dental board in dental radiography, or by the board of podiatry in podiatric radiography, or enrollment in a program or course of study approved by the department which includes the application of radiation to humans satisfies the minimum training standards for operation of radiation machines only. 3. Develop programs for evaluation and control of hazards associated with the use of sources of radiation with due regard for compatibility of a proposed program with federal programs regulating byproduct, source, and special nuclear materials and considering consistency of a proposed program with federal programs for regulation of radiation machines. 4. Adopt, publish, and amend rules in accordance with chapter 17A as necessary for the implementation and enforcement of this chapter. The rules may provide for the licensing and control of radioactive materials with due regard for compatibility with federal regulatory programs. 5. Issue orders as necessary in connection with licensing and registration of radiation machines and radioactive materials and the operators or users thereof. 6. Advise, consult, and cooperate with other agencies of the state, the federal government, other states and interstate agencies, political subdivisions, and other organizations concerned with control of sources of radiation. 7. Encourage, participate in, or conduct studies, investigations, training, research, and demonstrations relating to control of sources of radiation. 8. Collect and disseminate information relating to control of sources of radiation. The department shall maintain the following information on file: a. License applications, issuances, denials, amendments, transfers, renewals, modifications, suspensions, and revocations. b. A list of persons possessing sources of radiation requiring registration under this chapter and any administrative or judicial action involving each person. c. Departmental rules relating to regulation of sources of radiation, existing or pending, and related actions. 9. Adopt rules requiring the keeping of such records with respect to activities under licenses and registration certificates issued pursuant to this chapter as the department determines necessary to effect the purposes of this chapter. 10. a. Adopt rules specifying the minimum training and performance standards for an individual using a radiation machine for mammography, and other rules necessary to implement section 136C.15. The rules shall complement federal requirements applicable to similar radiation machinery and shall not be less stringent than those federal requirements. b. (1) Adopt rules, in collaboration with appropriate stakeholders, to require that, by January 1, 2018, a facility at which mammography services are performed shall include information on breast density in mammogram reports sent to all mammography patients, pursuant to regulations implementing the federal Mammography Quality Standards Act of 1992, Pub. L. No. 102-539, as amended. The mammogram report shall include information on a patient's breast density, as categorized by an interpreting physician at the facility based on standards as defined in nationally recognized guidelines or systems for breast imaging reporting of mammography screening, including the breast imaging reporting and data system of the American college of radiology. For patients categorized as having heterogeneously dense breasts or extremely dense breasts, or an equivalent determination by another nationally recognized density gradient system, the report to the patient shall include evidence-based information on dense breast tissue, the increased risk associated with dense breast tissue, and the effects of dense breast tissue on screening mammography. (2) Nothing in this paragraph "b" shall be construed to modify the existing liability of a facility where mammography services are performed beyond the duty to provide the information set forth in this paragraph "b". Notwithstanding any other provision of law to the contrary, this paragraph "b" shall not create a cause of action or create a standard of care, obligation, or duty that provides grounds for a cause of action. (3) Nothing in this paragraph "b" shall be deemed to require a notice or the provision of information that is inconsistent with the provisions of the federal Mammography Quality Standards Act of 1992, Pub. L. No. 102-539, as amended, or any regulations promulgated pursuant to that Act. [C79, 81, §136C.3] 84 Acts, ch 1286, §1; 86 Acts, ch 1217, §1; 88 Acts, ch 1225, §1; 90 Acts, ch 1233, §6; 92 Acts, ch 1054, §1; 92 Acts, ch 1163, §36; 99 Acts, ch 141, §12; 2007 Acts, ch 10, §23; 2007 Acts, ch 218, §195; 2009 Acts, ch 133, §38; 2010 Acts, ch 1031, §397; 2012 Acts, ch 1113, §25; 2017 Acts, ch 61, §1, 2; 2023 Acts, ch 19, §210 Referred to in §136C.5, 136C.10 Subsection 2 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 136C - RADIATION MACHINES AND RADIOACTIVE MATERIALS Section 136C.4 - Penalties.

136C.4 Penalties. 1. It is unlawful to operate or use radiation machines or radioactive material in violation of this chapter or of any rule adopted pursuant to this chapter. Persons convicted of violating a provision of this chapter are guilty of a serious misdemeanor. 2. In addition to criminal penalties, the department may impose a civil penalty not to exceed one thousand dollars on a person who violates a provision of this chapter or a rule or order issued under this chapter, or a term, condition, or limitation of a license or registration certificate issued under this chapter, or who commits a violation for which a license or registration certificate may be revoked under rules issued pursuant to this chapter. Each day of continuing violation constitutes a separate offense in computing the

civil penalty. 3. The department shall notify a person of the intent to impose a civil penalty against the person. The notice shall be by registered or certified mail to the person's last known address and shall state the date, facts, the nature of the act or omission leading to the charge, the specific statute, rule, or license or registration provision involved, and the amount of the penalty the department proposes to impose. The notice shall advise the person that upon failure to pay the civil penalty, the penalty may be collected by civil action. The person shall have the opportunity to respond in writing, within a reasonable time as the department shall establish by rule, why the civil penalty should not be imposed. 4. The department may compromise, mitigate, or remit a civil penalty imposed under this section. A person upon whom a civil penalty is imposed may appeal the action pursuant to chapter 17A. The department shall remit moneys collected from civil penalties to the treasurer of state who shall deposit the moneys in the general fund of the state. [C79, 81, §136C.4] 84 Acts, ch 1286, §12; 2002 Acts, ch 1108, §10

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 136C - RADIATION MACHINES AND RADIOACTIVE MATERIALS Section 136C.5 - Enforcement.

136C.5 Enforcement. 1. Upon determination by the department that this chapter or any rule adopted pursuant to this chapter has been or is being violated, the department may order that the radiation machine or radioactive material not be used until the necessary corrective action has been taken. If the use of the radiation machine or radioactive material continues in violation of the order of the department, the department may request the county attorney or the attorney general to make an application in the name of the state to the district court of the county in which the violations may have occurred for an order to enjoin the violations or practices. 2. The department may impound or order the impounding of radioactive material in the possession of a person who is not equipped to observe or fails to observe a provision of this chapter or of a rule adopted under this chapter. 3. The department may enter at reasonable times any private or public property to determine whether there is a violation of a provision of this chapter or of a rule issued under this chapter. However, the department must have the consent of the federal government before entering an area under the jurisdiction of the federal government. 4. The department may inspect records required to be kept under section 136C.3, subsection 9. Upon request of the department a person shall submit the records to the department for inspection. [C79, 81, §136C.5] 84 Acts, ch 1286, §13 Referred to in §331.756(26)

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 136C - RADIATION MACHINES AND RADIOACTIVE MATERIALS Section 136C.7 - Acceptance of funds.

136C.7 Acceptance of funds. The department may accept from any source loans, grants, gifts, or other funds to be used for programs authorized by this chapter. 84 Acts, ch 1286, §2

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 136C - RADIATION MACHINES AND RADIOACTIVE MATERIALS Section 136C.8 - Inspections.

136C.8 Inspections. The department may inspect radiation machines and radioactive materials located in this state, for the purpose of detecting, abating, or eliminating excessive radiation exposure hazards. The inspection shall include but shall not be limited to an evaluation of the radiation machine or radioactive material as well as the immediate environment to ensure that in using the machines or materials all unnecessary hazards for patients, personnel, and other persons who may be exposed to radiation produced by the machine or materials are avoided. All defects and deficiencies noted by the inspector shall be fully disclosed and discussed with the responsible persons at the time of inspection. The department shall establish rules prescribing operating procedures for radiation machines and radioactive materials which ensure minimum radiation exposure to patients, personnel, and other persons in the immediate environment. 84 Acts, ch 1286, §3; 2012 Acts, ch 1113, §26

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 136C - RADIATION MACHINES AND RADIOACTIVE MATERIALS Section 136C.9 - Registration and license requirements.

136C.9 Registration and license requirements. 1. The department shall establish by rule a system for the registration of the possession of radiation machines and for the licensing of radioactive materials in the state. The rules may provide for the issuance of the following licenses: a. General licenses which do not require the filing of an application or the issuance of a document but do permit designated persons to transfer, acquire, own, possess, or use quantities of or equipment using radioactive materials. b. Specific licenses issued upon application to a person named in the license to use, manufacture, produce, transfer, receive, acquire, or possess quantities of or equipment using radioactive material. Applicants requesting radioactive materials in quantities of concern, as identified by the United States nuclear regulatory commission, shall submit fingerprints to the United States nuclear regulatory commission for a background check of all individuals authorized for unescorted access to such material. 2. The department may exempt certain sources of radiation or kinds of uses or users from the licensing or registration requirements when the department finds that the exemption of the source of radiation, use, or users will not pose a significant risk to the health and safety of the public. The rules may provide for recognition of other state or federal licenses as the department may allow, subject to registration requirements as the department may prescribe. 3. A person shall not use, manufacture, produce, distribute, sell, transport, transfer, install, repair, receive, acquire, own, or possess any radioactive material without a license from the department as provided in this chapter. 84 Acts, ch 1286, §4; 2008 Acts, ch 1058, §7

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 136D - TANNING FACILITIES Section 136D.1 - Short title.

136D.1 Short title. This chapter may be cited as the “Tanning Facility Regulation Act.” 90 Acts, ch 1220, §1

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 136D - TANNING FACILITIES Section 136D.2 - Definitions.

136D.2 Definitions. As used in this chapter, unless the context otherwise requires: 1. “Department” means the department of inspections, appeals, and licensing. 2. “Director” means the director of the department of inspections, appeals, and licensing, or the director’s designee. 3. “Phototherapy device” means a piece of equipment that emits ultraviolet radiation and that is used by a health care professional in the treatment of disease. 4. “Tanning device” means any equipment that emits electromagnetic radiation with wavelengths in the air between 200 and 400 nanometers and that is used for tanning of human skin, such as tanning booths or tanning beds. 5. “Tanning facility” means a location, place, area, structure, or business, or a part thereof, which provides access to a tanning device for compensation. “Tanning facility” may include but is not limited to a tanning salon, health club, apartment, and condominium. 90 Acts, ch 1220, §2; 2012 Acts, ch 1113, §28; 2023 Acts, ch 19, §1620 Subsections 1 and 2 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 136D - TANNING FACILITIES Section 136D.3 - Application of chapter.

136D.3 Application of chapter. 1. This chapter does not apply to a phototherapy device used by or under the supervision of a licensed physician trained in the use of phototherapy devices. A tanning device used by a tanning facility must comply with all applicable federal laws and regulations. 2. This chapter shall not supersede or duplicate the authority and programs of any other agency of the state or the United States. To avoid duplication and promote coordination of radiation protection activities, the department may enter into written agreements with other state or federal agencies, with local boards of public health, or with private organizations or individuals, to administer this chapter. 90 Acts, ch 1220, §3; 2008 Acts, ch 1058, §10

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 136D - TANNING FACILITIES Section 136D.4 - Warning signs — written warning statements.

136D.4 Warning signs — written warning statements. 1. A tanning facility shall post the following warning signs that describe the hazards associated with the use of tanning devices: a. A warning sign in a conspicuous location readily visible to persons entering the establishment. The signs shall comply with rules adopted by the department. b. A warning sign for each tanning device, in a conspicuous location readily visible to a person preparing to use the device. The sign shall comply with rules adopted by the department. 2. A tanning facility shall provide each customer with a written warning statement that complies with rules adopted by the department. 90 Acts, ch 1220, §4

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 136D - TANNING FACILITIES Section 136D.6 - Permits.

136D.6 Permits. 1. A person shall not operate a tanning facility without a current and valid permit to operate the facility, issued by the department. 2. The permit shall be displayed in an open public area of the tanning facility. 3. Permits shall be renewed annually upon acceptance of an application provided by the department and upon receipt of a permit fee. 4. The department may revoke, cancel, or suspend a permit to operate a tanning facility based upon criteria adopted by rule of the department. 90 Acts, ch 1220, §5

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 136D - TANNING FACILITIES Section 136D.7 - Duties of the department.

136D.7 Duties of the department. The department shall do all of the following: 1. Establish requirements for the operation of tanning facilities, including but not limited to, proper sanitation of tanning devices, provisions of proper equipment, the presence of knowledgeable operators during operating hours, and the use of accurate timers and temperature controls. 2. Adopt rules, in accordance with chapter 17A, as necessary for the implementation and enforcement of this chapter, including but not limited to rules relating to the operation and use of tanning devices, rules regarding the warning signs required to be posted by a tanning facility, and rules prescribing the criteria for revocation, cancellation, or suspension of a tanning facility permit. 3. Establish and collect fees to defray the costs of administering the program established in this chapter. Fees collected shall be deposited in the general fund of the state. 90 Acts, ch 1220, §6

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 136D - TANNING FACILITIES Section 136D.8 - Inspections — violations — prohibited acts — injunctions.

136D.8 Inspections — violations — prohibited acts — injunctions. 1. The director or an authorized agent shall have access at all reasonable times to any tanning facility to inspect the facility to determine if this chapter is being violated. 2. A tanning facility shall not claim, or distribute promotional materials that claim, that using a tanning device is safe or free from risk. 3. a. If the director finds that a person has violated, or is violating or threatening to violate this chapter and that the violation creates an immediate threat to the health and safety of the public, the director may petition the district court for a temporary restraining order to restrain the violation or threat of violation. b. If a person has violated, or is violating or threatening to violate this chapter, the director may petition the district court for an injunction to prohibit the person from continuing the violation or threat of violation. c. On application for injunctive relief and a finding that a person is violating or threatening to violate this chapter, the district court shall grant any injunctive relief warranted by the facts. 90 Acts, ch 1220, §7; 2012 Acts, ch 1113, §29

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 136D - TANNING FACILITIES Section 136D.9 - Penalties.

136D.9 Penalties. 1. The department may impose a civil penalty not to exceed one thousand dollars on a person who violates a provision of this chapter, a rule adopted or order issued under this chapter, or a term, condition, or limitation of a registration certificate issued pursuant to this chapter, or who commits a violation for which a registration certificate may be revoked under rules issued pursuant to this chapter. Each day of continuing violation constitutes a separate offense in computing the civil penalty. However, the maximum civil penalty for a continuing violation shall not exceed five thousand dollars. 2. The department shall notify a person of the intent to impose a civil penalty against the person. The department shall establish the notification process to include an opportunity for the person to respond in writing, within a reasonable time as the department shall establish by rule, regarding reasons why the civil penalty should not be imposed. 3. The department may compromise, mitigate, or refund a civil penalty imposed under this section. A person upon whom a civil penalty is imposed may appeal the action pursuant to chapter 17A. The department shall remit moneys collected from civil penalties to the treasurer of the state who shall deposit the moneys in the general fund of the state. 2012 Acts, ch 1113, §30

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137 - LOCAL BOARDS OF HEALTH Section 137.101 - Title and purpose.

137.101 Title and purpose. This chapter shall be known and may be cited as the “Local Public Health Governance Act”. The purpose of this chapter is to define the structure, powers, and duties of local boards of health. This chapter also provides an optional process for counties to merge to form a district board of health in order to increase efficiencies and enhance the delivery and availability of public health services. 2010 Acts, ch 1036, §1

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137 - LOCAL BOARDS OF HEALTH Section 137.102 - Definitions.

137.102 Definitions. As used in this chapter unless the context otherwise requires: 1. “City board” means a city board of health in existence prior to July 1, 2010. 2. “City health department” refers to the personnel and property under the jurisdiction of a city board in existence prior to July 1, 2010. 3. “Council” means the council on health and human services. 4. “County board” means a county board of health. 5. “County health department” refers to the personnel and property under the jurisdiction of a county board. 6. “Director” means the director of health and human services. 7. “District” means any two or more geographically contiguous counties. 8. “District board” means a board of health representing at least two geographically contiguous counties formed with approval of the state department in accordance with this chapter, or any district board of health in existence prior to July 1, 2010. 9. “District health department” refers to the personnel and property under the jurisdiction of a district board. 10. “Local board of health” means a city, county, or district board of health. 11. “Officers” means a local board of health chairperson, vice chairperson, and secretary, and other officers which may be named at the discretion of the local board of health. 12. “State department” or “department” means the department of health and human services. 2010 Acts, ch 1036, §2; 2016 Acts, ch 1026, §9; 2023 Acts, ch 19, §211 Referred to in §135A.2, 135I.1 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137 - LOCAL BOARDS OF HEALTH Section 137.103 - Local boards of health — jurisdiction.

137.103 Local boards of health — jurisdiction. 1. A city board shall have jurisdiction over public health matters within the city. 2. A county board shall have jurisdiction over public health matters within the county. 3. A district board shall have jurisdiction over public health matters within the district. 2010 Acts, ch 1036, §3

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137 - LOCAL BOARDS OF HEALTH Section 137.104 - Local boards of health — powers and duties.

137.104 Local boards of health — powers and duties. Local boards of health shall have the following powers and duties: 1. A local board of health shall: a. Enforce state health laws and the rules and lawful orders of the state department. b. Make and enforce such reasonable rules and regulations not inconsistent with law and the rules of the council as may be necessary for the protection and improvement of the public health. (1) Rules of a city board shall become effective upon approval by the city council and publication in a newspaper having general circulation in the city. (2) Rules of a county board shall become effective upon approval by the county board of supervisors by a motion or resolution as defined in section 331.101, subsection 13, and publication in a newspaper having general circulation in the county. (3) Rules of a district board shall become effective upon approval by the district board and publication in a newspaper having general circulation in the district. (4) Before approving any rule or regulation the local board of health shall hold a public hearing on the proposed rule. Any citizen may appear and be heard at the public hearing. A notice of the public hearing, stating the time and place and the general nature of the proposed rule or regulation shall be published in a newspaper having general circulation as provided in section 331.305 in the area served by the local board of health. c. Employ persons as necessary for the efficient discharge of its duties. Employment practices shall meet the requirements of chapter 8A, subchapter IV, or any civil service provision adopted under chapter 400. d. Provide the names of all local board of health members and officers to the state department. e. Provide minutes of local board of health meetings and reports of the local board of health’s operations and activities to the state department as may be required by the director, by rule, or by contract. 2. A local board of health may: a. Provide such population-based and personal health services as may be deemed necessary for the promotion and protection of the

health of the public and charge reasonable fees for personal health services. A person shall not be denied necessary services within the limits of available resources because of inability to pay the cost of such services. b. Provide such environmental health services as may be deemed necessary for the protection and improvement of the public health and issue licenses and permits and charge reasonable fees in relation to the construction or operation of nonpublic water supplies or private sewage disposal systems. c. Engage in joint operations and contract with colleges and universities, the state department, other public, private, and nonprofit agencies, and individuals or form a district health department to provide personal and population-based public health services. d. By written agreement with the city council of any city within its jurisdiction, enforce appropriate ordinances of the city relating to public health. e. Demand that a raw milk producer provide the board with all records required to be retained by the raw milk producer as provided in section 195.6, including any of the following: (1) The coliform count and standard plate count of dairy animals maintained at a raw milk dairy owned or operated by the raw milk producer. (2) The administration of antibiotic drugs to dairy animals maintained at a raw milk dairy owned or operated by the raw milk producer. 2010 Acts, ch 1036, §4; 2016 Acts, ch 1026, §10; 2023 Acts, ch 19, §212 – 214; 2023 Acts, ch 75, §2 Referred to in §137.115 Subsection 1, paragraph b, unnumbered paragraph 1 amended Subsection 1, paragraph b, subparagraph (1) amended Subsection 2, paragraph d amended Subsection 2, NEW paragraph e

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137 - LOCAL BOARDS OF HEALTH Section 137.105 - Local boards of health — membership and meetings.

137.105 Local boards of health — membership and meetings. 1. Membership, terms, compensation, and vacancies. a. All members of a city board shall be appointed by the city council. b. All members of a county board shall be appointed by the county board of supervisors. c. All members of a district board shall be appointed by the county board of supervisors from each county represented by the district. Each county board of supervisors shall appoint at least one but no more than three members to the district board. d. Local boards of health shall consist of at least five members. At least one member shall be licensed as a physician under chapter 148, a physician assistant under chapter 148C, an advanced registered nurse practitioner under chapter 152, or an advanced practice registered nurse under chapter 152E. e. A local board of health member shall serve for a term of three years. A member is eligible for reappointment. f. A local board of health member shall serve without compensation, but may be reimbursed for necessary expenses in accordance with rules established by the council or the applicable jurisdiction. g. A local board of health member vacancy due to death, resignation, or other cause shall be filled as soon as possible after the vacancy exists for the unexpired term of the original appointment. 2. Meetings. A majority of the members of a local board of health shall be considered a quorum and an affirmative vote of the majority of the members present is necessary for action taken by a local board of health. The majority shall not include any member who has a conflict of interest and a statement by the member that a conflict of interest exists shall be conclusive for this purpose. 2010 Acts, ch 1036, §5; 2016 Acts, ch 1026, §11; 2020 Acts, ch 1083, §2; 2023 Acts, ch 19, §215 Referred to in §137.106, 137.108, 331.321 Subsection 1, paragraphs a and f amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137 - LOCAL BOARDS OF HEALTH Section 137.106 - District boards of health — request to form.

137.106 District boards of health — request to form. The county boards of any two or more geographically contiguous counties may at any time submit a request to form a district board to the state department. The formation request shall be in writing, shall be executed by the county boards of supervisors and the county boards of health for each county comprising the proposed district board, and shall include but not be limited to the following required elements: 1. A written narrative that explains how a district board will attain the capability to provide population-based and personal public health services. 2. The composition of the district board, including the number of members each county shall appoint pursuant to section 137.105 and the total number of members on the district board. 3. Proof of approval by all county boards of supervisors and county boards of health involved in the request to form a district board and of the elements included in the formation plan. 4. The service delivery plan. 5. The budget and fiscal plan for the proposed district board. The budget plan shall include an estimate of proposed expenditures and revenues and an allocation of the revenue responsibilities of each of the counties participating in the proposed district board. 6. A table of organization. 7. A personnel system description, including identification of the district treasurer and district auditor and a section which addresses the employment issues contained in section 137.110. 8. The location of the district board offices and workforce throughout the jurisdiction. 9. An inventory of the property and equipment in the custody of each county board and a description as to whether such property and equipment shall remain in the custody of the county or shall be transferred to the district board to become property of the district board. 10. A timeline for the adoption of district board rules and regulations. 11. Other criteria as established by rule of the state department. 2010 Acts, ch 1036, §6; 2016 Acts, ch 1026, §12 Referred to in §137.107, 137.110, 137.113, 137.114, 137.115

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137 - LOCAL BOARDS OF HEALTH Section 137.107 - Request reviewed by state department.

137.107 Request reviewed by state department. The state department shall review requests submitted pursuant to section 137.106. The state department, upon finding that all required elements are present, shall present findings to the council. The council may approve the formation of a district board and if the formation is approved, shall notify the county boards from whom the request was received. 2010 Acts, ch 1036, §7; 2023 Acts, ch 19, §216 Referred to in §137.113, 137.114 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137 - LOCAL BOARDS OF HEALTH Section 137.108 - Initial appointment of district board of health.

137.108 Initial appointment of district board of health. Upon receipt of notice of approval as a district board, district board members shall be appointed as specified in section 137.105. 2010 Acts, ch 1036, §8

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137 - LOCAL BOARDS OF HEALTH Section 137.109 - Organizational structure of district board.

137.109 Organizational structure of district board. A district board is a governing body for purposes of chapter 670 and a district health department is a municipality for purposes of chapter 670. All meetings of a district board shall comply with the requirements of chapter 21 and all records of a district board and a district health department shall be maintained in accordance with chapter 22. 2010 Acts, ch 1036, §9

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137 - LOCAL BOARDS OF HEALTH Section 137.110 - District personnel.

137.110 District personnel. 1. A district board may employ persons as necessary for the efficient discharge of its duties. A district board shall have all the duties and powers in employing such persons as a county board of supervisors is granted pursuant to section 331.324, with the exception of the authority to provide for support of the civil service commission for deputy sheriffs as specified in section 331.324, subsection 1, paragraph “k”. A district board may employ persons who were employed at the time of the formation of the district board by the counties represented by the district board, or may employ persons who were not employed by such counties. The county boards involved shall specify in the request submitted pursuant to section 137.106 whether the individual counties or the district board will be responsible for payment of unemployment compensation for any county employees employed by the county board at the time of formation of the district board but not employed by the district board following formation. 2. If the district board employs persons who were employed by the counties represented by the district board at the time of formation of the district board, the district board shall recognize the term of service of the former county employees for purposes of all employee benefits offered by the district board to such employees and such employees shall not forfeit accrued vacation, accrued sick leave, or longevity by becoming district board employees. 3. Persons who were covered by county employee life insurance, accident insurance, and health insurance plans prior to becoming district board employees pursuant to this chapter shall be permitted to apply prior to becoming district board employees for life, accident, and health insurance plans that are available to district board employees so that those persons do not suffer a lapse of insurance coverage as a result of becoming district board employees. 4. The district board may employ or contract with legal counsel to enforce this chapter and district board rules, represent and defend the district board and its officers and employees, provide legal advice to the district board, and perform any other legal duties required by law or assigned by the district board. The district board may employ or contract with the county attorney of a county within its jurisdiction. 2010 Acts, ch 1036, §10 Referred to in §137.106

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137 - LOCAL BOARDS OF HEALTH Section 137.111 - District treasurer and auditor.

137.111 District treasurer and auditor. Upon establishment of a district board, the district board shall designate a treasurer to serve as treasurer of the district health department, and shall designate an auditor to serve as auditor of the district health department. A treasurer or auditor of any county within the district may also serve in the capacity of treasurer or auditor of the district health department, respectively, or the district board may contract with a third party to act as the treasurer or auditor of the district health department. A county treasurer’s or county auditor’s official bond may extend to cover their respective duties performed on behalf of the district health department. 2010 Acts, ch 1036, §11; 2016 Acts, ch 1026, §13

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137 - LOCAL BOARDS OF HEALTH Section 137.112 - District public health fund — budget.

137.112 District public health fund — budget. 1. The district treasurer shall establish a district public health fund from which disbursements may be made in the manner specified for disbursements by law for the disbursement of county funds. 2. All moneys received by a district board or district health department for local public health purposes from federal appropriations, state appropriations, local appropriations, fees, gifts, grants, bequests, or other sources shall be deposited in the district public health fund. Expenditures shall be made from the fund on order of the district board for the purpose of carrying out its duties. No more than twenty percent of the unexpended balance remaining in the fund at the end of each fiscal year shall be maintained in the district public health fund. The remainder of the unexpended balance shall revert to the general funds of the member counties in the manner determined by the district board. 3. The district board shall adopt and certify an annual budget in accordance with section 24.17 relating to certification of budgets and section 24.27 relating to protesting budgets. 4. This section does not apply to any district board of health or district health department in existence prior to July 1, 2010. 2010 Acts, ch 1036, §12; 2012 Acts, ch 1113, §17, 20, 21

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137 - LOCAL BOARDS OF HEALTH Section 137.113 - Adding to

district.

137.113 Adding to district. A county may be added to an existing district board by submission and approval of a request, as specified in sections 137.106 and 137.107. 2010 Acts, ch 1036, §13

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 137 - LOCAL BOARDS OF HEALTHSection 137.114 - Withdrawal from district.

137.114 Withdrawal from district. A county may withdraw from an existing district board upon submission of a request for withdrawal to and approval by the state department. The request shall include a plan to reform its county board or join a different district board, information specified in section 137.106, and approval of the request by the district board and, at the recommendation of the state department, the council. Any county choosing to withdraw from the district board shall commit to the continuity of services in its county by reestablishing its county board or joining a different district board. The remaining counties in the district shall submit an application including the information specified in section 137.106 to the state department for review as provided in section 137.107. 2010 Acts, ch 1036, §14; 2023 Acts, ch 19, §217 Section amended

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 137 - LOCAL BOARDS OF HEALTHSection 137.115 - Dissolution of county boards.

137.115 Dissolution of county boards. Upon appointment of a district board, the county boards involved shall be dissolved and their powers and duties specified in section 137.104 transferred to the district board. All property and equipment in the custody of the county board shall either remain the property of the county or shall become the property of the district board, as so provided in the district board formation request submitted pursuant to section 137.106. 2010 Acts, ch 1036, §15

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 137 - LOCAL BOARDS OF HEALTHSection 137.116 - Emergency request for funds.

137.116 Emergency request for funds. A local board of health may, during a public health disaster as defined in section 135.140 or in preparation for or response to such disaster, request additional appropriations which may upon approval of the director be allotted from the funds reserved for that purpose to the extent that funds are appropriated and available. Upon termination of the disaster response, the local board of health shall report its expenditures of emergency funds to the director. 2010 Acts, ch 1036, §16

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 137 - LOCAL BOARDS OF HEALTHSection 137.117 - Penalties — criminal and civil.

137.117 Penalties — criminal and civil. 1. Any person who violates any provision of this chapter or the rules of a local board of health or any lawful order of the board, its officers, or authorized agents is guilty of a simple misdemeanor. Each additional day of neglect or failure to comply with such provision, rule, or lawful order after notice of violation by the local board of health shall constitute a separate offense. 2. A local board of health may impose a civil penalty not to exceed seven hundred fifty dollars for each violation of this chapter or the rules of the local board of health or any lawful order of the board, its officers, or authorized agents. If the violation is a repeat offense, a civil penalty not to exceed one thousand dollars may be imposed. The local board of health shall impose and enforce such penalties in the manner provided in section 331.307 for county infractions. 2010 Acts, ch 1036, §17

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 137 - LOCAL BOARDS OF HEALTHSection 137.118 - Individual choice of treatment.

137.118 Individual choice of treatment. Nothing in this chapter shall be construed to impede, limit, or restrict the right of free choice by an individual to the health care or treatment that the individual may select. 2010 Acts, ch 1036, §18

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 137 - LOCAL BOARDS OF HEALTHSection 137.119 - Adoption of rules.

137.119 Adoption of rules. The council shall adopt rules to implement this chapter. The department is vested with discretionary authority to interpret the provisions of this chapter. 2010 Acts, ch 1036, §19; 2023 Acts, ch 19, §218 Section amended

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 137C - HOTEL SANITATION CODESection 137C.1 - Title.

137C.1 Title. This chapter shall be known as the “Iowa Hotel Sanitation Code”. [C79, 81, §170B.1] 90 Acts, ch 1204, §66 C91, §137C.1 2018 Acts, ch 1041, §44

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 137C - HOTEL SANITATION CODESection 137C.10 - Suspension or revocation of licenses.

137C.10 Suspension or revocation of licenses. A regulatory authority may suspend or revoke a license issued to a person under the Iowa hotel sanitation code if any of the following occurs: 1. The person’s hotel does not conform to a provision of the Iowa hotel sanitation code or a rule adopted pursuant to this chapter. 2. The person violates a provision of the Iowa hotel sanitation code or a rule adopted pursuant to this chapter. 3. The person conducts an activity constituting a criminal offense in the hotel and is convicted

of a serious misdemeanor or a more serious offense as a result. [C79, 81, §170B.7] 90 Acts, ch 1204, §36, 66 C91, §137C.10 91 Acts, ch 107, §9

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137C - HOTEL SANITATION CODE Section 137C.11 - Biennial inspections.

137C.11 Biennial inspections. The regulatory authority shall inspect each hotel in the state at least once biennially. The inspector may enter the hotel at any reasonable hour to make the inspection. The management shall afford free access to every part of the premises and render all aid and assistance necessary to enable the inspector to make a thorough and complete inspection. [S13, §2514-q, 2527-m, 2528-d5; C24, 27, 31, 35, 39, §2851; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §170.46; C79, 81, §170B.14] 90 Acts, ch 1204, §66 C91, §137C.11 91 Acts, ch 268, §430

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137C - HOTEL SANITATION CODE Section 137C.12 - Inspection upon complaint.

137C.12 Inspection upon complaint. Upon receipt of a verified complaint signed by a guest of a hotel and stating facts indicating the place is in an insanitary condition, the regulatory authority shall conduct an inspection. [SS15, §2514-s; C24, 27, 31, 35, 39, §2852; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §170.47; C79, 81, §170B.15] 90 Acts, ch 1204, §39, 66 C91, §137C.12

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137C - HOTEL SANITATION CODE Section 137C.16 - Plumbing.

137C.16 Plumbing. 1. A hotel shall have an adequately designed plumbing system conforming to at least the minimum requirements of the state plumbing code. The plumbing system shall have a connection to a municipal water and sewerage system or to a benefited water district or sanitary sewerage district whenever such facilities become available. 2. A hotel beyond the reach of a central water or sewerage system shall be served by on-site facilities which meet the technical requirements of the local board of health and the department of natural resources. [S13, §2514-m, 2527-a; C24, 27, 31, 35, 39, §2814, 2815; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §170.9, 170.10; C79, 81, §170B.9; 82 Acts, ch 1199, §92, 96] 90 Acts, ch 1204, §38, 66 C91, §137C.16

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137C - HOTEL SANITATION CODE Section 137C.17 - Toilet and lavatory facilities.

137C.17 Toilet and lavatory facilities. A hotel shall provide toilet and lavatory facilities in accordance with rules adopted pursuant to this chapter. [S13, §2527-e; C24, 27, 31, 35, 39, §2821, 2822; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §170.16, 170.17; C79, 81, §170B.8] 90 Acts, ch 1204, §37, 66 C91, §137C.17

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137C - HOTEL SANITATION CODE Section 137C.18 - Fire safety.

137C.18 Fire safety. Violation of a fire safety rule adopted pursuant to section 10A.523 and applicable to hotels, occurring on the premises of a hotel, is a violation of this chapter. [S13, §2514-j, -k, -l; SS15, §2514-i, -n, -o; C24, 27, 31, 35, 39, §2843 – 2850; C46, 50, 54, 58, §170.38 – 170.45; C62, 66, 71, 73, 75, 77, §170.38; C79, 81, §170B.13; 82 Acts, ch 1157, §6] 90 Acts, ch 1204, §66 C91, §137C.18 Section not amended; internal reference change applied

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137C - HOTEL SANITATION CODE Section 137C.2 - Definitions.

137C.2 Definitions. For purposes of the Iowa hotel sanitation code, unless a different meaning is clearly indicated by the context: 1. “Bed and breakfast inn” means a hotel which has nine or fewer guest rooms. 2. “Department” means the department of inspections, appeals, and licensing. 3. “Director” means the director of the department of inspections, appeals, and licensing or the director’s designee. 4. “Guest room” shall mean any bedroom or other sleeping quarters for transient guests in a hotel. 5. “Hotel” shall mean any building or structure, equipped, used, advertised as, or held out to the public to be an inn, hotel, motel, motor inn, or place where sleeping accommodations are furnished transient guests for hire. 6. “Local board of health” means a county, city, or district board of health. 7. “Municipal corporation” means a political subdivision of this state. 8. “Regulatory authority” means the department or a local board of health that has entered into an agreement with the director pursuant to section 137C.6 for authority to enforce the Iowa hotel sanitation code in its jurisdiction. [S13, §2514-h; C24, 27, 31, 35, 39, §2808; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §170.1; C79, 81, §170B.2] 86 Acts, ch 1245, §541; 87 Acts, ch 202, §2; 90 Acts, ch 1204, §66 C91, §137C.2 2004 Acts, ch 1026, §3; 2023 Acts, ch 19, §1906 Subsections 2 and 3 amended and editorially internally renumbered

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137C - HOTEL SANITATION CODE Section 137C.23 - Posting room rates.

137C.23 Posting room rates. A complete list of rooms by number together with the number of the floor and the rate per day per person for each room shall be kept continuously and conspicuously posted on the wall near the office in the lobby of a hotel in such a way as to be accessible to the public without request to the management. The rate per day per person for each room shall also be posted in the same manner in each room. No amount greater than the one posted shall be charged. [C24, 27, 31, 35, 39, §2841; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §170.36; C79, 81, §170B.11] 90 Acts, ch 1204, §66 C91, §137C.23 Referred to in §137C.24

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137C - HOTEL SANITATION CODE Section 137C.24 - Rate increases.

137C.24 Rate increases. The rates posted under section 137C.23 shall not be increased until sixty days' notice of the proposed increase has been given to the regulatory authority. [C24, 27, 31, 35, 39, §2842; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §170.37; C79, 81, §170B.12] 90 Acts, ch 1204, §66 C91, §137C.24

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137C - HOTEL SANITATION CODE Section 137C.25 - Right of hotel operator to deny services.

137C.25 Right of hotel operator to deny services. 1. A person operating a hotel has the right to refuse or deny the use of a room, accommodations, facilities, or other privileges of the hotel to any of the following: a. An individual unwilling or unable to pay for the room, accommodations, facilities, or other privileges of the hotel. b. An individual who is visibly publicly intoxicated or under the influence of alcohol or some other illegal drug, or who is disorderly so as to create a public nuisance. c. An individual the hotel operator reasonably believes is seeking to use a room, accommodations, facilities, or other privileges of the hotel for an unlawful purpose. d. An individual the hotel operator reasonably believes is bringing in anything which may create an unreasonable danger or risk to other persons, including but not limited to firearms or explosives. e. An individual whose use of the room, accommodations, facilities, or other privileges of the hotel would result in a violation of the maximum capacity of such hotel. 2. A hotel operator who reasonably refuses or denies the use of a room, accommodations, facilities, or other privileges of the hotel pursuant to this section is not subject to any civil or criminal action or any fine or other penalty, unless the refusal or denial is a violation of state or federal law. 94 Acts, ch 1032, §1 Referred to in §137C.25D

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137C - HOTEL SANITATION CODE Section 137C.25A - Right to require financial guarantee.

137C.25A Right to require financial guarantee. The hotel operator has the right to require a person seeking the use of a room, accommodations, facilities, or other privileges of the hotel to demonstrate the ability to pay for such use by cash, credit card, or approved check. The hotel operator may require the parent or guardian of a minor to do all of the following: 1. Accept in writing the liability for the cost of the room, accommodations, facilities, or other privileges of the hotel used by the minor, and for the cost of any damages to the room, furnishings in the room, or other facilities of the hotel caused by the minor while the minor is using the room, accommodations, facilities, or other privileges of the hotel. 2. Provide the hotel operator with one of the following: a. The authority to charge any amount due for the cost of the room, accommodations, facilities, or other privileges of the hotel used by the minor, and for the cost of any damages to the room, furnishings in the room, or other facilities of the hotel caused by the minor while the minor is using the room, accommodations, facilities, or other privileges of the hotel to a credit card as defined in section 537.1301, subsection 17. b. An advance cash payment sufficient to cover the cost of the room, accommodations, facilities, or other privileges of the hotel used by the minor, and a reasonable amount as a deposit toward the cost of any damages to the room, furnishings in the room, or other facilities of the hotel caused by the minor while the minor is using the room, accommodations, facilities, or other privileges of the hotel. A cash deposit for any damages required by the hotel operator shall be refunded to the extent not used to cover the cost of any such damages as determined by the hotel operator following an inspection of the room, accommodations, or facilities of the hotel used by the minor at the end of the minor's stay. 94 Acts, ch 1032, §2 Referred to in §137C.25D

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137C - HOTEL SANITATION CODE Section 137C.25B - Restitution.

137C.25B Restitution. In addition to any other applicable penalties, a court may order a person to pay restitution for any damages caused by such person which are suffered by the owner or operator of the hotel. Damages for which restitution may be ordered, in addition to physical damages, may include the loss of revenue resulting from the hotel being unable to rent or lease the room, accommodation, or facility during any time of repair, and restitution to any other individual who is injured or whose property is damaged as a result of the violation. The parent or guardian of a minor shall be liable to the owner or operator for the acts of the minor which result in damage to the room, accommodation, or facility, and for restitution to any other individual who is injured or whose property is damaged as a result of such acts. 94 Acts, ch 1032, §3 Referred to in §137C.25D, 232D.504

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137C - HOTEL SANITATION CODE Section 137C.25C - Right to eject.

137C.25C Right to eject. An owner or operator of a hotel may eject a person from the hotel for any of the following reasons: 1. Nonpayment of charges incurred by the individual renting or leasing a room, accommodations, or facilities of the hotel when the charges are due and owing. 2. The individual renting or leasing a room, accommodations, or facilities of the hotel is visibly intoxicated, or is disorderly so as to create a public nuisance. 3. The owner or operator reasonably believes that the individual is using the premises for an unlawful purpose including, but not limited to, the unlawful use or possession of controlled substances or the use of the premises for the consumption of alcohol by an individual in violation of section 123.47. 4. The owner or operator reasonably believes that the individual has brought anything into the hotel which may create an unreasonable danger or risk to other persons, including but not limited to firearms or explosives. 5. The individual is in violation of any federal, state, or local laws or

regulations relating to the hotel. 6. The individual is in violation of any rule of the hotel which is posted as provided in section 137C.25D. 94 Acts, ch 1032, §4; 97 Acts, ch 126, §8 Referred to in §137C.25D

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137C - HOTEL SANITATION CODE Section 137C.25D - Posting rules by owner or operator.

137C.25D Posting rules by owner or operator. An owner or operator of a hotel shall post a copy of sections 137C.25 through 137C.25C, in addition to any rules established by the owner or operator of the hotel, in a conspicuous place at or near the guest registration desk and in each room of the hotel. 94 Acts, ch 1032, §5 Referred to in §137C.25C

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137C - HOTEL SANITATION CODE Section 137C.25E - Documentation and registration requirements.

137C.25E Documentation and registration requirements. 1. A hotel shall keep and maintain for a period of three years, a guest register which shall show the name, residence, date of arrival, and date of departure of each individual renting or leasing a room, accommodations, or facilities of the hotel. 2. Each individual renting or leasing a room, accommodations, or facilities of the hotel shall register, and may be required by the owner or operator of the hotel to show proof of identity by producing a valid driver's license, or other identification satisfactory to the owner or operator. The identification shall have a photograph of the individual and include the name and residence of the individual. If the individual is a minor, the owner or operator may also require a parent or guardian of the minor to register. 3. The guest register may be kept and maintained by recording, copying, or reproducing the register by any photographic, photostatic, microfilm, microcard, miniature photographic, electronic imaging, electronic data processing, or other process which accurately reproduces or forms a durable medium for accurately and legibly reproducing an unaltered image or reproduction of the original. 94 Acts, ch 1032, §6; 2017 Acts, ch 54, §76

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137C - HOTEL SANITATION CODE Section 137C.28 - Penalty.

137C.28 Penalty. A person who violates a provision of the Iowa hotel sanitation code shall be guilty of a simple misdemeanor. Each day upon which a violation occurs constitutes a separate violation. [C79, 81, §170B.16] 90 Acts, ch 1204, §66 C91, §137C.28 Referred to in §137C.35

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137C - HOTEL SANITATION CODE Section 137C.29 - Injunction.

137C.29 Injunction. A person conducting a hotel in violation of a provision of the Iowa hotel sanitation code may be restrained by injunction from operating that hotel. If an imminent health hazard exists, the hotel, or as much of the hotel as is necessary, must cease operation. Operation shall not be resumed until authorized by the regulatory authority. [S13, §2514-x; C24, 27, 31, 35, 39, §2855; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §170.50; C79, 81, §170B.17] 90 Acts, ch 1204, §66 C91, §137C.29

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137C - HOTEL SANITATION CODE Section 137C.30 - Duty of county attorney.

137C.30 Duty of county attorney. The county attorney in each county shall assist in the enforcement of the Iowa hotel sanitation code. [C79, 81, §170B.18] 90 Acts, ch 1204, §66 C91, §137C.30 Referred to in §331.756(28)

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137C - HOTEL SANITATION CODE Section 137C.31 - Conflicts with state building code.

137C.31 Conflicts with state building code. Provisions of the Iowa hotel sanitation code in conflict with the state building code, as adopted pursuant to section 103A.7, shall not apply where the state building code has been adopted or when the state building code applies throughout the state. [C79, 81, §170B.19] 90 Acts, ch 1204, §66 C91, §137C.31 2004 Acts, ch 1086, §38

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137C - HOTEL SANITATION CODE Section 137C.35 - Bed and breakfast homes and inns.

137C.35 Bed and breakfast homes and inns. 1. This chapter does not apply to bed and breakfast homes as defined in section 137F.1. However, a bed and breakfast home shall have a smoke detector in proper working order in each sleeping room and a fire extinguisher in proper working order on each floor. A bed and breakfast home which does not receive its drinking water from a public water supply shall have its drinking water tested at least annually by the state hygienic laboratory or the local board of health. 2. A bed and breakfast inn is subject to regulation, licensing, and inspection under this chapter, but separate toilet and lavatory facilities shall not be required for each guest room. Additionally, a bed and breakfast inn is exempt from fire safety rules adopted pursuant to section 10A.523 and applicable to hotels, but is subject to fire safety rules which the director shall specifically adopt for bed and breakfast inns. 3. A violation of this section is punishable as provided in section 137C.28. 86 Acts, ch 1041, §3 C87, §170B.20 87 Acts, ch 202, §3 CS87, §170B.21 88 Acts, ch 1060, §1; 90 Acts, ch 1204, §66 C91, §137C.35 98 Acts, ch 1162, §4, 30; 99 Acts, ch 32, §1; 2018 Acts, ch 1041, §45; 2023 Acts, ch 19, §1621 Subsection 2 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137C - HOTEL SANITATION CODE Section 137C.6 - Authority to

enforce.

137C.6 Authority to enforce. 1. The director shall regulate, license, and inspect hotels and enforce the Iowa hotel sanitation code in Iowa. Municipal corporations shall not regulate, license, inspect, or collect license fees from hotels except as provided for in the Iowa hotel sanitation code. 2. If a municipal corporation wants its local board of health to license, inspect, and otherwise enforce the Iowa hotel sanitation code within its jurisdiction, the municipal corporation may enter into an agreement to do so with the director. The director may enter into the agreement if the director finds that the local board of health has adequate resources to perform the required functions. A municipal corporation may only enter into an agreement to enforce the Iowa hotel sanitation code if it also agrees to enforce the rules setting minimum standards to protect consumers from foodborne illness adopted pursuant to section 137F.2. 3. A local board of health that is responsible for enforcing the Iowa hotel sanitation code within its jurisdiction pursuant to an agreement shall make an annual report to the director providing the following information: a. The total number of hotel licenses granted or renewed during the year. b. The amount of money collected in license fees during the year. c. Other information the director requests. 4. The director shall monitor local boards of health to determine if they are enforcing the Iowa hotel sanitation code within their respective jurisdictions. If the director determines that the Iowa hotel sanitation code is enforced by a local board of health, such enforcement shall be accepted in lieu of enforcement by the department in that jurisdiction. If the director determines that the Iowa hotel sanitation code is not enforced by a local board of health, the director may rescind the agreement after reasonable notice and an opportunity for a hearing. If the agreement is rescinded, the director shall assume responsibility for enforcement in the jurisdiction involved. [C79, 81, §170B.3] 83 Acts, ch 101, §30; 86 Acts, ch 1245, §542, 543; 90 Acts, ch 1204, §66 C91, §137C.6 98 Acts, ch 1162, §3, 30; 2007 Acts, ch 215, §207; 2018 Acts, ch 1144, §1, 16 Referred to in §137C.2, 137F.3

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137C - HOTEL SANITATION CODE Section 137C.7 - License required.

137C.7 License required. A person shall not open or operate a hotel until the regulatory authority has inspected the hotel and issued a license to the person. The regulatory authority shall conduct inspections in accordance with standards adopted by the department by rule pursuant to chapter 17A. Each license shall expire one year from the date of issue. A license is renewable. All licenses issued under this chapter that are not renewed by the licensee on or before the expiration date shall be subject to a penalty of ten percent of the license fee per month if the license is renewed at a later date. A license is not transferable. [S13, §2527-I; C24, 27, 31, 35, 39, §2809; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §170.2; C79, 81, §170B.4] 90 Acts, ch 1204, §66 C91, §137C.7 2002 Acts, ch 1119, §132; 2018 Acts, ch 1144, §2, 16

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137C - HOTEL SANITATION CODE Section 137C.8 - Application for license.

137C.8 Application for license. Every application for a license under the Iowa hotel sanitation code shall be made upon a blank furnished by the regulatory authority and shall contain the items required by the department as to ownership, management, location, buildings, equipment, rates, and other data concerning the hotel for which a license is desired. An application for a license to operate an existing hotel shall be made at least thirty days before the expiration of the existing license. [C79, 81, §170B.5] 90 Acts, ch 1204, §66 C91, §137C.8

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137C - HOTEL SANITATION CODE Section 137C.9 - License fees.

137C.9 License fees. 1. Either the department or the municipal corporation shall collect the following annual license fees: a. For a hotel containing thirty guest rooms or less, fifty dollars. b. For a hotel containing more than thirty but less than one hundred one guest rooms, one hundred dollars. c. For a hotel containing one hundred one guest rooms or more, one hundred fifty dollars. 2. Fees collected by the department shall be deposited in the general fund of the state. Fees collected by a municipal corporation shall be retained by it and for its use. [S13, §2527-I; C24, 27, 31, 35, 39, §2812; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §170.5; C79, 81, §170B.6] 90 Acts, ch 1204, §66 C91, §137C.9 2007 Acts, ch 215, §208; 2018 Acts, ch 1144, §3, 16; 2019 Acts, ch 136, §33 Referred to in §137F.3A

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137D - HOME FOOD PROCESSING ESTABLISHMENTS Section 137D.1 - Definitions.

137D.1 Definitions. As used in this chapter, unless the context otherwise requires: 1. “Department” means the department of inspections, appeals, and licensing. 2. “Food” means any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or sale in whole or in part for human consumption. 3. “Home food processing establishment” means a business on the premises of a residence in which homemade food items are produced for sale or resale, for consumption off the premises, if the business has gross annual sales of less than fifty thousand dollars. However, “home food processing establishment” does not include a residence in which food is prepared to be used or sold by churches, fraternal societies, charitable organizations, or civic organizations. 4. a. “Homemade food item” means a food that is produced and, if packaged, packaged at a home food processing establishment. b. “Homemade food item” includes all of the following: (1) Food that is not time/temperature control for safety food, but does not include such food if produced and sold under section 137F.20. (2) Made-to-order food that is all of the following: (a) Regularly prepared, promptly served, delivered, or otherwise provided to a consumer immediately upon order. (b)

Intended for immediate consumption. c. “Homemade food item” does not include unpasteurized fruit or vegetable juice, raw sprout seeds, foods containing game animals, fish or shellfish, alcoholic beverages, bottled water, packaged ice, consumable hemp products, food that will be further processed by a food processing plant, time/temperature control for safety food packaged using a reduced oxygen packaging method, milk or milk products regulated under chapter 192 or 194, and meat, meat food products, poultry, or poultry products regulated under chapter 189A, except for any of the following products when sold directly to the end consumer: (1) Poultry, poultry byproduct, or poultry food product if the producer raised the poultry pursuant to the exemption set forth in 9 C.F.R. §381.10(c)(1) limiting the producer to slaughtering not more than one thousand poultry during the calendar year. (2) Poultry, poultry byproduct, or poultry food product if the poultry is from an inspected source exempted pursuant to 9 C.F.R. §381.10(d) . (3) Meat, meat byproduct, or meat food product if the meat is from an inspected source exempted pursuant to 9 C.F.R. §303.1(d) . 5. “Produce”, with respect to preparing homemade food items, means to prepare a food item by cooking, baking, drying, mixing, cutting, fermenting, preserving, freezing, dehydrating, growing, raising, or other process. “Produce” does not include the preparation methods of low-acid canning, low-acid fermentation, acidification, curing, and smoking for preservation rather than flavor enhancement. 6. “Time/temperature control for safety food” means a food that requires time and temperature controls for safety to limit pathogenic microorganism growth or toxin formation. 88 Acts, ch 1220, §7 C89, §170C.1 C91, §137D.1 2016 Acts, ch 1086, §2, 3; 2022 Acts, ch 1129, §2; 2022 Acts, ch 1153, §56; 2023 Acts, ch 19, §1907; 2023 Acts, ch 82, §1, 3 Referred to in §210.23 Subsections 1 and 4 amended

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 137D - HOME FOOD PROCESSING ESTABLISHMENTSSection 137D.2 - Licenses and inspections.

137D.2 Licenses and inspections. 1. A person shall not open or operate a home food processing establishment until a license has been obtained from the department. The department shall collect a fee of fifty dollars for a license. After collection, the fees shall be deposited in a special fund in the state treasury. Moneys in the fund are appropriated to the department for the administration of this chapter. A license shall expire one year from date of issue. A license is renewable. 2. A person shall not sell or distribute from a home food processing establishment if the home food processing establishment is unlicensed, the license of the home food processing establishment is suspended, or the food fails to meet standards adopted for such food by the department. 3. An application for a license under this chapter shall be made upon a form furnished by the department and shall contain the items required by the department according to rules adopted by the department. 4. The department shall regulate, license, and inspect home food processing establishments in a manner that is consistent with this chapter. 5. The department shall provide for the periodic inspection of a home food processing establishment. The inspector may enter the home food processing establishment at any reasonable hour to make the inspection. The department shall inspect only those areas related to preparing food for sale. 6. The department shall regulate and may inspect food prepared at a home food processing establishment in a manner that is consistent with this chapter. The inspection may occur at any place where a homemade food item is created, transported, or stored for sale or resale. 7. A home food processing establishment shall affix or label a homemade food item with all of the following information: a. Information to identify the name of the home food processing establishment. b. The common name of the food. c. The ingredients of the homemade food item in descending order of predominance. d. The net quantity of contents. e. For refrigerated time/temperature control for safety foods, an expiration date based on food safety. f. The following statement: “This product was produced at a home food processing establishment.” If the homemade food item contains one or more major food allergens, an additional allergen statement must be included on the label identifying each major allergen contained in the food by the common name of the allergen. 8. The department may adopt rules under chapter 17A to administer this chapter. 88 Acts, ch 1220, §8 C89, §170C.2 C91, §137D.2 2007 Acts, ch 215, §209; 2016 Acts, ch 1086, §4; 2018 Acts, ch 1144, §4, 16; 2022 Acts, ch 1129, §3 Referred to in §137D.3

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 137D - HOME FOOD PROCESSING ESTABLISHMENTSSection 137D.2A - Raw milk — associated products.

137D.2A Raw milk — associated products. A home food processing establishment shall not advertise for sale, offer for sale, sell or otherwise distribute, or use raw milk, or a manufactured raw milk product or raw milk dairy product, as provided in chapter 195. 2023 Acts, ch 75, §3 NEW section

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 137D - HOME FOOD PROCESSING ESTABLISHMENTSSection 137D.3 - Penalty.

137D.3 Penalty. A person who violates a provision of this chapter, including a standard adopted by departmental rule, relating to home food processing establishments or homemade food items produced in a home food processing establishment shall be subject to a civil penalty in the amount of one hundred dollars per violation, to be collected by the department. Moneys collected from civil penalties shall be deposited in the special fund referred to in section 137D.2. Each day that the violation continues constitutes a separate violation. 88 Acts, ch 1220, §9 C89, §170C.3 C91, §137D.3 2016 Acts, ch 1086, §5; 2022 Acts, ch 1129, §4

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 137D - HOME FOOD PROCESSING ESTABLISHMENTSSection 137D.4 - Injunction.

137D.4 Injunction. A person operating a home food processing establishment or selling homemade food items created at a home

food processing establishment in violation of a provision of this chapter may be restrained by injunction from further operating that home food processing establishment. If an imminent health hazard exists, the home food processing establishment must cease operation and notify the department. Operation shall not be resumed until authorized by the department. 88 Acts, ch 1220, §10 C89, §170C.4 C91, §137D.4 2016 Acts, ch 1086, §6; 2022 Acts, ch 1129, §5

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137D - HOME FOOD PROCESSING ESTABLISHMENTS Section 137D.5 - Duty of county attorney.

137D.5 Duty of county attorney. The county attorney in each county shall assist in the enforcement of this chapter. 88 Acts, ch 1220, §11 C89, §170C.5 C91, §137D.5

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137D - HOME FOOD PROCESSING ESTABLISHMENTS Section 137D.6 - Conflicts with state building code.

137D.6 Conflicts with state building code. Provisions of this chapter, including standards for home food processing establishments adopted by the department, in conflict with the state building code, as adopted pursuant to section 103A.7, shall not apply where the state building code has been adopted or when the state building code applies throughout the state. 88 Acts, ch 1220, §12 C89, §170C.6 C91, §137D.6 2004 Acts, ch 1086, §39; 2016 Acts, ch 1086, §7; 2022 Acts, ch 1129, §6

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137D - HOME FOOD PROCESSING ESTABLISHMENTS Section 137D.8 - Suspension or revocation of licenses.

137D.8 Suspension or revocation of licenses. The department may suspend or revoke a license issued to a person under this chapter if any of the following occurs: 1. The person's home food processing establishment does not conform to a provision of this chapter or a rule adopted pursuant to this chapter. 2. The person violates a provision of this chapter or a rule adopted pursuant to this chapter. 3. The person conducts an activity constituting a criminal offense in the home food processing establishment and is convicted of a serious misdemeanor or a more serious offense as a result. 91 Acts, ch 107, §10; 2016 Acts, ch 1086, §8; 2022 Acts, ch 1129, §7

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137F - FOOD ESTABLISHMENTS AND FOOD PROCESSING PLANTS Section 137F.1 - Definitions.

137F.1 Definitions. For the purpose of this chapter: 1. "Bed and breakfast home" means a private residence which provides lodging and meals for guests, in which the host or hostess resides and in which no more than four guest families are lodged at the same time and which, while it may advertise and accept reservations, does not hold itself out to the public to be a restaurant, hotel, or motel, does not require reservations, and serves food only to overnight guests. 2. "Commissary" means a food establishment used for preparing, fabricating, packaging, and storage of food or food products for distribution and sale through the food establishment's own food establishment outlets. 3. "Cottage food" means the production and sale of food produced at a private residence other than time/temperature control for safety food as provided in section 137F.20 and food for resale that is not time/temperature control for safety food. "Cottage food" includes home-processed and home-canned pickles, vegetables, or fruits that have a finished equilibrium pH value of four and six-tenths or lower or a water activity value of eighty-five hundredths or less for which each batch has been measured by a pH meter or a water activity meter and each container that is sold or offered for sale contains the date the food was processed and canned. "Cottage food" does not include any of the following: a. Milk or milk products regulated under chapter 192 or 194. b. Meat, meat food products, poultry, or poultry food products regulated under chapter 189A. 4. "Department" means the department of inspections, appeals, and licensing. 5. "Director" means the director of the department of inspections, appeals, and licensing. 6. "Event" means a significant occurrence or happening sponsored by a civic, business, governmental, community, or veterans organization and may include an athletic contest. 7. "Farmers market" means a marketplace which seasonally operates principally as a common market for Iowa-produced farm products on a retail basis for off-the-premises consumption. 8. "Food" means a raw, cooked, or processed edible substance, ice, a beverage, an ingredient used or intended for use or sale in whole or in part for human consumption, or chewing gum. 9. "Food establishment" means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption and includes a food service operation in a salvage or distressed food operation, school, summer camp, residential service substance use disorder treatment facility, halfway house substance use disorder treatment facility, correctional facility operated by the department of corrections, or the state training school. "Food establishment" does not include the following: a. A food processing plant. b. An establishment that offers only prepackaged foods that are not time/temperature control for safety foods. c. A produce stand or facility which sells only whole, uncut fresh fruits and vegetables. d. Premises that are a home food processing establishment as defined in chapter 137D. e. Premises where a person operates a farmers market, if unpackaged time/temperature control for safety foods are not sold or distributed from the premises. f. Premises of a residence in which food is produced pursuant to section 137F.20. g. A kitchen in a private home where food is prepared or stored for family consumption or in a bed and breakfast home. h. A private home that receives catered or home-delivered food. i. Child care facilities and other food establishment facilities located in hospitals or health care facilities which are subject to inspection by other state agencies or divisions of the department. j. Supply vehicles, vending machine locations, or boardinghouses for permanent guests. k. Establishments exclusively engaged in the processing of meat and poultry which are licensed pursuant to section 189A.3.

l. Premises covered by a current class “A” beer permit as provided in chapter 123. m. The premises of a residence in which honey is stored; prepared; packaged, including by placement in a container; labeled; or from which honey is distributed. n. A stand operated by a minor. o. (1) The premises of a raw milk dairy where raw milk is produced, processed, labeled, marketed, or distributed by a raw milk producer in compliance with chapter 195. (2) The premises of a raw milk dairy where a raw milk product or a raw milk dairy product is manufactured, labeled, marketed, or distributed by a raw milk producer in compliance with chapter 195. 10. “Food processing plant” means a commercial operation that manufactures, packages, labels, or stores food for human consumption and does not provide food directly to a consumer. “Food processing plant” does not include any of the following: a. A premises covered by a class “A” beer permit as provided in chapter 123. b. A premises of a residence in which honey is stored; prepared; packaged, including by placement in a container; labeled; or from which honey is distributed. c. A premises covered by a class “A” wine permit as provided in chapter 123. d. (1) The premises of a raw milk dairy where raw milk is produced, processed, labeled, marketed, or distributed by a raw milk producer in compliance with chapter 195. (2) A premises of a raw milk dairy where a raw milk product or raw milk dairy product is manufactured, labeled, marketed, or distributed by a raw milk producer in compliance with chapter 195. 11. “Mobile food unit” means a food establishment that is readily movable, which either operates up to three consecutive days at one location or returns to a home base of operation at the end of each day. 12. “Municipal corporation” means a political subdivision of this state. 13. “Pushcart” means a non-self-propelled vehicle food establishment limited to serving foods that are not time/temperature control for safety foods or commissary-wrapped foods maintained at proper temperatures, or limited to the preparation and serving of frankfurters. 14. “Regulatory authority” means the department or a municipal corporation that has entered into an agreement with the director pursuant to section 137F.3 for authority to enforce this chapter in its jurisdiction. 15. “Stand operated by a minor” means a stand or other facility operated by a person or persons under the age of eighteen at which food is sold directly to consumers that is not time/temperature control for safety food or an alcoholic beverage and that operates on a temporary and occasional basis on private property with the permission of the owner of the property. 16. “Temporary food establishment” means a food establishment that operates for a period of no more than fourteen consecutive days in conjunction with a single event. 17. “Time/temperature control for safety food” means a food that requires time and temperature controls for safety to limit pathogenic microorganism growth or toxin formation. 18. “Vending machine” means a self-service device that, upon insertion of a coin, paper currency, token, card, or key, or by optional manual operation, dispenses unit servings of food in bulk or in packages without the necessity of replenishing the device between each vending operation. 19. “Vending machine location” means the room, enclosure, space, or area where one or more vending machines are installed and operated, including the storage areas on the premises that are used to service and maintain the vending machine. 98 Acts, ch 1162, §6, 30; 99 Acts, ch 192, §33; 99 Acts, ch 208, §28; 2001 Acts, ch 81, §1, 2; 2002 Acts, ch 1149, §1, 3; 2003 Acts, ch 44, §37; 2006 Acts, ch 1032, §4; 2007 Acts, ch 215, §210, 211; 2012 Acts, ch 1064, §1, 3; 2014 Acts, ch 1026, §32; 2016 Acts, ch 1086, §9; 2018 Acts, ch 1144, §5 – 9, 16; 2020 Acts, ch 1084, §1, 2; 2022 Acts, ch 1099, §99, 102; 2022 Acts, ch 1129, §8, 9; 2022 Acts, ch 1153, §57; 2023 Acts, ch 19, §219, 1908; 2023 Acts, ch 75, §4, 5 Referred to in §10A.523, 135.16A, 135.185, 137C.35, 189A.3, 190C.1, 331.301, 364.3, 716.7A Subsections 4 and 5 amended Subsection 9, unnumbered paragraph 1 amended Subsection 9, NEW paragraph o Subsection 10, NEW paragraph d

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137F - FOOD ESTABLISHMENTS AND FOOD PROCESSING PLANTS Section 137F.10 - Regular inspections.

137F.10 Regular inspections. The appropriate regulatory authority shall provide for the inspection of each food establishment and food processing plant in this state in accordance with this chapter and with rules adopted pursuant to this chapter in accordance with chapter 17A. A regulatory authority may enter a food establishment or food processing plant at any reasonable hour to conduct an inspection. The manager or person in charge of the food establishment or food processing plant shall afford free access to every part of the premises and render all aid and assistance necessary to enable the regulatory authority to make a thorough and complete inspection. As part of the inspection process, the regulatory authority shall provide an explanation of the violation or violations cited and provide guidance as to actions for correction and elimination of the violation or violations. 98 Acts, ch 1162, §15, 30; 2007 Acts, ch 215, §216

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137F - FOOD ESTABLISHMENTS AND FOOD PROCESSING PLANTS Section 137F.11 - Inspection upon complaint.

137F.11 Inspection upon complaint. Upon receipt of a complaint by a customer of a food establishment or food processing plant stating facts indicating the premises are in an unsanitary condition, the regulatory authority may conduct an inspection. 98 Acts, ch 1162, §16, 30

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137F - FOOD ESTABLISHMENTS AND FOOD PROCESSING PLANTS Section 137F.11A - Posting of inspection reports.

137F.11A Posting of inspection reports. An establishment inspected under this chapter shall post the most recent routine inspection report, along with any current complaint or reinspection reports, in a location at the establishment that is readily visible to the public. 2007 Acts, ch 215, §217

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137F - FOOD ESTABLISHMENTS AND FOOD PROCESSING PLANTS Section 137F.12 - Plumbing.

137F.12 Plumbing. A food establishment or food processing plant shall have an adequately designed plumbing system conforming to at least the minimum requirements of the state plumbing code, or local plumbing code, whichever is more stringent. The plumbing system shall have a connection to a municipal water and sewer system or to a benefited water district or sanitary district if such facilities are available. 98 Acts, ch 1162, §17, 30

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137F - FOOD ESTABLISHMENTS AND FOOD PROCESSING PLANTS Section 137F.13 - Water and waste treatment.

137F.13 Water and waste treatment. If a food establishment or food processing plant is served by privately owned water or waste treatment facilities, those facilities shall meet the technical requirements of the local board of health and the department of natural resources. 98 Acts, ch 1162, §18, 30

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137F - FOOD ESTABLISHMENTS AND FOOD PROCESSING PLANTS Section 137F.14 - Toilets and lavatories.

137F.14 Toilets and lavatories. A food establishment or food processing plant shall provide toilet and lavatory facilities in accordance with rules adopted by the department pursuant to this chapter in accordance with chapter 17A. 98 Acts, ch 1162, §19, 30

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137F - FOOD ESTABLISHMENTS AND FOOD PROCESSING PLANTS Section 137F.15 - Fire safety.

137F.15 Fire safety. A violation of a fire safety rule adopted pursuant to section 10A.523 and applicable to food establishments or food processing plants which occurs on the premises of a food establishment or food processing plant is a violation of this chapter. 98 Acts, ch 1162, §20, 30 Section not amended; internal reference change applied

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137F - FOOD ESTABLISHMENTS AND FOOD PROCESSING PLANTS Section 137F.16 - Conflicts with state building code.

137F.16 Conflicts with state building code. Provisions of this chapter in conflict with the state building code, as adopted pursuant to section 103A.7, shall not apply where the state building code has been adopted or when the state building code applies throughout the state. 98 Acts, ch 1162, §21, 30; 2004 Acts, ch 1086, §40

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137F - FOOD ESTABLISHMENTS AND FOOD PROCESSING PLANTS Section 137F.18 - Injunction.

137F.18 Injunction. A person opening or operating a food establishment or food processing plant in violation of this chapter may be enjoined from further operation of the establishment or plant. If an imminent health hazard exists, the establishment or plant must cease operation. Operation shall not be resumed until authorized by the regulatory authority. 98 Acts, ch 1162, §23, 30

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137F - FOOD ESTABLISHMENTS AND FOOD PROCESSING PLANTS Section 137F.19 - Duty of county or city attorney.

137F.19 Duty of county or city attorney. The county attorney in each county or city attorney in each city shall assist in the enforcement of this chapter. 98 Acts, ch 1162, §24, 30 Referred to in §331.756(28)

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137F - FOOD ESTABLISHMENTS AND FOOD PROCESSING PLANTS Section 137F.2 - Adoption by rule.

137F.2 Adoption by rule. 1. The department shall, in accordance with chapter 17A, adopt rules setting minimum standards for entities covered under this chapter to protect consumers from foodborne illness. In so doing, the department may adopt by reference, with or without amendment, the United States food and drug administration food code, which shall be specified by title and edition, date of publication, or similar information. The rules and standards shall be formulated in consultation with municipal corporations under agreement with the department, affected state agencies, and industry, professional, and consumer groups. 2. In establishing minimum standards as described in subsection 1, the department shall adopt rules for the sale at a farmers market of culinary mushrooms commonly referred to as a variety of wild golden oyster and classified as *pleurotus ostreatus*, *pleurotus populinus*, or *pleurotus pulmonarius*. 98 Acts, ch 1162, §7, 30; 99 Acts, ch 208, §29 – 32; 2001 Acts, ch 81, §3; 2007 Acts, ch 215, §212; 2019 Acts, ch 73, §1, 2 Referred to in §137C.6, 137F.3, 331.756(28), 455C.4

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137F - FOOD ESTABLISHMENTS AND FOOD PROCESSING PLANTS Section 137F.20 - Cottage food — requirements.

137F.20 Cottage food — requirements. 1. Cottage food is exempt from all licensing, permitting, inspection, packaging, and labeling laws of the state if the food is sold and delivered by the producer directly to the consumer, or delivered by mail or an agent of the producer such as an employee. A producer may sell food to the consumer in person, remotely, by telephone, by internet, or by an agent of the producer. 2. Cottage food sold pursuant to this section shall be affixed or labeled with all of the following information: a. Information to identify the name and address, phone number, or electronic mail address of the person preparing the food. b. The

common name of the food. c. The ingredients of the cottage food in descending order of predominance. d. The following statement: “This product was produced at a residential property that is exempt from state licensing and inspection.” If the cottage food contains one or more major food allergens, an additional allergen statement must be included on the label identifying each major allergen contained in the food by the common name of the allergen. e. If the food is home-processed and home-canned pickles, vegetables, or fruits permitted under this section, the date that the food was processed and canned. 3. Compliance with the cottage food exemption provided in this section does not represent compliance with federal law. 2022 Acts, ch 1129, §10 Referred to in §137D.1, 137F.1

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137F - FOOD ESTABLISHMENTS AND FOOD PROCESSING PLANTS Section 137F.3 - Authority to enforce.

137F.3 Authority to enforce. 1. The director shall regulate, license, and inspect food establishments and food processing plants and enforce this chapter pursuant to rules adopted by the department in accordance with chapter 17A. Municipal corporations shall not regulate, license, inspect, or collect license fees from food establishments and food processing plants, except as provided in this section. 2. A municipal corporation may enter into an agreement with the director to provide that the municipal corporation shall license, inspect, and otherwise enforce this chapter within its jurisdiction. The director may enter into the agreement if the director finds that the municipal corporation has adequate resources to perform the required functions. A municipal corporation may only enter into an agreement to enforce the rules setting minimum standards to protect consumers from foodborne illness adopted pursuant to section 137F.2 if it also agrees to enforce the Iowa hotel sanitation code pursuant to section 137C.6. However, the department shall license and inspect all food processing plants which manufacture, package, or label food products. A municipal corporation may license and inspect, as authorized by this section, food processing plants whose operations are limited to the storage of food products. 3. If the director enters into an agreement with a municipal corporation as provided by this section, the director shall provide that the inspection practices of a municipal corporation are spot-checked on a regular basis. 4. A municipal corporation that is responsible for enforcing this chapter within its jurisdiction pursuant to an agreement shall use the data system prescribed by the director for activities governed by an agreement executed pursuant to this section. 5. The director shall monitor municipal corporations which have entered into an agreement pursuant to this section to determine if they are enforcing this chapter within their respective jurisdictions. If the director determines that this chapter is not enforced by a municipal corporation, the director may rescind the agreement after reasonable notice and an opportunity for a hearing. If the agreement is rescinded, the director shall assume responsibility for enforcement in the jurisdiction involved. 6. The inspection staff of a municipal corporation that has entered into an agreement with the director to enforce this chapter shall be required by the department to apply the current rules setting minimum standards to protect consumers from foodborne illness adopted pursuant to section 137F.2 to ensure consistency in application of the rules. A municipal corporation’s failure to comply may result in the department rescinding the agreement with the municipal corporation, after reasonable notice and an opportunity for a hearing. 98 Acts, ch 1162, §8, 30; 2007 Acts, ch 215, §213; 2018 Acts, ch 1144, §10, 16 Referred to in §137F.1

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137F - FOOD ESTABLISHMENTS AND FOOD PROCESSING PLANTS Section 137F.3A - Municipal corporation inspections — contingent appropriation.

137F.3A Municipal corporation inspections — contingent appropriation. 1. a. The department may employ additional full-time equivalent positions to enforce the provisions of this chapter and chapters 137C and 137D, with the approval of the department of management, if either of the following apply: (1) A municipal corporation operating pursuant to a chapter 28E agreement with the department to enforce the chapters either fails to renew the agreement effective after April 1, 2007, or discontinues, after April 1, 2007, enforcement activities in one or more jurisdictions during the agreement time frame. (2) The department cancels an agreement after April 1, 2007, due to noncompliance with the terms of the agreement. b. Before approval may be given, the director of the department of management must have determined that the expenses exceed the funds budgeted by the general assembly for food inspections to the department. The department may hire no more than one full-time equivalent position for each six hundred inspections required pursuant to this chapter and chapters 137C and 137D. 2. Notwithstanding chapter 137D, and sections 137C.9 and 137F.6, if the conditions described in this section are met, fees imposed pursuant to that chapter and those sections shall be retained by and are appropriated to the department each fiscal year to provide for salaries, support, maintenance, and miscellaneous purposes associated with the additional inspections. The appropriation made in this subsection is not applicable in a fiscal year for which the general assembly enacts an appropriation made for the purposes described in this subsection. 2006 Acts, ch 1185, §46, 53; 2007 Acts, ch 215, §214, 221; 2009 Acts, ch 133, §39; 2023 Acts, ch 19, §1909 See annual Iowa Acts for provisions relating to the retention of certain fees collected by the department of inspections, appeals, and licensing as a result of licensing and registration activities under chapters 99B, 137C, 137D, and 137F for purposes of enforcing those chapters, and the remittance to a municipal corporation of certain fees collected on behalf of the municipal corporation Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137F - FOOD ESTABLISHMENTS AND FOOD PROCESSING PLANTS Section 137F.4 - License required.

137F.4 License required. A person shall not operate a food establishment or food processing plant to provide goods or services to the general public, or open a food establishment to the general public, until the appropriate license has been obtained from the regulatory authority. Sale of products at wholesale to outlets not owned by a commissary owner requires a food processing plant license. A license shall expire one year from the date of issue. A license is renewable if application for renewal is made prior to

expiration of the license or within sixty days of the expiration date of the license. All licenses issued under this chapter that are not renewed by the licensee on or before the expiration date shall be subject to a penalty of ten percent per month of the license fee if the license is renewed at a later date. 98 Acts, ch 1162, §9, 30; 2018 Acts, ch 1144, §11, 16 Referred to in §135.16A

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137F - FOOD ESTABLISHMENTS AND FOOD PROCESSING PLANTS Section 137F.5 - Application for license.

137F.5 Application for license. 1. An application form prescribed by the department for a license under this chapter shall be obtained from the department or from a municipal corporation which is a regulatory authority. A completed application shall be submitted to the appropriate regulatory authority. 2. A person conducting an event shall submit a license application and an application fee of fifty dollars to the appropriate regulatory authority at least sixty days in advance of the event. An “event” for purposes of this subsection does not include a function with ten or fewer temporary food establishments, a fair as defined in section 174.1, or a farmers market. 3. The dominant form of business shall determine the type of license for establishments which engage in operations covered under both the definition of a food establishment and of a food processing plant. 4. The regulatory authority where the unit is domiciled shall issue a license for a mobile food unit. 98 Acts, ch 1162, §10, 30; 2017 Acts, ch 54, §76; 2018 Acts, ch 1144, §12, 16

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137F - FOOD ESTABLISHMENTS AND FOOD PROCESSING PLANTS Section 137F.6 - License fees.

137F.6 License fees. 1. The regulatory authority shall collect the following annual license fees: a. For a mobile food unit or pushcart, two hundred fifty dollars. b. For a temporary food establishment per fixed location for a single event, fifty dollars. c. For a temporary food establishment for multiple nonconcurrent events during a calendar year, one annual license fee of two hundred dollars for each establishment on a statewide basis. d. For a vending machine, fifty dollars for the first machine and ten dollars for each additional machine. e. For a food establishment which prepares or serves food for individual portion service intended for consumption on-the-premises, the annual license fee shall correspond to the annual gross food and beverage sales of the food establishment, as follows: (1) Annual gross sales of less than one hundred thousand dollars, one hundred fifty dollars. (2) Annual gross sales of at least one hundred thousand dollars but less than five hundred thousand dollars, three hundred dollars. (3) Annual gross sales of five hundred thousand dollars or more, four hundred dollars. f. For a food establishment which sells food or food products to consumer customers intended for preparation or consumption off-the-premises, the annual license fee shall correspond to the annual gross food and beverage sales of the food establishment, as follows: (1) Annual gross sales of less than two hundred fifty thousand dollars, one hundred fifty dollars. (2) Annual gross sales of at least two hundred fifty thousand dollars but less than seven hundred fifty thousand dollars, three hundred dollars. (3) Annual gross sales of seven hundred fifty thousand dollars or more, four hundred dollars. g. (1) For a food processing plant, the annual license fee shall correspond to the annual gross food and beverage sales of the food processing plant. A food processing plant’s annual gross sales shall not correspond to sales of an unprocessed commodity. (2) The annual license fee for an initial license shall be calculated based on the food processing plant’s projected gross annual sales. Otherwise, the annual license fee shall be based on the food processing plant’s prior annual sales. (3) The amount of the annual license fee shall be as follows: (a) For annual gross sales of less than fifty thousand dollars, seventy-five dollars. (b) For annual gross sales of at least fifty thousand dollars but less than two hundred thousand dollars, one hundred fifty dollars. (c) For annual gross sales of at least two hundred thousand dollars but less than two million dollars, three hundred dollars. (d) For annual gross sales of two million dollars or more, five hundred dollars. h. For a farmers market where time/temperature control for safety food is sold or distributed, one annual license fee of one hundred fifty dollars for each vendor on a statewide basis. i. For a certificate of free sale or sanitation, thirty-five dollars for the first certificate and ten dollars for each additional identical certificate requested at the same time. j. For a food establishment covered by both paragraphs “e” and “f”, the applicant shall pay the licensee fee based on the dominant form of business plus one hundred fifty dollars. k. For an unattended food establishment, the annual license fee shall correspond to the annual gross food and beverage sales, as follows: (1) Annual gross sales of less than one hundred thousand dollars, seventy-five dollars. (2) Annual gross sales of one hundred thousand dollars or more, one hundred fifty dollars. 2. Fees collected by the department shall be deposited in the general fund of the state. Fees collected by a municipal corporation shall be retained by the municipal corporation for regulation of food establishments and food processing plants licensed under this chapter. 3. Each vending machine licensed under this chapter shall bear a readily visible identification tag or decal provided by the licensee, containing the licensee’s business address and phone number, and a company license number assigned by the regulatory authority. 98 Acts, ch 1162, §11, 30; 2002 Acts, ch 1149, §2, 3; 2003 Acts, ch 108, §128, 132; 2007 Acts, ch 215, §215; 2009 Acts, ch 133, §40; 2012 Acts, ch 1064, §2, 3; 2018 Acts, ch 1144, §13, 14, 16; 2023 Acts, ch 82, §2, 3 Referred to in §137F.3A Subsection 1, paragraphs c, g, and h amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137F - FOOD ESTABLISHMENTS AND FOOD PROCESSING PLANTS Section 137F.7 - Suspension or revocation of licenses.

137F.7 Suspension or revocation of licenses. 1. The regulatory authority may suspend or revoke a license issued to a person under this chapter pursuant to rules adopted by the department if any of the following occurs: a. The person’s food establishment or food processing plant does not conform to a provision of this chapter or a rule adopted pursuant to this chapter. b. The person conducts an activity constituting a criminal offense in the food establishment or food processing plant and is convicted of a serious misdemeanor

or a more serious offense as a result. 2. A licensee may appeal a suspension or revocation in accordance with rules adopted by the department. 98 Acts, ch 1162, §12, 30; 2009 Acts, ch 41, §263

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137F - FOOD ESTABLISHMENTS AND FOOD PROCESSING PLANTS Section 137F.8 - Farmers markets.

137F.8 Farmers markets. A vendor who offers a product for sale at a farmers market shall have the sole responsibility to obtain and maintain any license required to sell or distribute the product. 98 Acts, ch 1162, §13, 30

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137F - FOOD ESTABLISHMENTS AND FOOD PROCESSING PLANTS Section 137F.8A - Stand operated by a minor.

137F.8A Stand operated by a minor. A municipal corporation or regulatory authority shall not adopt or enforce an ordinance or rule that requires a license, permit, or fee to sell or otherwise distribute food at a stand operated by a minor. 2020 Acts, ch 1084, §3

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137F - FOOD ESTABLISHMENTS AND FOOD PROCESSING PLANTS Section 137F.8B - Raw milk — associated products.

137F.8B Raw milk — associated products. A food establishment or farmers market shall not advertise for sale, offer for sale, sell or otherwise distribute, or use raw milk, or a manufactured raw milk product or a raw milk dairy product, regardless of whether the food establishment or farmers market is regulated by the department under this chapter or another chapter, another state agency, or a municipality. 2023 Acts, ch 75, §6 NEW section

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137F - FOOD ESTABLISHMENTS AND FOOD PROCESSING PLANTS Section 137F.9 - Operation without inspection prohibited.

137F.9 Operation without inspection prohibited. 1. A person shall not open or operate a food establishment or food processing plant until an inspection has been made and a license has been issued by the regulatory authority. Inspections shall be conducted according to standards adopted by rule of the department pursuant to chapter 17A. 2. A person who opens or operates a food establishment or food processing plant without a license is subject to a penalty of up to twice the amount of the annual license fee. 98 Acts, ch 1162, §14, 30

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137G - FOOD DELIVERY PLATFORMS Section 137G.1 - Definitions.

137G.1 Definitions. As used in this chapter, unless the context otherwise requires: 1. “Consent” means a mutual acknowledgment by a restaurant and a food delivery platform, which may be obtained electronically. 2. “Food delivery platform” or “platform” means a business that acts as a third-party intermediary by taking and arranging for the delivery or pickup of orders from multiple restaurants for consumers, not including delivery or pickup orders placed directly with, and fulfilled by, a restaurant. “Food delivery platform” does not include websites, mobile applications, or other electronic services that do not post restaurant menus, logos, or pricing information on the platform. 3. “Likeness” means a mark or trade name. 4. “Mark” means a trademark or service mark, regardless of whether the trademark or service mark is actually registered with the state or other entity. 5. “Restaurant” means a business in the state that operates its own permanent food service facilities with commercial cooking equipment on its premises and prepares and offers to sell multiple entrees for consumption on or off the premises. 6. “Trade name” means a name used by a person or entity to identify a person or entity’s vocation. 2022 Acts, ch 1099, §103, 106; 2023 Acts, ch 66, §156, 159, 161 Applicability of section to agreements between restaurants and food delivery platforms, see 2022 Acts, ch 1099, §106; 2023 Acts, ch 66, §156, 159, 161 Section not amended; section history revised

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137G - FOOD DELIVERY PLATFORMS Section 137G.2 - Restaurant and food delivery platform — requirements — penalties.

137G.2 Restaurant and food delivery platform — requirements — penalties. 1. A food delivery platform shall be prohibited from all of the following: a. Using a restaurant’s likeness without the consent of the restaurant owner or the owner’s designee in a manner that could be reasonably interpreted to falsely suggest sponsorship or endorsement by the restaurant. b. Taking and arranging for the delivery or pickup of an order from a restaurant without the consent of the restaurant owner or the owner’s designee. c. Intentionally inflating or altering a restaurant’s pricing without the consent of the restaurant owner or the owner’s designee, except that a food delivery platform may charge additional fees to the consumer if the fees are noted separately to the consumer. d. Attempting to charge a restaurant, or expecting the restaurant to pay or absorb any fee, commission, or charge without the consent of the restaurant owner or the owner’s designee. 2. A food delivery platform shall do all of the following: a. Clearly provide to the consumer a mechanism to express concerns regarding an order directly to the food delivery platform. b. Remove a restaurant from the food delivery platform’s services within ten days of receiving the restaurant’s request for removal unless an agreement between the food delivery platform and the restaurant states otherwise. 3. An agreement between a food delivery platform and a restaurant to take and arrange for the delivery or pickup of orders shall include all of the following: a. Authorization for the food delivery platform to take and arrange for the delivery and pickup of orders from the restaurant. b. Clear identification of any fee, commission, or charge that

the restaurant will be required to pay or absorb. 4. An agreement between a food delivery platform and a restaurant to take and arrange for the delivery or pickup of orders shall not include provisions, clauses, or covenants that require a restaurant to indemnify a food delivery platform, or any employee, independent contractor, or agent of the food delivery platform, for any damages or harm caused by the actions or omissions of the food delivery platform or any employee, independent contractor, or agent of the food delivery platform. 5. a. A provision of an agreement between a food delivery platform and a restaurant, or the obtaining of consent, that is contrary to this chapter is void and unenforceable. b. An aggrieved restaurant or the attorney general may seek judicial enforcement of the requirements of this chapter in an action brought against a food delivery platform in the county in which the violation occurred. The following civil penalties shall be imposed for a violation of this chapter: (1) A one thousand dollar penalty for a first violation. (2) A two thousand five hundred dollar penalty for a second violation. (3) A ten thousand dollar penalty for a third and subsequent violation. 6. a. The attorney general or a restaurant may, in addition to penalties imposed pursuant to subsection 5, bring an action to enjoin a violation of this chapter. If the court finds a violation of this chapter, the court shall issue an injunction against a food delivery platform and may require the platform to pay to the injured restaurant all profits derived from, or damages resulting from, the wrongful acts and order that the wrongful acts be terminated. b. If the court finds that the food delivery platform committed a wrongful act in bad faith in violation of this chapter by not entering into an agreement or obtaining consent, the court, in the court's discretion, shall: (1) Enter a judgment in an amount not to exceed three times the amount of profits and damages. (2) Award reasonable attorney's fees to the restaurant. 2022 Acts, ch 1099, §104, 106; 2023 Acts, ch 66, §156, 159, 161 Applicability of section to agreements between restaurants and food delivery platforms, see 2022 Acts, ch 1099, §106; 2023 Acts, ch 66, §156, 159, 161 Section not amended; section history revised

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 137G - FOOD DELIVERY PLATFORMS Section 137G.3 - Food safety — liability.

137G.3 Food safety — liability. 1. Orders delivered through a food delivery platform shall be transported in a manner that meets all of the following requirements: a. The order shall be maintained at a holding temperature necessary to prevent spoilage. b. All bags or containers in which orders are being transported or delivered from a restaurant to a customer shall be closed or sealed by the restaurant with a tamper-resistant method. c. The individual delivering orders shall not have any passengers, including animals or children when orders for delivery are being transported in the vehicle, except for one adult passenger not engaging in payment for ride-share services. d. Smoking or vaping in the vehicle while orders are in the vehicle shall be prohibited. 2. A food delivery platform transporting orders shall be liable for any harm or injury caused by a failure by the food delivery platform to meet the requirements of this chapter. 2022 Acts, ch 1099, §105, 106; 2023 Acts, ch 66, §156, 159, 161 Applicability of section to agreements between restaurants and food delivery platforms, see 2022 Acts, ch 1099, §106; 2023 Acts, ch 66, §156, 159, 161 Section not amended; section history revised

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 138 - MIGRANT LABOR CAMPS Section 138.1 - Definitions.

138.1 Definitions. When used in this chapter unless the context otherwise requires: 1. "Camp operator" means the person who has been granted a permit, in accordance with the provisions of this chapter, to operate a migrant labor camp, or portion thereof. 2. "Chemical toilet" means a nonwater carriage toilet facility where human waste is collected in a container charged with a chemical solution for the purpose of disinfecting and deodorizing such waste. 3. "Communicable disease" means any of those diseases regulated by state or local communicable disease laws, ordinances, or regulations. 4. "Department" means the department of inspections, appeals, and licensing. 5. "Director" means the director of the department of inspections, appeals, and licensing or the director's designee. 6. "Garbage" means all putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, or consumption of food at a migrant labor camp. 7. "Migrant" means any individual who customarily and repeatedly travels from state to state for the purpose of obtaining seasonal employment in agriculture, including the spouse and children of such individuals, whether or not authorized by law to engage in such employment. 8. "Migrant labor camp" means one or more buildings, structures, shelters, tents, trailers, or vehicles or any other structure or a combination thereof together with the land appertaining thereto, established, operated, or maintained as living quarters for seven or more migrants or two or more shelters. A camp shall include such land or quarters separate from one another if the migrants housed therein work at any time for the same person and the total number of migrants in all such camps is seven or more. Such separate camps shall constitute a portion of a migrant labor camp. 9. "Person" means an individual, group of individuals, firm, association, partnership, or corporation. 10. "Privy" means a portable or fixed sanitary facility used for excretion in a shelter separate and apart from any building and without water-borne disposal. 11. "Refuse" means all putrescible and nonputrescible solid waste except human body wastes, including garbage, rubbish, and ashes. 12. "Service building" means any building provided for the common use, welfare, and comfort of persons occupying or using the migrant labor camp. 13. "Shelter" means any conventional or unconventional building of one or more rooms, or any tent, trailer, railroad car, or any other enclosure or structure used for sleeping or living purposes. 14. "Toilet room" means an enclosure containing one or more toilet facilities or water closet facilities. 15. "Urinal" means a sanitary fixture or structure installed for the purpose of urination. 16. "Water closet" means a sanitary fixture, within a toilet room, used for excretion and equipped with a bowl and device for flushing the bowl contents into a disposal system. [C71, 73, 75, 77, 79, 81, §138.1] 2023 Acts, ch 19, §1622 Subsections 4 and 5 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 138 - MIGRANT LABOR CAMPS Section 138.10 - Judicial review.

138.10 Judicial review. Judicial review of actions of the director may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A. Notwithstanding the terms of said Act, petitions for judicial review may be filed in the district court of the county wherein the license was to be issued or wherein such license is to be revoked or suspended, and such a petition for judicial review shall not operate to stay any order or final determination of the director unless the district court finds upon hearing after reasonable notice to all interested parties, that substantial damage would result to the appealing party unless such order or final determination was stayed and such a stay would not endanger the health, safety, or welfare of any inhabitants of a migrant labor camp. [C71, 73, 75, 77, 79, 81, §138.10] 2003 Acts, ch 44, §114

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 138 - MIGRANT LABOR CAMPS Section 138.11 - Access to camp for inspection.

138.11 Access to camp for inspection. The director may enter and inspect migrant labor camps at any reasonable time and may question persons, and investigate facts, conditions, practices, or any other matters as are necessary or appropriate to determine compliance with the provisions of this chapter and any rules made pursuant to this chapter, or in the formulation of any additional rules. The director may, to the extent appropriate, utilize the services of any other state department or agency or any local agency for assistance in inspections and investigations. [C71, 73, 75, 77, 79, 81, §138.11]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 138 - MIGRANT LABOR CAMPS Section 138.12 - Variations permitted.

138.12 Variations permitted. 1. The director may grant written permission to individual camp operators to vary from the provisions of this chapter or the rules of the department when the extent of the variation is clearly specified and it is demonstrated to the director's satisfaction that: a. Such variation is necessary to obtain a beneficial use of an existing facility. b. The variation is necessary to prevent a substantial difficulty or unnecessary hardship. c. Appropriate alternative measures have been taken to protect the health, safety, and welfare of any inhabitants of a migrant labor camp and assure that the purpose of the provisions for which variation is sought will be observed. 2. Written application for such variations shall be filed with the director and local board of health serving the area in which the migrant labor camp is situated. No such variation shall be effective until granted in writing by the director. [C71, 73, 75, 77, 79, 81, §138.12] 2009 Acts, ch 41, §263

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 138 - MIGRANT LABOR CAMPS Section 138.13 - Conditions for permit.

138.13 Conditions for permit. To be eligible for a permit, a migrant labor camp, or portion thereof, shall meet each and all of the following requirements: 1. Site. a. Sites for migrant labor camps shall be adequately drained. Such sites shall not be subject to periodic flooding, nor located within two hundred feet of swamps, pools, sinkholes, or other quiescent surface collections of water unless the water surfaces can be subjected to mosquito and pest control measures. Sites shall be located so that drainage from and through the camp will not endanger any domestic or public water supply. Sites shall be graded, ditched, and rendered free from depressions in which water may collect and become a nuisance. b. Sites shall be adequate in size to prevent overcrowding of necessary structures and to minimize the hazards of fire. Housing shall not be subject to, or in proximity to, conditions that create or are likely to create offensive odors, flies, noise, traffic, or attract rats or other rodents, or any other similar conditions. c. The grounds and open areas surrounding the shelters, buildings, or structures, shall be maintained in a clean and sanitary condition free from rubbish, debris, wastepaper, garbage, and other refuse. d. All camps shall provide space for recreation, commensurate with size of the camp and type of occupancy. e. Whenever a camp is permanently closed or closed for the season, all garbage, manure, and other refuse shall be collected and disposed of to prevent a nuisance. All abandoned privy pits shall be filled with earth and the grounds and buildings left in a clean and sanitary condition. If privy buildings remain, then such buildings shall be locked or otherwise secured to prevent entrance. 2. Shelter. a. Shelters shall be structurally sound and shall provide protection to the occupants. b. At least one-half of the floor area in each living unit shall have a minimum ceiling height of seven feet. No floor space shall be counted toward minimum requirements where the ceiling height is less than five feet. c. Sleeping facilities shall be provided for each person. Such facilities shall consist of comfortable beds, cots, or bunks, provided with clean mattresses. d. Any bedding provided by the camp operator shall be clean and sanitary. e. Triple deck bunks shall not be allowed. f. The clear space above the top of the lower mattress of a double deck bunk and the bottom of the upper bunk shall be a minimum of twenty-seven inches. The distance from the top of the upper mattress to the ceiling shall be a minimum of thirty-six inches. g. Beds used for double occupancy may be provided only in family accommodations. h. Floors of buildings used as living quarters or shelters shall be constructed of wood, asphalt, concrete, or other comparable material. Wooden floors shall be of smooth and tight construction and shall be elevated not less than one foot above the ground level at all points to prevent dampness and to permit free circulation of air beneath. Floors shall be kept in good repair. i. Nothing in this chapter shall prohibit banking with earth or other suitable material around the outside walls of shelters and other structures in areas subject to extremely low temperatures. j. Living quarters of shelters shall be provided with windows and doors which shall be in total area not less than one-tenth of the floor area. At least one-half of each window shall be constructed so that it can be opened for purposes of ventilation. k. Exterior openings shall be effectively screened with sixteen mesh material. Screen doors shall be equipped with self-closing devices. l. In a room where people cook, live, and sleep, a minimum of sixty square feet per occupant shall be provided. Sanitary facilities shall be provided for storing and preparing food. m. When a camp is operated during a season requiring artificial heating, living quarters with a minimum of one hundred square feet per

occupant shall be provided and such living quarters or shelters shall, also, be provided with properly installed heating equipment of adequate capacity to maintain a room temperature of at least 70 degrees Fahrenheit. A stove or other source of heat shall be installed and vented in a manner to avoid both a fire hazard and a concentration of fumes or gas within such living quarters and shelters. In a room with wooden or combustible flooring, there shall be a concrete slab, metal sheet, or other fire-resistant material, on the floor under each stove, extending at least eighteen inches beyond the perimeter of the base of the stove. Any wall or ceiling not having a fire-resistant surface, within twenty-four inches of a stove or stovepipe, shall be protected by a metal sheet or other fire-resistant material. Heating appliances, other than electrical, shall be provided with a stovepipe or vent connected to the appliance and discharging to the outside air or chimney. The vent or chimney shall extend above the peak of the roof. Stovepipes shall be insulated with fire-resistant material where they pass through walls, ceilings, or floors.

3. Water supply. a. An adequate and convenient water supply, approved by the department, shall be provided in each camp for drinking, cooking, bathing, and laundry purposes. b. Each water supply shall be inspected at the time of occupancy of the camp and as frequently thereafter as is necessary to insure its continued suitability. c. Distribution lines shall be capable of supplying water at normal operating pressures to all fixtures for simultaneous operation. Water outlets shall be distributed throughout the camp in such a manner that no shelter or living quarter is more than one hundred feet from a yard hydrant if water is not piped to the shelters. d. A cold water tap shall be available within one hundred feet of each individual living unit when water is not provided in the unit. Adequate drainage facilities shall be provided for overflow and spillage. e. Common drinking cups shall not be allowed or permitted. f. Wells or springs used as sources of water supply shall have tight covers and be constructed and located to preclude pollution by seepage from cesspools, privies, sewers, sewage treatment works, stables or manure piles, or surface drainage. The water from such sources shall be obtained by free gravity flow or by an approved metal pump securely mounted on a concrete slab covering the well or spring. If the pump is adjacent to the well or spring, it shall be located and connected to prevent any pollution of such water supply.

4. Toilet facilities. a. Approved toilet facilities adequate for the capacity of the camp shall be provided. b. Each toilet facility shall be located so as to be accessible to the inhabitants of the camp without any individual passing through any sleeping room. Toilet rooms shall have a window not less than six square feet in area opening directly to the outside or shall otherwise be satisfactorily ventilated. All outside openings shall be screened with sixteen mesh material. No water closet, chemical toilet, or urinal shall be located in a room used for other than toilet purposes. c. A toilet room shall be located within two hundred feet of each sleeping room. No privy existing on May 23, 1969, shall be nearer than fifty feet from any sleeping room, dining room, lunch area, or kitchen. No privy constructed after May 23, 1969, shall be nearer than one hundred feet from any sleeping room, dining room, lunch area, or kitchen. d. Separate facilities shall be provided for men and women and such facilities shall be clearly marked by signs printed in English and in the native language of the persons occupying the camp, or marked with easily understood pictures or symbols, when men and women, not members of the same immediate family, are housed in the same camp. e. Where toilet facilities are shared, the number of water closets or privy seats provided for each sex shall be based on the maximum number of persons of that sex which the camp is designed to house at any one time, in the ratio of one unit for each fifteen persons, with a minimum of two units for any shared facility. f. Urinals, constructed of nonabsorbent materials, may be substituted for men's toilet seats on the basis of one urinal or twenty-four inches of trough-type urinal for one toilet seat up to a maximum of one-third of the required toilet seats. g. Each toilet room or facility shall be lighted naturally, or artificially, by a safe type of lighting at all hours of the day and night. h. An adequate supply of toilet paper shall be provided in each privy, water closet, or chemical toilet compartment. i. Toilet seats, privies, and toilet rooms or facilities shall be kept in a sanitary condition and cleaned daily. j. Each privy shall have a pit initially at least five feet deep. k. Privy pits shall be constructed and maintained so that flies cannot gain access to the human waste. l. A privy pit shall not be filled with human waste to a point nearer than one foot from the surface of the ground; the human waste in the pit shall then be covered with earth, ashes, lime, or other similar material. m. Seat openings in privies shall be covered with tight-fitting, hinged lids.

5. Sewage disposal facilities. a. In camps where public sewers are available, all sewer lines and floor drains from buildings and shelters shall be connected to the sewers. b. All human waste, sewage, or liquid waste from camps not discharged into public sewers shall be disposed of in accordance with the provisions of this chapter or the rules of the department.

6. Laundry, handwashing, and bathing facilities. a. Laundry, handwashing, and bathing facilities shall be provided as follows: (1) One handwash basin for each immediate family shelter or dwelling for every fifteen individuals or fraction thereof in shared facilities. (2) One shower head for every fifteen or fraction thereof individuals. Separate facilities for men and women shall be provided in shared facilities. (3) One laundry tray or tub for every twenty-five persons or fraction thereof. (4) One slop sink in each building used for laundry, handwashing, or bathing. b. Floors shall be of smooth finish but not of slippery materials and they shall be impervious to moisture. Floor drains shall be provided in all shower baths, shower rooms, or laundry rooms to remove waste water and facilitate cleaning. Junctions of the curbing and the floor shall be covered. Walls and partitions of shower rooms shall be smooth and impervious to moisture to the height of splash. c. A supply of hot and cold running water conforming to the provisions of this chapter or the rules and regulations of the department shall be provided for bathing and laundry purposes. d. Every service building used during periods requiring artificial heating shall be provided with equipment capable of maintaining a room temperature of at least 70 degrees Fahrenheit. e. Facilities for drying clothes shall be provided. f. Service buildings shall be kept clean. g. Waste water shall be disposed of so as not to form pools on the ground nor create a nuisance, nor pollute any drinking water supply. Toilet drainage shall be carried through a covered drain into a covered septic tank that conforms to standards established by the department.

7. Lighting. a. All housing sites, quarters, and shelters shall be provided with electric service. b. Each habitable room and common use rooms, and areas including, but not limited to, laundry rooms, toilets, privies, hallways, and stairways shall contain adequate ceiling or wall-type light fixtures. At least one wall-type electrical convenience outlet shall be provided in each individual living room. c. Adequate lighting shall be

provided for the yard area and pathways to common use facilities. d. All wiring and lighting fixtures shall be installed and maintained in a safe condition. e. Where electric service is not available, gas lighting will be acceptable. Hallways and stairways to upper floors shall be lighted at night. Electric lighting shall be provided in all camps or additions to camps constructed after May 23, 1969. 8. Refuse disposal. a. Durable, fly-tight, clean containers in good condition of a minimum capacity of twenty gallons, shall be provided adjacent to each housing unit or shelter for the storage of garbage and other refuse. Such containers shall be provided in a minimum ratio of one per fifteen persons or fraction thereof. b. Provisions shall be made for collection of refuse at least twice a week, or more often if necessary. c. The disposal of refuse shall be in accordance with state and local laws. 9. Construction and operation of kitchens, dining halls, and feeding facilities. a. Every camp shall be provided with adequate gas stoves or electrical stoves for cooking. b. Utensils in which food is prepared or kept, or from which food is to be eaten, and implements used in the preparation and eating of food shall be kept in a clean, unbroken, and sanitary condition. c. Adequate refrigeration for perishable foods, cooked or raw, shall be provided in every kitchen or wherever food is prepared. Tables, benches, or chairs shall be provided. d. Cooking of meals by an immediate family unit within its assigned living quarters may be permitted, provided that safe and adequate areas are available, but a separate kitchen in each shelter is desirable. e. In camps where cooking facilities are used in common, stoves, in ratio of one stove to ten persons or one stove to two immediate families or fraction thereof, shall be provided in a central kitchen room or building separate and distinct from sleeping quarters and toilet facilities. Floors, walls, ceilings, tables and shelves of kitchens, dining rooms, refrigerators and food storage rooms shall be constructed so that they can always be maintained in a clean and sanitary condition. Exterior wall openings of all rooms shall be screened and rendered fly-tight at all times during the period that the camp is in operation. Screen doors shall be self-closing and installed to open outward from the area to be protected. f. In camps where meals are furnished by the operator, manager, or concessionaire, the requirements of the department shall be met. g. No person with any communicable or venereal disease shall be employed or permitted to work at preparation, cooking, serving, or other handling of food, foodstuffs, or other materials, in any kitchen or dining room operated in connection with a camp or regularly used by persons living in a camp. 10. Insect and rodent control. a. Effective measures shall be taken to control rats, mice, flies, mosquitoes; bedbugs, and all other insects, rodents, and parasites within the camp premises. b. Pesticides and pest control equipment shall be stored and used in a safe manner. 11. Safety and fire prevention. a. No flammable or volatile liquids or materials shall be stored in or adjacent to rooms used for living purposes, except for those needed for current household use. b. First aid facilities shall be provided and readily accessible for use at all times. Such facilities shall be equivalent to the sixteen unit first aid kit recommended by the American Red Cross, and provided in a ratio of one per fifty persons or fraction thereof. c. Buildings and structures of a camp shall be maintained and used in accordance with state and local law relative to fire prevention. d. Units of approved fire-extinguisher equipment shall be located so that a person will not have to travel more than one hundred feet from any point to reach the nearest unit, and at least one unit shall be provided for each one thousand square feet of floor space or fraction thereof. e. Appliances of the type, number, and size indicated below shall constitute one unit of fire-extinguisher equipment: (1) Soda and acid. One appliance of two and one-half gallon capacity, or two appliances of one and one-half gallon capacity in each appliance. (2) Foam. One appliance of two and one-half gallon capacity, or two appliances of one and one-half gallon capacity in each appliance. (3) Water type. One stored pressure appliance of two and one-half gallon capacity, or two pump-type appliances of five gallon capacity. f. Fire fighting equipment shall be maintained in good operating condition so that it may be used instantly when the need arises. g. Adult occupants shall be properly instructed in fire prevention and in the proper use of equipment. h. Agricultural pesticides and toxic chemicals shall not be stored in the housing area. [C71, 73, 75, 77, 79, 81, §138.13] 2013 Acts, ch 30, §35, 36

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 138 - MIGRANT LABOR CAMPS Section 138.14 - Communicable diseases reported.

138.14 Communicable diseases reported. The camp operator shall report immediately to the local board of health the name and address of any individual in the camp known to have or suspected of having a communicable disease. Whenever there shall occur in any camp, or portion thereof, a case of suspected food poisoning or an unusual prevalence of any illness in which fever, diarrhea, sore throat, vomiting, or jaundice is a prominent symptom, the camp operator shall report immediately the existence of the condition to the local board of health and the director. [C71, 73, 75, 77, 79, 81, §138.14]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 138 - MIGRANT LABOR CAMPS Section 138.15 - Notice of intent to construct or alter a camp.

138.15 Notice of intent to construct or alter a camp. Any person who is planning to construct, reconstruct, or enlarge a camp or any portion thereof, or facility of a camp, or to convert a property for use or occupancy as a camp, shall give notice in writing of the person's intent to do so to the director at least fifteen days prior to the date of the commencement of any major construction, reconstruction, enlargement, or conversion. The notice shall give the name of the city, village, and county in which the property is located; the location of the property within that area; a brief description of the proposed major construction, reconstruction, enlargement, or conversion; the name and mailing address of the person giving such notice; and the person's telephone number. The director, upon receipt of such notice, shall promptly send to such person by ordinary mail a copy of this chapter and all rules of the department applicable to migrant labor camps. [C71, 73, 75, 77, 79, 81, §138.15]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 138 - MIGRANT LABOR CAMPS Section 138.16 - Cleanliness and repair required.

138.16 Cleanliness and repair required. Every migrant or inhabitant of a migrant labor camp shall use the sanitary and other facilities provided and shall keep that part of the living quarters or shelter which the migrant's or inhabitant's immediate family occupies and controls as well as the premises immediately adjacent thereto in a clean condition comparable to normal domestic standards. Every camp operator or permit holder shall be responsible for the providing of and proper maintenance and repair of the premises, all shelters, structures, facilities, and service buildings of the camp, or portion thereof, for which the camp operator or permit holder was issued a permit as well as proper garbage and refuse collection, privy openings and closings, maintenance of water supply, pest and rodent control, toilet facilities, sewage disposal, laundry, handwashing and bathing facilities, lighting, operation of common kitchens, dining halls, and feeding facilities, and safety and fire prevention. [C71, 73, 75, 77, 79, 81, §138.16]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 138 - MIGRANT LABOR CAMPS Section 138.17 - Rental charges or wage deductions.

138.17 Rental charges or wage deductions. A rental charge or deduction from any wages due a migrant shall not be made by any camp operator or person for providing any of the facilities required by this chapter unless such migrant is fully informed of all such rental charges or deductions to be made prior to the time the migrant contracts for employment as an agricultural or migrant worker. [C71, 73, 75, 77, 79, 81, §138.17]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 138 - MIGRANT LABOR CAMPS Section 138.18 - Rules promulgated.

138.18 Rules promulgated. The director shall make such rules necessary for carrying out the purposes and provisions of this chapter, subject to the requirements of chapter 17A. [C71, 73, 75, 77, 79, 81, §138.18]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 138 - MIGRANT LABOR CAMPS Section 138.19 - Penalties.

138.19 Penalties. Any person failing to comply with any provision of this chapter, or with any rule or order issued pursuant to the provisions of this chapter, or interfering with, impeding, or obstructing in any manner, the director, department, or any of its employees in the performance of official duties pursuant to this chapter, shall be guilty of a simple misdemeanor. If any person further fails to comply with any provisions of this chapter, or with any rule or order issued pursuant to the provisions of this chapter, the director shall enforce such provision, rule, or order by filing an action for injunction against such person in the district court in the county wherein such violation or violations occur. [C71, 73, 75, 77, 79, 81, §138.19]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 138 - MIGRANT LABOR CAMPS Section 138.2 - Permit required.

138.2 Permit required. No person shall establish, maintain, or operate a migrant labor camp, or portion thereof, directly or indirectly, until the person has obtained a permit to operate such camp from the department and unless the permit is in full force and effect and is posted and remains posted in the camp, or portion thereof, to which it applies at all times during the maintenance and operation of such camp. [C71, 73, 75, 77, 79, 81, §138.2]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 138 - MIGRANT LABOR CAMPS Section 138.3 - Written application.

138.3 Written application. Written application to operate a migrant labor camp, or portion thereof, shall be made to the department upon forms approved by the department at least sixty days prior to the first day of the intended operation of such camp. The application shall state the name and address of the person requesting a permit; and name and address of the owner of the camp, or portion thereof; approximate number of persons to be lodged in such camp; approximate period during which the migrant labor camp, or portion thereof, is to be operated; the location of such camp, or portion thereof; and any other information required by the department. A separate application shall be submitted for each camp, or portion thereof, and a separate permit shall be issued annually for each such camp, or portion thereof. [C71, 73, 75, 77, 79, 81, §138.3]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 138 - MIGRANT LABOR CAMPS Section 138.4 - Permit not assignable.

138.4 Permit not assignable. If the department finds, after investigation, that the migrant labor camp, or portion thereof, conforms to the minimum standards required by this chapter, it shall issue a permit for operation of such camp, or portion thereof. A permit shall not be assignable or transferable. It shall expire one year after the date of issuance, or upon a change of operator of the camp or upon revocation. [C71, 73, 75, 77, 79, 81, §138.4]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 138 - MIGRANT LABOR CAMPS Section 138.5 - Revocation or suspension of permit.

138.5 Revocation or suspension of permit. If the holder of any permit under the provisions of this chapter fails to maintain and operate a migrant labor camp in accordance with the provisions of this chapter and the rules of the department relating thereto, the director shall revoke or suspend the permit for the operation and maintenance of such camp. [C71, 73, 75, 77, 79, 81, §138.5]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 138 - MIGRANT LABOR CAMPS Section 138.6 - Notice of intention.

138.6 Notice of intention. The director shall serve written notice upon the holder of the permit, by restricted certified mail, return receipt requested, specifying the manner in which the holder of the permit has failed to comply with the provisions of this chapter or any rules of the department and shall fix a reasonable time within which the objectionable condition or conditions must be removed or corrected. If the holder of the permit fails to remove or correct such objectionable condition or conditions within the time fixed by the director, the director shall revoke or suspend such permit. However, if the objectionable condition or conditions endanger the health, safety, or welfare of any inhabitants of a migrant labor camp, the director shall immediately suspend or revoke such permit. [C71, 73, 75, 77, 79, 81, §138.6]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 138 - MIGRANT LABOR CAMPS Section 138.7 - Appeal to director.

138.7 Appeal to director. When any person applying for a permit to operate a migrant labor camp is denied a permit, or when a permit is suspended or revoked, such person may appeal such denial, suspension, or revocation to the director. The director, after reasonable notice to all interested parties, shall hold a hearing upon such denial, suspension, or revocation. At the hearing all parties involved shall be entitled to be present and represented by counsel and to present such evidence as they desire as to why a permit should, or should not, be issued, suspended, or revoked. The director shall render a decision within thirty days after the termination of the hearing, and a copy of the decision shall be sent by restricted certified mail, return receipt requested, to all parties given notice of the appeal and hearing. Notice of appeal shall be sent in writing to the department by restricted certified mail, return receipt requested, by the aggrieved party. In the event such appeal is taken from a notice of suspension or revocation, such appeal shall be made prior to the date set for such suspension or revocation. [C71, 73, 75, 77, 79, 81, §138.7]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 138 - MIGRANT LABOR CAMPS Section 138.8 - Place — evidence — record.

138.8 Place — evidence — record. The hearing shall be conducted at the office of the department or at such other place convenient for the aggrieved party or for the attendance of witnesses and receipt of evidence. The director, when requested in writing by any party to the appeal, shall compel by subpoena the attendance and testimony of witnesses and the production of books, papers, and documents. All testimony and evidence shall be received under oath administered by the director. In the event any party fails to attend who has been properly served with a subpoena, application shall be made to the district court in the county where such hearing is to be held, to enforce the subpoena issued by the director. The director shall cause a record of the proceedings at the hearing to be kept and shall provide any interested party to the hearing a transcript of the evidence presented, upon payment of the cost thereof. The hearing may be continued from time to time at the discretion of the director. [C71, 73, 75, 77, 79, 81, §138.8]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 138 - MIGRANT LABOR CAMPS Section 138.9 - Liberal rules to prevail.

138.9 Liberal rules to prevail. Technical errors in the proceeding or failure to observe the technical rules of evidence shall not constitute grounds for reversal of any decision unless it shall appear to the reviewing court that such error or failure materially affects the rights of any party and results in substantial injustice to any interested party. [C71, 73, 75, 77, 79, 81, §138.9]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 139A - COMMUNICABLE AND INFECTIOUS DISEASES AND POISONINGS Section 139A.1 - Title.

139A.1 Title. This chapter shall be known as the “Communicable and Infectious Disease Reporting and Control Act”. 2000 Acts, ch 1066, §1

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 139A - COMMUNICABLE AND INFECTIOUS DISEASES AND POISONINGS Section 139A.10 - Fees for removing.

139A.10 Fees for removing. The officers designated shall receive reasonable compensation for their services as determined by the local board. The amount determined shall be certified and paid in the same manner as other expenses incurred under this chapter. 2000 Acts, ch 1066, §10; 2002 Acts, ch 1119, §133

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 139A - COMMUNICABLE AND INFECTIOUS DISEASES AND POISONINGS Section 139A.11 - Services and supplies — isolation — quarantine.

139A.11 Services and supplies — isolation — quarantine. If the person under isolation or quarantine or the person liable for the support of the person, in the opinion of the local board, is financially unable to secure proper care, provisions, or medical attendance, the local board shall furnish supplies and services during the period of isolation or quarantine and may delegate the duty, by rules, to one of its designated officers. 2000 Acts, ch 1066, §11

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 139A - COMMUNICABLE AND INFECTIOUS DISEASES AND POISONINGS Section 139A.12 - County liability for care, provisions, and medical attendance.

139A.12 County liability for care, provisions, and medical attendance. The local board shall provide proper care, provisions, and medical attendance for any person removed and isolated or quarantined in a separate house or hospital for detention and treatment,

and the care, provisions, and medical attendance shall be paid for by the county in which the infected person has residence, if the patient or legal guardian is unable to pay. 2000 Acts, ch 1066, §12; 2018 Acts, ch 1137, §23

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 139A - COMMUNICABLE AND INFECTIOUS DISEASES AND POISONING Section 139A.13 - Rights of isolated or quarantined persons.

139A.13 Rights of isolated or quarantined persons. Any person removed and isolated or quarantined in a separate house or hospital may, at the person's own expense, employ the health care provider of the person's choice, and may provide such supplies and commodities as the person may require. 2000 Acts, ch 1066, §13

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 139A - COMMUNICABLE AND INFECTIOUS DISEASES AND POISONING Section 139A.13A - Employment protection.

139A.13A Employment protection. 1. An employer shall not discharge an employee, or take or fail to take action regarding an employee's promotion or proposed promotion, or take action to reduce an employee's wages or benefits for actual time worked, due to the compliance of an employee with a quarantine or isolation order or voluntary confinement request issued by the department, a local board, or the centers for disease control and prevention of the United States department of health and human services. 2. An employee whose employer violates this section may petition the court for imposition of a cease and desist order against the person's employer and for reinstatement to the person's previous position of employment. This section does not create a private cause of action for relief of money damages. 2006 Acts, ch 1184, §85; 2007 Acts, ch 159, §25

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 139A - COMMUNICABLE AND INFECTIOUS DISEASES AND POISONING Section 139A.14 - Services or supplies — authorization.

139A.14 Services or supplies — authorization. All services or supplies furnished to persons under this chapter must be authorized by the local board or an officer of the local board, and a written order designating the person employed to furnish such services or supplies, issued before the services or supplies are furnished, shall be attached to the bill when presented for audit and payment. 2000 Acts, ch 1066, §14

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 139A - COMMUNICABLE AND INFECTIOUS DISEASES AND POISONING Section 139A.15 - Filing of bills.

139A.15 Filing of bills. All bills incurred under this chapter in establishing, maintaining, and terminating isolation and quarantine, in providing a necessary house or hospital for isolation or quarantine, and in making terminal cleanings, shall be filed with the local board. The local board at its next regular meeting or special meeting called for this purpose shall examine and audit the bills and, if found correct, approve and certify the bills to the county board of supervisors for payment. 2000 Acts, ch 1066, §15

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 139A - COMMUNICABLE AND INFECTIOUS DISEASES AND POISONING Section 139A.16 - Allowing claims.

139A.16 Allowing claims. All bills for supplies furnished and services rendered for persons removed and isolated or quarantined in a separate house or hospital, or for persons financially unable to provide their own sustenance and care during isolation or quarantine, shall be allowed and paid for only on a basis of the local market price for such provisions, services, and supplies in the locality furnished. A bill for the terminal cleaning of premises or effects shall not be allowed, unless the infected person or those liable for the person's support are financially unable to pay. 2000 Acts, ch 1066, §16

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 139A - COMMUNICABLE AND INFECTIOUS DISEASES AND POISONING Section 139A.17 - Approval and payment of claims.

139A.17 Approval and payment of claims. The board of supervisors is not bound by the action of the local board in approving the bills, but shall pay the bills for a reasonable amount and within a reasonable time. 2000 Acts, ch 1066, §17

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 139A - COMMUNICABLE AND INFECTIOUS DISEASES AND POISONING Section 139A.18 - Reimbursement from county.

139A.18 Reimbursement from county. If any person receives services or supplies under this chapter who does not have residence in the county in which the bills were incurred and paid, the amount paid shall be certified to the board of supervisors of the county in which the person claims residence or owns property, and the board of supervisors of that county shall reimburse the county from which the claim is certified, in the full amount originally paid. 2000 Acts, ch 1066, §18; 2018 Acts, ch 1137, §24; 2019 Acts, ch 59, §50 Referred to in §252.24

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 139A - COMMUNICABLE AND INFECTIOUS DISEASES AND POISONING Section 139A.19 - Care provider notification.

139A.19 Care provider notification. 1. a. Notwithstanding any provision of this chapter to the contrary, if a care provider sustains a significant exposure from an individual while rendering health care services or other services, the individual to whom the care

provider was exposed is deemed to consent to a test to determine if the individual has a contagious or infectious disease and is deemed to consent to notification of the care provider of the results of the test, upon submission of a significant exposure report by the care provider to the hospital, clinic, other health facility, or other person specified in this section to whom the individual is delivered by the care provider as determined by rule. b. The hospital, clinic, or other health facility in which the significant exposure occurred or other person specified in this section to whom the individual is delivered shall conduct the test. If the individual is delivered by the care provider to an institution administered by the Iowa department of corrections, the test shall be conducted by the staff physician of the institution. If the individual is delivered by the care provider to a jail, the test shall be conducted by the attending physician of the jail or the county medical examiner. The sample and test results shall only be identified by a number. c. A hospital, clinic, or other health facility, institutions administered by the department of corrections, and jails shall have written policies and procedures for notification of a care provider under this section. The policies and procedures shall include designation of a representative of the care provider to whom notification shall be provided and who shall, in turn, notify the care provider. The identity of the designated representative of the care provider shall not be revealed to the individual tested. The designated representative shall inform the hospital, clinic, or other health facility, institution administered by the department of corrections, or jail of those parties who received the notification, and following receipt of this information and upon request of the individual tested, the hospital, clinic, or other health facility, institution administered by the department of corrections, or jail shall inform the individual of the parties to whom notification was provided. d. Notwithstanding any other provision of law to the contrary, a care provider may transmit cautions regarding contagious or infectious disease information, with the exception of AIDS or HIV pursuant to section 80.9B, in the course of the care provider's duties over the police radio broadcasting system under chapter 693 or any other radio-based communications system if the information transmitted does not personally identify an individual. 2. a. If the test results are positive, the hospital, clinic, other health facility, or other person performing the test shall notify the subject of the test and make any required reports to the department pursuant to sections 139A.3 and 141A.6. The report to the department shall include the name of the individual tested. b. If the individual tested is diagnosed or confirmed as having a contagious or infectious disease, the hospital, clinic, other health facility, or other person conducting the test shall notify the care provider or the designated representative of the care provider who shall then notify the care provider. c. The notification to the care provider shall be provided as soon as is reasonably possible following determination that the subject of the test has a contagious or infectious disease. The notification shall not include the name of the individual tested for the contagious or infectious disease unless the individual consents. If the care provider who sustained a significant exposure determines the identity of the individual diagnosed or confirmed as having a contagious or infectious disease, the identity of the individual shall be confidential information and shall not be disclosed by the care provider to any other person unless a specific written release is obtained from the individual diagnosed with or confirmed as having a contagious or infectious disease. 3. This section does not preclude a hospital, clinic, other health facility, or a health care provider from providing notification to a care provider under circumstances in which the hospital's, clinic's, other health facility's, or health care provider's policy provides for notification of the hospital's, clinic's, other health facility's, or health care provider's own employees of exposure to a contagious or infectious disease that is not life-threatening if the notice does not reveal a patient's name, unless the patient consents. 4. A hospital, clinic, other health facility, or health care provider, or other person participating in good faith in complying with provisions authorized or required under this section is immune from any liability, civil or criminal, which might otherwise be incurred or imposed. 5. A hospital's, clinic's, other health facility's, or health care provider's duty to notify under this section is not continuing but is limited to a diagnosis of a contagious or infectious disease made in the course of admission, care, and treatment following the rendering of health care services or other services to the individual who was the source of the significant exposure. 6. Notwithstanding subsection 5, the hospital, clinic, or other health facility may provide a procedure for notifying the exposed care provider if, following discharge from or completion of care or treatment by the hospital, clinic, or other health facility, the individual who was the source of the significant exposure, and for whom a significant exposure report was submitted that did not result in notification of the exposed care provider, wishes to provide information regarding the source individual's contagious or infectious disease status to the exposed care provider. 7. A hospital, clinic, other health facility, health care provider, or other person who is authorized to perform a test under this section who performs the test in compliance with this section or who fails to perform the test authorized under this section, is immune from any liability, civil or criminal, which might otherwise be incurred or imposed. 8. A hospital, clinic, other health facility, health care provider, or other person who is authorized to perform a test under this section has no duty to perform the test authorized. 9. The department shall adopt rules pursuant to chapter 17A to administer this section. The department may determine by rule the contagious or infectious diseases for which testing is reasonable and appropriate and which may be administered under this section. 10. The employer of a care provider who sustained a significant exposure under this section shall pay the costs of testing for the individual who is the source of the significant exposure and of the testing of the care provider, if the significant exposure was sustained during the course of employment. However, the department shall assist an individual who is the source of the significant exposure in finding resources to pay for the costs of the testing and shall assist a care provider who renders direct aid without compensation in finding resources to pay for the cost of the test. 2000 Acts, ch 1066, §19; 2001 Acts, ch 157, §4; 2011 Acts, ch 63, §20; 2011 Acts, ch 131, §54, 158

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 139A - COMMUNICABLE AND INFECTIOUS DISEASES AND POISONING Section 139A.2 - Definitions.

139A.2 Definitions. For purposes of this chapter, unless the context otherwise requires: 1. "Area quarantine" means prohibiting ingress and egress to and from a building or buildings, structure or structures, or other definable physical location, or portion

thereof, to prevent or contain the spread of a suspected or confirmed quarantinable disease or to prevent or contain exposure to a suspected or known chemical, biological, radioactive, or other hazardous or toxic agent. 2. “Business” means and includes every trade, occupation, or profession. 3. “Care provider” means an individual who is trained and authorized by federal or state law to provide health care services or services of any kind in the course of the individual’s official duties, for compensation or in a voluntary capacity, who is a health care provider, emergency medical care provider as defined in section 147A.1, fire fighter, or peace officer. “Care provider” also means an individual who renders emergency care or assistance in an emergency or due to an accident as described in section 613.17. 4. “Communicable disease” means any disease spread from person to person or animal to person. 5. “Contagious or infectious disease” means hepatitis in any form, meningococcal disease, AIDS or HIV as defined in section 141A.1, tuberculosis, and any other disease determined to be life-threatening to a person exposed to the disease as established by rules adopted by the department, based upon a determination by the state epidemiologist and in accordance with guidelines of the centers for disease control and prevention of the United States department of health and human services. 6. “Department” means the department of health and human services. 7. “Designated officer” means a person who is designated by a department, agency, division, or service organization to act as an infection control liaison officer. 8. “Director” means the director of health and human services. 9. “Exposure” means a specific eye, mouth, other mucous membrane, nonintact skin, or parenteral contact with blood or other potentially infectious bodily fluids. 10. “Exposure-prone procedure” means a procedure performed by a health care provider which presents a recognized risk of percutaneous injury to the health care provider and if such an injury occurs, the health care provider’s blood is likely to contact a patient’s body cavity, subcutaneous tissues, or mucous membranes, or an exposure-prone procedure as defined by the centers for disease control and prevention of the United States department of health and human services. 11. “HBV” means hepatitis B virus. 12. “Health care facility” means a health care facility as defined in section 135C.1, an ambulatory surgical center, or a clinic. 13. “Health care provider” means a person licensed to practice medicine and surgery, osteopathic medicine and surgery, chiropractic, podiatry, nursing, dentistry, optometry, or as a physician assistant, dental hygienist, or acupuncturist. 14. “HIV” means HIV as defined in section 141A.1. 15. “Hospital” means hospital as defined in section 135B.1. 16. “Isolation” means the separation of persons or animals presumably or actually infected with a communicable disease or who are disease carriers for the usual period of communicability of that disease in such places, marked by placards if necessary, and under such conditions as will prevent the direct or indirect conveyance of the infectious agent or contagion to susceptible persons. 17. “Local board” means the local board of health. 18. “Local department” means the local health department. 19. “Placard” means a warning sign to be erected and displayed on the periphery of a quarantine area, forbidding entry to or exit from the area. 20. “Public health disaster” means public health disaster as defined in section 135.140. 21. “Quarantinable disease” means any communicable disease designated by rule adopted by the department as requiring quarantine or isolation to prevent its spread. 22. “Quarantine” means the limitation of freedom of movement of persons or animals that have been exposed to a quarantinable disease within specified limits marked by placards for a period of time equal to the longest usual incubation period of the disease in such manner as to prevent the spread of a quarantinable disease which affects people. 23. “Reportable disease” means any disease designated by rule adopted by the department requiring its occurrence to be reported to an appropriate authority. 24. “Sexually transmitted disease or infection” means a disease or infection as identified by rules adopted by the department, based upon a determination by the state epidemiologist and in accordance with guidelines of the centers for disease control and prevention of the United States department of health and human services. 25. “Significant exposure” means a situation in which there is a risk of contracting disease through exposure to a person’s infectious bodily fluids in a manner capable of transmitting an infectious agent as determined by the centers for disease control and prevention of the United States department of health and human services and adopted by rule of the department. 26. “Terminal cleaning” means cleaning procedures defined in the isolation guidelines issued by the centers for disease control and prevention of the United States department of health and human services. 2000 Acts, ch 1066, §2; 2001 Acts, ch 24, §29; 2001 Acts, ch 157, §1 – 3; 2003 Acts, ch 33, §9, 11; 2004 Acts, ch 1168, §6; 2006 Acts, ch 1079, §2; 2008 Acts, ch 1088, §141; 2011 Acts, ch 63, §18, 19; 2023 Acts, ch 19, §220 Referred to in §135.144, 141A.9, 356.48 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 139A - COMMUNICABLE AND INFECTIOUS DISEASES AND POISONINGS Section 139A.20 - Exposing to communicable disease.

139A.20 Exposing to communicable disease. A person who knowingly exposes another to a communicable disease or who knowingly subjects another to a child or other legally incapacitated person who has contracted a communicable disease, with the intent that another person contract the communicable disease, shall be liable for all resulting damages and shall be punished as provided in this chapter. 2000 Acts, ch 1066, §20

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 139A - COMMUNICABLE AND INFECTIOUS DISEASES AND POISONINGS Section 139A.21 - Reportable poisonings and illnesses.

139A.21 Reportable poisonings and illnesses. 1. If the results of an examination by a public, private, or hospital clinical laboratory of a specimen from a person in Iowa yield evidence of or are reactive for a reportable poisoning or a reportable illness from a toxic agent, including methemoglobinemia, the results shall be reported to the department on forms prescribed by the department. If the laboratory is located in Iowa, the person in charge of the laboratory shall report the results. If the laboratory is not in Iowa, the health care provider submitting the specimen shall report the results. 2. The health care provider attending a person infected with a reportable poisoning or a reportable illness from a toxic agent, including methemoglobinemia, shall immediately report the case to the department. The department shall publish and distribute instructions concerning the method of reporting. Reports shall be made

in accordance with rules adopted by the department. 3. A person in charge of a poison control information center shall report to the department cases of reportable poisoning, including methemoglobinemia, about which inquiries have been received. 4. The department shall adopt rules designating reportable poisonings, including methemoglobinemia, and illnesses which must be reported under this section. 5. The department shall establish and maintain a central registry to collect and store data reported pursuant to this section. 6. The department shall timely provide copies of all reports of pesticide poisonings or illnesses received pursuant to this section to the secretary of agriculture who shall timely forward these reports and any reports of pesticide poisonings or illnesses received pursuant to section 206.14 to the registrant of a pesticide which is the subject of any reports. 2000 Acts, ch 1066, §21; 2009 Acts, ch 41, §49; 2012 Acts, ch 1095, §130 Referred to in §135.11, 455E.11

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 139A - COMMUNICABLE AND INFECTIOUS DISEASES AND POISONINGS Section 139A.22 - Prevention of transmission of HIV or HBV to patients.

139A.22 Prevention of transmission of HIV or HBV to patients. 1. A hospital shall adopt procedures requiring the establishment of protocols applicable on a case-by-case basis to a health care provider determined to be infected with HIV or HBV who ordinarily performs exposure-prone procedures as determined by an expert review panel, within the hospital setting. The protocols established shall be in accordance with the recommendations issued by the centers for disease control and prevention of the United States department of health and human services. The expert review panel may be an established committee of the hospital. The procedures may provide for referral of the health care provider to the expert review panel established by the department pursuant to subsection 3 for establishment of the protocols. The procedures shall require reporting noncompliance with the protocols by a health care provider to the licensing board with jurisdiction over the relevant health care providers. 2. A health care facility shall adopt procedures in accordance with recommendations issued by the centers for disease control and prevention of the United States department of health and human services, applicable to a health care provider determined to be infected with HIV or HBV who ordinarily performs or assists with exposure-prone procedures within the health care facility. The procedures shall require referral of the health care provider to the expert review panel established by the department pursuant to subsection 3. 3. The department shall establish an expert review panel to determine on a case-by-case basis under what circumstances, if any, a health care provider determined to be infected with HIV or HBV practicing outside the hospital setting or referred to the panel by a hospital or health care facility may perform exposure-prone procedures. If a health care provider determined to be infected with HIV or HBV does not comply with the determination of the expert review panel, the panel shall report the noncompliance to the licensing board with jurisdiction over the health care provider. A determination of an expert review panel pursuant to this section is a final agency action appealable pursuant to section 17A.19. 4. The health care provider determined to be infected with HIV or HBV, who works in a hospital setting, may elect either the expert review panel established by the hospital or the expert review panel established by the department for the purpose of making a determination of the circumstances under which the health care provider may perform exposure-prone procedures. 5. A health care provider determined to be infected with HIV or HBV shall not perform an exposure-prone procedure except as approved by the expert review panel established by the department pursuant to subsection 3, or in compliance with the protocol established by the hospital pursuant to subsection 1 or the procedures established by the health care facility pursuant to subsection 2. 6. The board of medicine, the board of physician assistants, the board of podiatry, the board of nursing, the dental board, and the board of optometry shall require that licensees comply with the recommendations issued by the centers for disease control and prevention of the United States department of health and human services for preventing transmission of human immunodeficiency virus and hepatitis B virus to patients during exposure-prone invasive procedures, with the recommendations of the expert review panel established pursuant to subsection 3, with hospital protocols established pursuant to subsection 1, and with health care facility procedures established pursuant to subsection 2, as applicable. 7. Information relating to the HIV status of a health care provider is confidential and subject to the provisions of section 141A.9. A person who intentionally or recklessly makes an unauthorized disclosure of such information is subject to a civil penalty of one thousand dollars. The attorney general or the attorney general's designee may maintain a civil action to enforce this section. Proceedings maintained under this section shall provide for the anonymity of the health care provider and all documentation shall be maintained in a confidential manner. Information relating to the HBV status of a health care provider is confidential and shall not be accessible to the public. Information regulated by this section, however, may be disclosed to members of the expert review panel established by the department or a panel established by hospital protocol under this section. The information may also be disclosed to the appropriate licensing board by filing a report as required by this section. The licensing board shall consider the report a complaint subject to the confidentiality provisions of section 272C.6. A licensee, upon the filing of a formal charge or notice of hearing by the licensing board based on such a complaint, may seek a protective order from the board. 8. The expert review panel established by the department and individual members of the panel shall be immune from any liability, civil or criminal, for reasonable actions taken in the good faith performance of functions authorized or required by this section. A hospital, an expert review panel established by the hospital, and individual members of the panel shall be immune from any liability, civil or criminal, for reasonable actions taken in the good faith performance of functions authorized or required by this section. Complaints, investigations, reports, deliberations, and findings of the hospital and its panel with respect to a named health care provider suspected, alleged, or found to be in violation of the protocol required by this section constitute peer review records under section 147.135, and are subject to the specific confidentiality requirements and limitations of that section. 2000 Acts, ch 1066, §22; 2001 Acts, ch 24, §30; 2007 Acts, ch 10, §25; 2007 Acts, ch 218, §196 Referred to in §139A.23 Contingent repeal, see §139A.23

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 139A - COMMUNICABLE AND INFECTIOUS DISEASES AND POISONINGS Section 139A.23 - Contingent repeal.

139A.23 Contingent repeal. If the provisions of Pub. L. No. 102-141 relating to requirements for prevention of transmission of HIV or HBV to patients in the performance of exposure-prone procedures are repealed, section 139A.22 is repealed. 2000 Acts, ch 1066, §23

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 139A - COMMUNICABLE AND INFECTIOUS DISEASES AND POISONINGS Section 139A.24 - Blood donation or sale — penalty.

139A.24 Blood donation or sale — penalty. A person suffering from a communicable disease dangerous to the public health who knowingly gives false information regarding the person's infected state on a blood plasma sale application to blood plasma-taking personnel commits a serious misdemeanor. 2000 Acts, ch 1066, §24

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 139A - COMMUNICABLE AND INFECTIOUS DISEASES AND POISONINGS Section 139A.25 - Penalties.

139A.25 Penalties. 1. Unless otherwise provided in this chapter, a person who knowingly violates any provision of this chapter, or of the rules of the department or a local board, or any lawful order, written or oral, of the department or board, or of their officers or authorized agents, is guilty of a simple misdemeanor. 2. Notwithstanding subsection 1, an individual who repeatedly fails to file any mandatory report specified in this chapter is subject to a report being made to the licensing board governing the professional activities of the individual. The department shall notify the individual each time that the department determines that the individual has failed to file a required report. The department shall inform the individual in the notification that the individual may provide information to the department to explain or dispute the failure to report. 3. Notwithstanding subsection 1, a public, private, or hospital clinical laboratory that repeatedly fails to file a mandatory report specified in this chapter is subject to a civil penalty of not more than one thousand dollars per occurrence. The department shall not impose the penalty under this subsection without prior written notice and opportunity for hearing. 2000 Acts, ch 1066, §25 Referred to in §139A.40

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 139A - COMMUNICABLE AND INFECTIOUS DISEASES AND POISONINGS Section 139A.26 - Meningococcal disease vaccination information for postsecondary students.

139A.26 Meningococcal disease vaccination information for postsecondary students. 1. Each institution of higher education that has an on-campus residence hall or dormitory shall provide vaccination information on meningococcal disease to each student enrolled in the institution. The vaccination information shall be contained on student health forms provided to each student by the institution, which forms shall include space for the student to indicate whether or not the student has received the vaccination against meningococcal disease. The vaccination information about meningococcal disease shall include any recommendations issued by the national centers for disease control and prevention regarding the disease. Vaccination information obtained under this section that is in the possession of an institution of higher education pursuant to this section shall not be considered a public record. Data obtained under this section shall be submitted annually to the department in a manner prescribed by the department and such that no individual person can be identified. 2. This section shall not be construed to require any institution of higher education to provide the vaccination against meningococcal disease to students. 3. This section shall not apply if the national centers for disease control and prevention no longer recommend the meningococcal disease vaccine. 4. This section does not create a private right of action. 5. The department shall adopt rules for administration of this section. The department shall review the requirements of this section at least every five years, and shall submit its recommendations for modification to, or continuation of, this section based upon new information about the disease or vaccination against the disease in a report that shall be submitted to the general assembly no later than January 15, 2010, with subsequent reports developed and submitted by January 15 at least every fifth year thereafter. 2004 Acts, ch 1023, §1

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 139A - COMMUNICABLE AND INFECTIOUS DISEASES AND POISONINGS Section 139A.3 - Reports to department — immunity — confidentiality — investigations.

139A.3 Reports to department — immunity — confidentiality — investigations. 1. The health care provider or public, private, or hospital clinical laboratory attending a person infected with a reportable disease shall immediately report the case to the department. However, when a case occurs within the jurisdiction of a local health department, the report shall be made to the local department and to the department. A health care provider or public, private, or hospital clinical laboratory who files such a report which identifies a person infected with a reportable disease shall assist in the investigation by the department, a local board, or a local department. The department shall publish and distribute instructions concerning the method of reporting. Reports shall be made in accordance with rules adopted by the department and shall require inclusion of all the following information: a. The patient's name. b. The patient's address. c. The patient's date of birth. d. The sex of the patient. e. The race and ethnicity of the patient. f. The patient's marital status. g. The patient's telephone number. h. The name and address of the laboratory. i. The date the test was found to be positive and the collection date. j. The name of the health care provider who performed the test. k. If the patient is female, whether the patient is pregnant. 2. A state or local agency employee or agent shall not have access to personally identifiable information included in a reportable disease report provided to or maintained by the department, a local board, or a local department,

unless the employee or agent has completed data confidentiality training. 3. a. Any person who, acting reasonably and in good faith, files a report, releases information, or otherwise cooperates with an investigation under this chapter is immune from any liability, civil or criminal, which might otherwise be incurred or imposed for such action. b. A report or other information provided to or maintained by the department, a local board, or a local department, which identifies a person infected with or exposed to a reportable or other disease or health condition, is confidential and shall not be accessible to the public. c. Notwithstanding paragraph “b”, information contained in the report may be reported in public health records in a manner which prevents the identification of any person or business named in the report. If information contained in the report concerns a business, information disclosing the identity of the business may be released to the public when the state epidemiologist or the director determines such a release of information necessary for the protection of the health of the public. 4. A health care provider or public, private, or hospital clinical laboratory shall provide the department, local board, or local department with all information reasonably necessary to conduct an investigation pursuant to this chapter upon request of the department, local board, or local department. The department may also subpoena records, reports, and any other evidence necessary to conduct an investigation pursuant to this chapter from other persons, facilities, and entities pursuant to rules adopted by the department. 2000 Acts, ch 1066, §3; 2006 Acts, ch 1079, §3, 4; 2022 Acts, ch 1131, §62; 2023 Acts, ch 19, §221 Referred to in §139A.19 Subsection 3, paragraph c amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 139A - COMMUNICABLE AND INFECTIOUS DISEASES AND POISONING Section 139A.30 - Confidential reports.

139A.30 Confidential reports. 1. Reports to the department which include the identity of persons infected with a sexually transmitted disease or infection, and all such related information, records, and reports concerning the person, shall be confidential and shall not be accessible to the public. 2. Notwithstanding subsection 1, reports to the department and related reports, information, and records shall be confidential only to the extent necessary to prevent identification of persons named in such reports, information, and records. The other parts of such reports, information, and records shall be public records. This subsection shall prevail over any inconsistent provision of this subchapter. 2000 Acts, ch 1066, §26; 2002 Acts, ch 1119, §134; 2019 Acts, ch 59, §51 Referred to in §232.69

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 139A - COMMUNICABLE AND INFECTIOUS DISEASES AND POISONING Section 139A.31 - Report to department.

139A.31 Report to department. Immediately after the first examination or treatment of any person infected with any sexually transmitted disease or infection, the health care provider who performed the examination or treatment shall transmit to the department a report stating the name of the infected person, the address of the infected person, the infected person’s date of birth, the sex of the infected person, the race and ethnicity of the infected person, the infected person’s marital status, the infected person’s telephone number, if the infected person is female, whether the infected person is pregnant, the name and address of the laboratory that performed the test, the date the test was found to be positive and the collection date, and the name of the health care provider who performed the test. However, when a case occurs within the jurisdiction of a local health department, the report shall be made directly to the local health department which shall immediately forward the information to the department. Reports shall be made in accordance with rules adopted by the department. Reports shall be confidential. Any person filing a report of a sexually transmitted disease or infection who is acting reasonably and in good faith is immune from any liability, civil or criminal, which might otherwise be incurred or imposed as a result of such report. 2000 Acts, ch 1066, §27

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 139A - COMMUNICABLE AND INFECTIOUS DISEASES AND POISONING Section 139A.32 - Examination results from laboratory — report.

139A.32 Examination results from laboratory — report. A person in charge of a public, private, or hospital clinical laboratory shall report to the department, on forms prescribed by the department, results obtained in the examination of all specimens which yield evidence of or are reactive for those diseases defined as sexually transmitted diseases or infections, and listed in the Iowa administrative code. The report shall state the name of the infected person from whom the specimen was obtained, the address of the infected person, the infected person’s date of birth, the sex of the infected person, the race and ethnicity of the infected person, the infected person’s marital status, the infected person’s telephone number, if the infected person is female, whether the infected person is pregnant, the name and address of the laboratory that performed the test, the laboratory results, the test employed, the date the test was found to be positive and the collection date, the name of the health care provider who performed the test, and the name and address of the person submitting the specimen. 2000 Acts, ch 1066, §28

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 139A - COMMUNICABLE AND INFECTIOUS DISEASES AND POISONING Section 139A.33 - Partner notification program.

139A.33 Partner notification program. 1. The department shall maintain a partner notification program for persons known to have tested positive for a reportable sexually transmitted disease or infection. 2. In administering the program, the department shall provide for all of the following: a. A person who voluntarily participates in the program shall receive post-test counseling during which time the person shall be encouraged to refer for counseling and testing any person with whom the person has had sexual relations or has shared drug injecting equipment. b. The physician or other health care provider attending the person may provide to

the department any relevant information provided by the person regarding any person with whom the tested person has had sexual relations or has shared drug injecting equipment. 3. The department may delegate its partner notification duties under this section to local health authorities or a physician or other health care provider, as provided by rules adopted by the department. 4. In making contact with sexual or drug equipment-sharing partners, the department or its designee shall not disclose the identity of the person who provided the names of the persons to be contacted and shall protect the confidentiality of the persons contacted. 5. a. This section shall not be interpreted as creating a duty to warn third parties of the danger of exposure to a sexually transmitted disease or infection through contact with a person who tests positive for a sexually transmitted disease. b. This section shall not be interpreted to require the department to provide partner notification services to all persons who have tested positive for a sexually transmitted disease or infection. 2000 Acts, ch 1066, §29; 2011 Acts, ch 63, §21

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 139A - COMMUNICABLE AND INFECTIOUS DISEASES AND POISONING Section 139A.34 - Examination of persons suspected.

139A.34 Examination of persons suspected. The local board shall cause an examination to be made of every person reasonably suspected, on the basis of epidemiological investigation, of having any sexually transmitted disease or infection in the infectious stages to ascertain if such person is infected and, if infected, to cause such person to be treated. A person who is under the care and treatment of a health care provider for the suspected condition shall not be subjected to such examination. If a person suspected of having a sexually transmitted disease or infection refuses to submit to an examination voluntarily, application may be made by the local board to the district court for an order compelling the person to submit to examination and, if infected, to treatment. The person shall be treated until certified as no longer infectious to the local board or to the department. If treatment is ordered by the district court, the attending health care provider shall certify that the person is no longer infectious. 2000 Acts, ch 1066, §30

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 139A - COMMUNICABLE AND INFECTIOUS DISEASES AND POISONING Section 139A.35 - Minors.

139A.35 Minors. A minor shall have the legal capacity to act and give consent to provision of medical care or services to the minor for the prevention, diagnosis, or treatment of a sexually transmitted disease or infection by a hospital, clinic, or health care provider. Such medical care or services shall be provided by or under the supervision of a physician licensed to practice medicine and surgery or osteopathic medicine and surgery, a physician assistant, or an advanced registered nurse practitioner. Consent shall not be subject to later disaffirmance by reason of such minority. The consent of another person, including but not limited to the consent of a spouse, parent, custodian, or guardian, shall not be necessary. 2000 Acts, ch 1066, §31; 2008 Acts, ch 1058, §11; 2008 Acts, ch 1088, §141

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 139A - COMMUNICABLE AND INFECTIOUS DISEASES AND POISONING Section 139A.36 - Certificate not to be issued.

139A.36 Certificate not to be issued. A certificate of freedom from sexually transmitted disease or infection shall not be issued to any person by any official health agency. 2000 Acts, ch 1066, §32

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 139A - COMMUNICABLE AND INFECTIOUS DISEASES AND POISONING Section 139A.37 - Pregnant women.

139A.37 Pregnant women. The department shall adopt rules which incorporate the prenatal guidelines established by the centers for disease control and prevention of the United States department of health and human services as the state guidelines for prenatal testing and care relative to infectious disease. 2000 Acts, ch 1066, §33

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 139A - COMMUNICABLE AND INFECTIOUS DISEASES AND POISONING Section 139A.38 - Medical treatment of newly born.

139A.38 Medical treatment of newly born. A physician attending the birth of a child shall cause to be instilled into the eyes of the newly born infant a prophylactic solution approved by the department. This section shall not be construed to require treatment of the infant's eyes with a prophylactic solution if the infant's parent or legal guardian states that such treatment conflicts with the tenets and practices of a recognized religious denomination of which the parent or legal guardian is an adherent or member. 2000 Acts, ch 1066, §34

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 139A - COMMUNICABLE AND INFECTIOUS DISEASES AND POISONING Section 139A.39 - Religious exceptions.

139A.39 Religious exceptions. A provision of this chapter shall not be construed to require or compel any person to take or follow a course of medical treatment prescribed by law or a health care provider if the person is an adherent or member of a church or religious denomination and in accordance with the tenets or principles of the person's church or religious denomination the person opposes the specific course of medical treatment. However, such person while in an infectious stage of disease shall be subject to isolation and such other measures appropriate for the prevention of the spread of the disease to other persons. 2000 Acts, ch 1066, §35

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 139A - COMMUNICABLE AND INFECTIOUS DISEASES AND POISONING Section 139A.3A - Investigation and control.

139A.3A Investigation and control. When the department receives a report under this chapter or acts on other reliable information that a person is infected with a disease, illness, or health condition that may be a potential cause of a public health disaster, the department shall identify all individuals reasonably believed to have been exposed to the disease, illness, or health condition and shall investigate all such cases for sources of infection and ensure that such cases are subject to proper control measures. Any hospital, health care provider, or other person may provide information, interviews, reports, statements, memoranda, records, or other data related to the condition and treatment of any individual, if not otherwise prohibited by the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, to the department to be used for the limited purpose of determining whether a public health disaster exists. 2003 Acts, ch 33, §10, 11

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 139A - COMMUNICABLE AND INFECTIOUS DISEASES AND POISONING Section 139A.4 - Type and length of isolation or quarantine.

139A.4 Type and length of isolation or quarantine. 1. The type and length of isolation or quarantine imposed for a specific communicable disease shall be in accordance with rules adopted by the department. 2. The department and the local boards may impose and enforce isolation and quarantine restrictions. 3. The department shall adopt rules governing terminal cleaning. 4. The department and local boards may impose and enforce area quarantine restrictions according to rules adopted by the department. Area quarantine shall be imposed by the least restrictive means necessary to prevent or contain the spread of the suspected or confirmed quarantinable disease or suspected or known hazardous or toxic agent. 2000 Acts, ch 1066, §4; 2006 Acts, ch 1079, §5

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 139A - COMMUNICABLE AND INFECTIOUS DISEASES AND POISONING Section 139A.40 - Filing false reports.

139A.40 Filing false reports. A person who knowingly makes a false statement in any of the reports required by this subchapter concerning persons infected with any sexually transmitted disease or infection, or who discloses the identity of such person, except as authorized by this subchapter, shall be punished as provided in section 139A.25. 2000 Acts, ch 1066, §36

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 139A - COMMUNICABLE AND INFECTIOUS DISEASES AND POISONING Section 139A.41 - Chlamydia and gonorrhea treatment.

139A.41 Chlamydia and gonorrhea treatment. Notwithstanding any other provision of law to the contrary, a physician, physician assistant, or advanced registered nurse practitioner who diagnoses a sexually transmitted chlamydia or gonorrhea infection in an individual patient may prescribe, dispense, furnish, or otherwise provide prescription oral antibiotic drugs to that patient's sexual partner or partners without examination of that patient's partner or partners. If the infected individual patient is unwilling or unable to deliver such prescription drugs to a sexual partner or partners, a physician, physician assistant, or advanced registered nurse practitioner may dispense, furnish, or otherwise provide the prescription drugs to the department or local disease prevention investigation staff for delivery to the partner or partners. 2008 Acts, ch 1058, §12

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 139A - COMMUNICABLE AND INFECTIOUS DISEASES AND POISONING Section 139A.5 - Isolation or quarantine signs erected.

139A.5 Isolation or quarantine signs erected. When isolation or a quarantine is established, appropriate placards prescribed by the department shall be erected to mark the boundaries of the place of isolation or quarantine. 2000 Acts, ch 1066, §5

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 139A - COMMUNICABLE AND INFECTIOUS DISEASES AND POISONING Section 139A.6 - Communicable diseases.

139A.6 Communicable diseases. If a person, whether or not a resident, is infected with a communicable disease dangerous to the public health, the local board shall issue orders in regard to the care of the person as necessary to protect the public health. The orders shall be executed by the designated officer as the local board directs or provides by rules. 2000 Acts, ch 1066, §6

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 139A - COMMUNICABLE AND INFECTIOUS DISEASES AND POISONING Section 139A.7 - Diseased persons moving — record forwarded.

139A.7 Diseased persons moving — record forwarded. If a person known to be suffering from a communicable disease dangerous to the public health moves from the jurisdiction of a local board into the jurisdiction of another local board, the local board from whose jurisdiction the person moves shall notify the local board into whose jurisdiction the person is moving. 2000 Acts, ch 1066, §7

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 139A - COMMUNICABLE AND INFECTIOUS DISEASES AND POISONING Section 139A.8 - Immunization of children.

139A.8 Immunization of children. 1. A parent or legal guardian shall assure that the person's minor children residing in the state are adequately immunized against diphtheria, pertussis, tetanus, poliomyelitis, rubeola, rubella, and varicella, according to

recommendations provided by the department subject to the provisions of subsections 3 and 4. 2. a. A person shall not be enrolled in any licensed child care center or elementary or secondary school in Iowa without evidence of adequate immunizations against diphtheria, pertussis, tetanus, poliomyelitis, rubella, and varicella. b. Evidence of adequate immunization against haemophilus influenza B and invasive pneumococcal disease shall be required prior to enrollment in any licensed child care center. c. Evidence of hepatitis type B immunization shall be required of a child born on or after July 1, 1994, prior to enrollment in school in kindergarten or in a grade. d. Immunizations shall be provided according to recommendations provided by the department subject to the provisions of subsections 3 and 4. e. A person shall not be enrolled in school in the seventh grade or twelfth grade in Iowa without evidence of adequate immunization against meningococcal disease in accordance with standards approved by the United States public health service of the United States department of health and human services for such biological products and in accordance with immunization practices recommended by the advisory committee on immunization practices of the centers for disease control and prevention. 3. Subject to the provision of subsection 4, the council on health and human services may modify or delete any of the immunizations in subsection 2. 4. a. Immunization is not required for a person's enrollment in any elementary or secondary school or licensed child care center if either of the following applies: (1) The applicant, or if the applicant is a minor, the applicant's parent or legal guardian, submits to the admitting official a statement signed by a physician, advanced registered nurse practitioner, or physician assistant who is licensed by the board of medicine, board of nursing, or board of physician assistants that the immunizations required would be injurious to the health and well-being of the applicant or any member of the applicant's family. (2) The applicant, or if the applicant is a minor, the applicant's parent or legal guardian, submits an affidavit signed by the applicant, or if the applicant is a minor, the applicant's parent or legal guardian, stating that the immunization conflicts with the tenets and practices of a recognized religious denomination of which the applicant is an adherent or member. b. The exemptions under this subsection do not apply in times of emergency or epidemic as determined by the council on health and human services and as declared by the director of health and human services. 5. A person may be provisionally enrolled in an elementary or secondary school or licensed child care center if the person has begun the required immunizations and if the person continues to receive the necessary immunizations as rapidly as is medically feasible. The department shall adopt rules relating to the provisional admission of persons to an elementary or secondary school or licensed child care center. 6. The local board shall furnish the department, within sixty days after the first official day of school, evidence that each person enrolled in any elementary or secondary school has been immunized as required in this section subject to subsection 4. The department shall adopt rules pursuant to chapter 17A relating to the reporting of evidence of immunization. 7. Local boards shall provide the required immunizations to children in areas where no local provision of these services exists. 8. The department, in consultation with the director of the department of education, shall adopt rules for the implementation of this section and shall provide those rules to local school boards and local boards. 2000 Acts, ch 1066, §8; 2003 Acts, ch 78, §1 – 3; 2007 Acts, ch 10, §24; 2007 Acts, ch 11, §1; 2009 Acts, ch 41, §263; 2016 Acts, ch 1139, §92; 2017 Acts, ch 29, §41; 2023 Acts, ch 19, §222, 223 Referred to in §239B.12, 299.4 Subsection 3 amended Subsection 4, paragraph b amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 139A - COMMUNICABLE AND INFECTIOUS DISEASES AND POISONING Section 139A.8A - Vaccine shortage — department order — immunity.

139A.8A Vaccine shortage — department order — immunity. 1. In the event of a shortage of a vaccine, or in the event a vaccine shortage is imminent, the department may issue an order controlling, restricting, or otherwise regulating the distribution and administration of the vaccine. The order may designate groups of persons which shall receive priority in administration of the vaccine and may prohibit vaccination of persons who are not included in a priority designation. The order shall include an effective date, which may be amended or rescinded only through a written order of the department. The order shall be applicable to health care providers, hospitals, clinics, pharmacies, health care facilities, local boards of health, public health agencies, and other persons or entities that distribute or administer vaccines. 2. A health care provider, hospital, clinic, pharmacy, health care facility, local board of health, public health agency, or other person or entity that distributes or administers vaccines shall not be civilly liable in any action based on a failure or refusal to distribute or administer a vaccine to any person if the failure or refusal to distribute or administer the vaccine was consistent with a department order issued pursuant to this section. 3. The department shall adopt rules to administer this section. 2005 Acts, ch 89, §10

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 139A - COMMUNICABLE AND INFECTIOUS DISEASES AND POISONING Section 139A.8B - COVID-19 immunization.

139A.8B COVID-19 immunization. 1. Notwithstanding whether a person's attendance is in person or virtual, immunization against COVID-19 shall not be required for a person to be enrolled in any licensed child care center, elementary or secondary school, or postsecondary school in Iowa prior to July 1, 2029. 2. For the purposes of this section: a. "COVID-19" means the disease caused by the novel coronavirus SARS-CoV-2 or a virus mutating therefrom, and conditions associated with the disease caused by the novel coronavirus SARS-CoV-2 or a virus mutating therefrom. b. "Postsecondary school" means a postsecondary institution under the control of the state board of regents, a community college established under chapter 260C, or an accredited private institution as defined in section 256.183. 2022 Acts, ch 1127, §1 Section not amended; internal reference change applied

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 139A - COMMUNICABLE AND INFECTIOUS DISEASES AND POISONING Section 139A.9 - Forcible removal — isolation — quarantine.

139A.9 Forcible removal — isolation — quarantine. The forcible removal and isolation or quarantine of any infected person shall be accomplished according to the rules and regulations of the local board or the rules of the council on health and human services. 2000 Acts, ch 1066, §9; 2023 Acts, ch 19, §224 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 141A - ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) Section 141A.1 - Definitions.

141A.1 Definitions. As used in this chapter, unless the context otherwise requires: 1. “AIDS” means acquired immune deficiency syndrome as defined by the centers for disease control and prevention of the United States department of health and human services. 2. “AIDS-related conditions” means any condition resulting from human immunodeficiency virus infection that meets the definition of AIDS as established by the centers for disease control and prevention of the United States department of health and human services. 3. “Blinded epidemiological studies” means studies in which specimens which were collected for other purposes are selected according to established criteria, are permanently stripped of personal identifiers, and are then tested. 4. “Blood bank” means a facility for the collection, processing, or storage of human blood or blood derivatives, including blood plasma, or from which or by means of which human blood or blood derivatives are distributed or otherwise made available. 5. “Care provider” means an individual who is trained and authorized by federal or state law to provide health care services or services of any kind in the course of the individual’s official duties, for compensation or in a voluntary capacity, who is a health care provider, emergency medical care provider as defined in section 147A.1, fire fighter, or peace officer. “Care provider” also means an individual who renders emergency care or assistance in an emergency or due to an accident as described in section 613.17. 6. “Department” means the department of health and human services. 7. “Exposure” means a specific eye, mouth, other mucous membrane, nonintact skin, or parenteral contact with blood or other potentially infectious bodily fluids. 8. “Good faith” means objectively reasonable and not in violation of clearly established statutory rights or other rights of a person which a reasonable person would know or should have known. 9. “Health care provider” means a person licensed to practice medicine and surgery, osteopathic medicine and surgery, chiropractic, podiatry, nursing, dentistry, or optometry, or as a physician assistant, dental hygienist, or acupuncturist. 10. “Health facility” means a hospital, health care facility, clinic, blood bank, blood center, sperm bank, laboratory organ transplant center and procurement agency, or other health care institution. 11. “HIV” means the human immunodeficiency virus identified as the causative agent of AIDS. 12. “HIV-related condition” means any condition resulting from human immunodeficiency virus infection. 13. “HIV-related test” means a diagnostic test conducted by a laboratory approved pursuant to the federal Clinical Laboratory Improvement Amendments for determining the presence of HIV or antibodies to HIV. 14. “Infectious bodily fluids” means bodily fluids capable of transmitting HIV as determined by the centers for disease control and prevention of the United States department of health and human services and adopted by rule of the department. 15. “Legal guardian” means a person appointed by a court pursuant to chapter 633 or an attorney in fact as defined in section 144B.1. In the case of a minor, “legal guardian” also means a parent or other person responsible for the care of the minor. 16. “Nonblinded epidemiological studies” means studies in which specimens are collected for the express purpose of testing for HIV infection and persons included in the nonblinded study are selected according to established criteria. 17. “Release of test results” means a written authorization for disclosure of HIV-related test results which is signed and dated, and which specifies to whom disclosure is authorized and the time period during which the release is to be effective. 18. “Sample” means a human specimen obtained for the purpose of conducting an HIV-related test. 19. “Significant exposure” means a situation in which there is a risk of contracting HIV through exposure to a person’s infectious bodily fluids in a manner capable of transmitting HIV as determined by the centers for disease control and prevention of the United States department of health and human services and adopted by rule of the department. 99 Acts, ch 181, §5; 2001 Acts, ch 157, §5, 6; 2007 Acts, ch 70, §1, 2; 2008 Acts, ch 1088, §92; 2011 Acts, ch 63, §22, 23; 2023 Acts, ch 19, §225 Referred to in §97A.1, 124E.2, 139A.2, 411.1, 709D.2 Subsection 6 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 141A - ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) Section 141A.10 - Immunities.

141A.10 Immunities. 1. A person making a report in good faith pursuant to this chapter is immune from any liability, civil or criminal, which might otherwise be incurred or imposed as a result of the report. 2. A health care provider attending a person who tests positive for HIV infection has no duty to disclose to or to warn third parties of the dangers of exposure to HIV infection through contact with that person and is immune from any liability, civil or criminal, for failure to disclose to or warn third parties of the condition of that person. 99 Acts, ch 181, §14; 2011 Acts, ch 63, §31

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 141A - ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) Section 141A.11 - Remedies.

141A.11 Remedies. 1. A person aggrieved by a violation of this chapter shall have a right of civil action for damages in district court. 2. A care provider who intentionally or recklessly makes an unauthorized disclosure under this chapter is subject to a civil penalty of one thousand dollars. 3. A person who violates a confidentiality requirement of section 141A.5 is guilty of an aggravated misdemeanor. 4. A civil action under this chapter is barred unless the action is commenced within two years after the cause of action accrues. 5. The attorney general may maintain a civil action to enforce this chapter. 6. This chapter does not limit the rights of the subject of an HIV-related test to recover damages or other relief under any other applicable law. 7. This chapter shall not be construed to impose civil liability or criminal sanctions for disclosure of HIV-related test results in accordance with any reporting

requirement for a diagnosed case of AIDS or a related condition by the department or the centers for disease control and prevention of the United States department of health and human services. 99 Acts, ch 181, §15; 2006 Acts, ch 1010, §53

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 141A - ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) Section 141A.2 - Lead agency.

141A.2 Lead agency. 1. The department is designated as the lead agency in the coordination and implementation of the Iowa comprehensive HIV plan. 2. The department shall adopt rules pursuant to chapter 17A to implement and enforce this chapter. The rules may include procedures for taking appropriate action with regard to health facilities or health care providers which violate this chapter or the rules adopted pursuant to this chapter. 3. The department shall adopt rules pursuant to chapter 17A which require that if a health care provider attending a person prior to the person's death determines that the person suffered from or was suspected of suffering from a contagious or infectious disease, the health care provider shall place with the remains written notification of the condition for the information of any person handling the body of the deceased person subsequent to the person's death. For purposes of this subsection, "contagious or infectious disease" means hepatitis in any form, meningococcal disease, tuberculosis, and any other disease including AIDS or HIV infection, determined to be life-threatening to a person exposed to the disease as established by rules adopted by the department based upon a determination by the state epidemiologist and in accordance with guidelines of the centers for disease control and prevention of the United States department of health and human services. 4. The department shall provide consultation services to all care providers, including paramedics, ambulance personnel, physicians, nurses, hospital personnel, first responders, peace officers, and fire fighters, who provide care services to a person, and to all persons who attend dead bodies regarding standard precautions to prevent the transmission of contagious and infectious diseases. 5. The department shall coordinate efforts with local health officers to investigate sources of HIV infection and use every appropriate means to prevent the spread of HIV. 6. The department, with the approval of the council on health and human services, may conduct epidemiological blinded and nonblinded studies to determine the incidence and prevalence of HIV infection. Initiation of any new epidemiological studies shall be contingent upon the receipt of funding sufficient to cover all the costs associated with the studies. The informed consent, reporting, and counseling requirements of this chapter shall not apply to blinded studies. 99 Acts, ch 181, §6; 2007 Acts, ch 70, §3; 2011 Acts, ch 63, §24; 2023 Acts, ch 19, §226 Referred to in §356.48 Subsection 6 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 141A - ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) Section 141A.3 - Duties of the department.

141A.3 Duties of the department. 1. All federal and state moneys appropriated to the department for HIV-related activities shall be utilized and distributed in a manner consistent with the guidelines established by the United States department of health and human services. 2. The department shall do all of the following: a. Provide consultation services to agencies and organizations regarding appropriate policies for testing, education, confidentiality, and infection control. b. Provide health information to the public regarding HIV, including information about how HIV is transmitted and how transmittal can be prevented. The department shall prepare and distribute information regarding HIV transmission and prevention. c. Provide consultation services concerning HIV infection in the workplace. d. Implement HIV education risk-reduction programs for specific populations at high risk for infection. e. Provide an informational brochure for patients who provide samples for purposes of performing an HIV test which, at a minimum, shall include a summary of the patient's rights and responsibilities under the law. f. In cooperation with the department of education, recommend evidence-based, medically accurate HIV prevention curricula for use at the discretion of secondary and middle schools. 99 Acts, ch 181, §7; 2007 Acts, ch 70, §4; 2011 Acts, ch 63, §25

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 141A - ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) Section 141A.4 - Testing and education.

141A.4 Testing and education. 1. HIV testing and education shall be offered to persons who are at risk for HIV infection including all of the following: a. Males who have had sexual relations with other males. b. All persons testing positive for a sexually transmitted disease. c. All persons having a history of injecting drug use disorder. d. Male and female sex workers and those who trade sex for drugs, money, or favors. e. Sexual partners of HIV-infected persons. f. Persons whose sexual partners are identified in paragraphs "a" through "e". 2. a. All pregnant women shall be tested for HIV infection as part of the routine panel of prenatal tests. b. A pregnant woman shall be notified that HIV screening is recommended for all prenatal patients and that the pregnant woman will receive an HIV test as part of the routine panel of prenatal tests unless the pregnant woman objects to the test. c. If a pregnant woman objects to and declines the test, the decision shall be documented in the pregnant woman's medical record. d. Information about HIV prevention, risk reduction, and treatment opportunities to reduce the possible transmission of HIV to a fetus shall be made available to all pregnant women. 99 Acts, ch 181, §8; 2007 Acts, ch 70, §5; 2011 Acts, ch 63, §26; 2023 Acts, ch 19, §227 Subsection 1, paragraph c amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 141A - ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) Section 141A.5 - Partner notification program — HIV.

141A.5 Partner notification program — HIV. 1. The department shall maintain a partner notification program for persons known to have tested positive for HIV infection. 2. In administering the program, the department shall provide for the following: a. A person

who tests positive for HIV infection shall receive post-test counseling, during which time the person shall be encouraged to refer for counseling and HIV testing any person with whom the person has had sexual relations or has shared drug injecting equipment. b. The physician or other health care provider attending the person may provide to the department any relevant information provided by the person regarding any person with whom the tested person has had sexual relations or has shared drug injecting equipment. c. (1) Devise a procedure, as a part of the partner notification program, to provide for the notification of an identifiable third party who is a sexual partner of or who shares drug injecting equipment with a person who has tested positive for HIV, by the department or a physician or physician assistant, when all of the following situations exist: (a) A physician or physician assistant for the infected person is of the good-faith opinion that the nature of the continuing contact poses an imminent danger of HIV transmission to the third party. (b) When the physician or physician assistant believes in good faith that the infected person, despite strong encouragement, has not and will not warn the third party and will not participate in the voluntary partner notification program. (2) Notwithstanding subsection 3, the department or a physician or physician assistant may reveal the identity of a person who has tested positive for HIV infection pursuant to this subsection only to the extent necessary to protect a third party from the direct threat of transmission. This subsection shall not be interpreted to create a duty to warn third parties of the danger of exposure to HIV through contact with a person who tests positive for HIV infection. (3) The department shall adopt rules pursuant to chapter 17A to implement this paragraph “c”. The rules shall provide a detailed procedure by which the department or a physician or physician assistant may directly notify an endangered third party. 3. In making contact the department shall not disclose the identity of the person who provided the names of the persons to be contacted and shall protect the confidentiality of persons contacted. 4. The department may delegate its partner notification duties under this section to local health authorities unless the local authority refuses or neglects to conduct the partner notification program in a manner deemed to be effective by the department. 5. In addition to the provisions for partner notification provided under this section and notwithstanding any provision to the contrary, a county medical examiner or deputy medical examiner performing official duties pursuant to sections 331.801 through 331.805 or the state medical examiner or deputy medical examiner performing official duties pursuant to chapter 691, who determines through an investigation that a deceased person was infected with HIV, may notify directly, or request that the department notify, the immediate family of the deceased or any person known to have had a significant exposure from the deceased of the finding. 99 Acts, ch 181, §9; 2007 Acts, ch 70, §6; 2011 Acts, ch 63, §27; 2022 Acts, ch 1066, §9 Referred to in §141A.9, 141A.11

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 141A - ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) Section 141A.6 - HIV-related conditions — consent, testing, and reporting — penalty.

141A.6 HIV-related conditions — consent, testing, and reporting — penalty. 1. Prior to undergoing a voluntary HIV-related test, information shall be available to the subject of the test concerning testing and any means of obtaining additional information regarding HIV transmission and risk reduction. If an individual signs a general consent form for the performance of medical tests or procedures, the signing of an additional consent form for the specific purpose of consenting to an HIV-related test is not required during the time in which the general consent form is in effect. If an individual has not signed a general consent form for the performance of medical tests and procedures or the consent form is no longer in effect, a health care provider shall obtain oral or written consent prior to performing an HIV-related test. If an individual is unable to provide consent, the individual’s legal guardian may provide consent. If the individual’s legal guardian cannot be located or is unavailable, a health care provider may authorize the test when the test results are necessary for diagnostic purposes to provide appropriate urgent medical care. 2. Within seven days of the receipt of a test result indicating HIV infection which has been confirmed as positive according to prevailing medical technology or immediately after the initial examination or treatment of an individual infected with HIV, the physician or other health care provider at whose request the test was performed or who performed the initial examination or treatment shall make a report to the department on a form provided by the department. 3. Within seven days of diagnosing a person as having AIDS or an AIDS-related condition, the diagnosing physician or physician assistant shall make a report to the department on a form provided by the department. 4. Within seven days of the death of a person with HIV infection, the attending physician or attending physician assistant shall make a report to the department on a form provided by the department. 5. Within seven days of the receipt of a test result indicating HIV infection which has been confirmed as positive according to prevailing medical technology, the director of a blood bank shall make a report to the department on a form provided by the department. 6. Within seven days of the receipt of a test result that is indicative of HIV, the director of a clinical laboratory shall make a report to the department on a form provided by the department. 7. The forms provided by the department shall require inclusion of all of the following information: a. The name of the patient. b. The address of the patient. c. The patient’s date of birth. d. The gender of the patient. e. The race and ethnicity of the patient. f. The patient’s marital status. g. The patient’s telephone number. h. If an HIV-related test was performed, the name and address of the laboratory or blood bank. i. If an HIV-related test was performed, the date the test was found to be positive and the collection date. j. If an HIV-related test was performed, the name of the physician or health care provider who performed the test. k. If the patient is female, whether the patient is pregnant. 8. An individual who repeatedly fails to file the report required under this section is subject to a report being made to the licensing board governing the professional activities of the individual. The department shall notify the individual each time the department determines that the individual has failed to file a required report. The department shall inform the individual in the notification that the individual may provide information to the department to explain or dispute the failure to report. 9. A public, private, or hospital clinical laboratory that repeatedly fails to make the report required under this section is subject to a civil penalty of not more than one thousand dollars per occurrence. The department shall not impose the penalty under this subsection without prior written notice and opportunity for hearing. 99 Acts, ch 181, §10; 2000

Acts, ch 1066, §39; 2000 Acts, ch 1140, §26; 2007 Acts, ch 70, §7; 2011 Acts, ch 63, §28; 2022 Acts, ch 1066, §10 Referred to in §139A.19, 141A.7

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 141A - ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) Section 141A.7 - Test results — counseling — application for services.

141A.7 Test results — counseling — application for services. 1. At any time that the subject of an HIV-related test is informed of confirmed positive test results, counseling concerning the emotional and physical health effects shall be initiated. Particular attention shall be given to explaining the need for the precautions necessary to avoid transmitting the virus. The subject shall be given information concerning additional counseling. If the legal guardian of the subject of the test provides consent to the test pursuant to section 141A.6, the provisions of this subsection shall apply to the legal guardian. 2. Notwithstanding subsection 1, the provisions of this section do not apply to any of the following: a. The performance by a health care provider or health facility of an HIV-related test when the health care provider or health facility procures, processes, distributes, or uses a human body part donated for a purpose specified under the revised uniform anatomical gift Act as provided in chapter 142C, or semen provided prior to July 1, 1988, for the purpose of artificial insemination, or donations of blood, and such test is necessary to ensure medical acceptability of such gift or semen for the purposes intended. b. A person engaged in the business of insurance who is subject to section 505.16. c. The performance by a health care provider or health facility of an HIV-related test when the subject of the test is deceased and a documented significant exposure has occurred. d. The performance by a health care provider or health facility of an HIV-related test when the subject of the test is unable to provide consent and the health care provider or health care facility provides consent for the patient pursuant to section 141A.6. 3. A person may apply for voluntary treatment, contraceptive services, or screening or treatment for HIV infection and other sexually transmitted diseases directly to a licensed physician and surgeon, an osteopathic physician and surgeon, a physician assistant, or a family planning clinic. Notwithstanding any other provision of law, however, a minor shall be informed prior to testing that, upon confirmation according to prevailing medical technology of a positive HIV-related test result, the minor's legal guardian is required to be informed by the testing facility. Testing facilities where minors are tested shall have available a program to assist minors and legal guardians with the notification process which emphasizes the need for family support and assists in making available the resources necessary to accomplish that goal. However, a testing facility which is precluded by federal statute, regulation, or centers for disease control and prevention guidelines from informing the legal guardian is exempt from the notification requirement. The minor shall give written consent to these procedures and to receive the services, screening, or treatment. Such consent is not subject to later disaffirmance by reason of minority. 99 Acts, ch 181, §11; 2003 Acts, ch 108, §35; 2007 Acts, ch 44, §25; 2007 Acts, ch 70, §8; 2022 Acts, ch 1066, §11 Referred to in §141A.9, 915.43

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 141A - ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) Section 141A.9 - Confidentiality of information.

141A.9 Confidentiality of information. 1. Any information, including reports and records, obtained, submitted, and maintained pursuant to this chapter is strictly confidential medical information. The information shall not be released, shared with an agency or institution, or made public upon subpoena, search warrant, discovery proceedings, or by any other means except as provided in this chapter. A person shall not be compelled to disclose the identity of any person upon whom an HIV-related test is performed, or the results of the test in a manner which permits identification of the subject of the test, except to persons entitled to that information under this chapter. 2. HIV-related test results shall be made available for release to the following individuals or under the following circumstances: a. To the subject of the test or the subject's legal guardian subject to the provisions of section 141A.7, subsection 3, when applicable. b. To any person who secures a written release of test results executed by the subject of the test or the subject's legal guardian. c. To an authorized agent or employee of a health facility or health care provider, if the health facility or health care provider ordered or participated in the testing or is otherwise authorized to obtain the test results, the agent or employee provides patient care or handles or processes samples, and the agent or employee has a medical need to know such information. d. To a health care provider providing care to the subject of the test when knowledge of the test results is necessary to provide care or treatment. e. To the department in accordance with reporting requirements for an HIV-related condition. f. To a health facility or health care provider which procures, processes, distributes, or uses a human body part from a deceased person with respect to medical information regarding that person, or semen provided prior to July 1, 1988, for the purpose of artificial insemination. g. To a person allowed access to an HIV-related test result by a court order which is issued in compliance with the following provisions: (1) A court has found that the person seeking the test results has demonstrated a compelling need for the test results which need cannot be accommodated by other means. In assessing compelling need, the court shall weigh the need for disclosure against the privacy interest of the test subject and the public interest which may be disserved by disclosure due to its deterrent effect on future testing or due to its effect in leading to discrimination. (2) Pleadings pertaining to disclosure of test results shall substitute a pseudonym for the true name of the subject of the test. The disclosure to the parties of the subject's true name shall be communicated confidentially in documents not filed with the court. (3) Before granting an order, the court shall provide the person whose test results are in question with notice and a reasonable opportunity to participate in the proceedings if the person is not already a party. (4) Court proceedings as to disclosure of test results shall be conducted in camera unless the subject of the test agrees to a hearing in open court or unless the court determines that a public hearing is necessary to the public interest and the proper administration of justice. (5) Upon the issuance of an order to disclose test results, the court shall impose appropriate safeguards against unauthorized disclosure, which shall specify the persons who may gain access to the information, the purposes for which the information shall be used, and

appropriate prohibitions on future disclosure. h. To an employer, if the test is authorized to be required under any other provision of law. i. Pursuant to sections 915.42 and 915.43, to a convicted or alleged sexual assault offender; the physician or other health care provider who orders the test of a convicted or alleged offender; the victim; the parent, guardian, or custodian of the victim if the victim is a minor; the physician of the victim if requested by the victim; the victim counselor or person requested by the victim to provide counseling regarding the HIV-related test and results; the victim's spouse; persons with whom the victim has engaged in vaginal, anal, or oral intercourse subsequent to the sexual assault; members of the victim's family within the third degree of consanguinity; and the county attorney who filed the petition for HIV-related testing under section 915.42. For the purposes of this paragraph, "victim" means victim as defined in section 915.40. j. To employees of state correctional institutions subject to the jurisdiction of the department of corrections, employees of secure facilities for juveniles subject to the department of health and human services, and employees of city and county jails, if the employees have direct supervision over inmates of those facilities or institutions in the exercise of the duties prescribed pursuant to section 80.9B. 3. Release may be made of medical or epidemiological information for research or statistical purposes in a manner such that no individual person can be identified. 4. Release may be made of medical or epidemiological information to the extent necessary to enforce the provisions of this chapter and related rules concerning the treatment, control, and investigation of HIV infection by public health officials. 5. Release may be made of medical or epidemiological information to medical personnel to the extent necessary to protect the health or life of the named party. 6. Release may be made of test results concerning a patient pursuant to procedures established under section 141A.5, subsection 2, paragraph "c". 7. Medical information secured pursuant to subsection 1 may be shared between employees of the department who shall use the information collected only for the purposes of carrying out their official duties in preventing the spread of the disease or the spread of other reportable diseases as defined in section 139A.2. 8. Medical information secured pursuant to subsection 1 may be shared with other state or federal agencies, with employees or agents of the department, or with local units of government that have a need for the information in the performance of their duties related to HIV prevention, disease surveillance, or care of persons with HIV, only as necessary to administer the program for which the information is collected or to administer a program within the other agency. Confidential information transferred to other persons or entities under this subsection shall continue to maintain its confidential status and shall not be rereleased by the receiving person or entity. 99 Acts, ch 181, §13; 2000 Acts, ch 1066, §40; 2007 Acts, ch 70, §10; 2008 Acts, ch 1031, §103; 2008 Acts, ch 1032, §25; 2011 Acts, ch 63, §29, 30; 2012 Acts, ch 1113, §23; 2014 Acts, ch 1119, §5, 11; 2023 Acts, ch 19, §228 Referred to in §139A.22, 505.16, 915.43 Subsection 2, paragraph j amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142 - DEAD BODIES FOR SCIENTIFIC PURPOSES Section 142.1 - Delivery of bodies.

142.1 Delivery of bodies. The body of every person dying in a public asylum, hospital, county care facility, penitentiary, or reformatory in this state, or found dead within the state, or which is to be buried at public expense in this state, except those buried under the provisions of chapter 144C or 249, and which is suitable for scientific purposes, shall be delivered to the medical college of the state university, or some osteopathic or chiropractic college or school located in this state, which has been approved under the law regulating the practice of osteopathic medicine or chiropractic; but no such body shall be delivered to any such college or school if the deceased person expressed a desire during the person's last illness that the person's body should be buried or cremated, nor if such is the desire of the person's relatives. Such bodies shall be equitably distributed among said colleges and schools according to their needs for teaching anatomy in accordance with such rules as may be adopted by the department of health and human services. The expense of transporting said bodies to such college or school shall be paid by the college or school receiving the same. If the deceased person has not expressed a desire during the person's last illness that the person's body should be buried or cremated and no person authorized to control the deceased person's remains under section 144C.5 requests the person's body for burial or cremation, and if a friend objects to the use of the deceased person's body for scientific purposes, said deceased person's body shall be forthwith delivered to such friend for burial or cremation at no expense to the state or county. Unless such friend provides for burial and burial expenses within five days, the body shall be used for scientific purposes under this chapter. [C73, §4018; C97, §4946; S13, §4946-b; C24, 27, 31, 35, 39, §2351; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §142.1] 2008 Acts, ch 1051, §1, 22; 2009 Acts, ch 133, §41; 2023 Acts, ch 19, §229 Referred to in §142.2, 142.3, 156.2, 252.27 Approval of medical, osteopathic, and chiropractic colleges, see §148.3, 151.4 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142 - DEAD BODIES FOR SCIENTIFIC PURPOSES Section 142.10 - Use without proper record.

142.10 Use without proper record. Any physician or member of the instructional staff of any college or school who uses, or permits others under the physician's or member's charge to use the dead body of a human being for the purpose of medical or surgical study without the record required in section 142.6 having been made, or who shall refuse to allow any peace officer or relative of the deceased to inspect said record or body, shall be guilty of a serious misdemeanor. [C97, §4949; C24, 27, 31, 35, 39, §2360; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §142.10]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142 - DEAD BODIES FOR SCIENTIFIC PURPOSES Section 142.11 - Penalties.

142.11 Penalties. Any person who shall receive or deliver any dead body of a human being knowing that any of the provisions of this chapter have been violated, shall be guilty of an aggravated misdemeanor. [S13, §4946-e; C24, 27, 31, 35, 39, §2361; C46, 50,

54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §142.11]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142 - DEAD BODIES FOR SCIENTIFIC PURPOSES Section 142.13 - Burial in private cemetery lot.

142.13 Burial in private cemetery lot. In the event that a deceased person, whose body has been used for scientific purposes as provided in this chapter, owns or has the right of burial in a private or family cemetery lot in the state of Iowa, that deceased person's body shall be buried in that lot. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §142.13] 2021 Acts, ch 80, §71

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142 - DEAD BODIES FOR SCIENTIFIC PURPOSES Section 142.2 - Furnished to physicians.

142.2 Furnished to physicians. When there are more dead bodies available for use under section 142.1 than are desired by said colleges or schools, the same may be delivered to physicians in the state for scientific study under such rules as may be adopted by the department of health and human services. [S13, §4946-b; C24, 27, 31, 35, 39, §2352; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §142.2] 2023 Acts, ch 19, §230 Referred to in §142.3, 156.2 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142 - DEAD BODIES FOR SCIENTIFIC PURPOSES Section 142.3 - Notification of department.

142.3 Notification of department. Every county medical examiner, funeral director or embalmer, and the managing officer of every public asylum, hospital, county care facility, penitentiary, or reformatory, as soon as any dead body shall come into the person's custody which may be used for scientific purposes as provided in sections 142.1 and 142.2, shall at once notify the nearest relative or friend of the deceased, if known, and the department of health and human services, and hold such body unburied for forty-eight hours. Upon receipt of notification, the department shall issue verbal or written instructions relative to the disposition to be made of said body. Complete jurisdiction over said bodies is vested exclusively in the department of health and human services. No autopsy or post mortem, except as are legally ordered by county medical examiners, shall be performed on any of said bodies prior to their delivery to the medical schools. [S13, §4946-c; C24, 27, 31, 35, 39, §2353; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §142.3] 2013 Acts, ch 90, §28; 2023 Acts, ch 19, §231 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142 - DEAD BODIES FOR SCIENTIFIC PURPOSES Section 142.4 - Surrender to relatives.

142.4 Surrender to relatives. 1. When any dead body which has been delivered under this chapter for scientific purposes is subsequently claimed by any relative, it shall be at once surrendered to such relative for burial without public expense; and all bodies received under this chapter shall be held for a period of thirty days before being used. Unless such person claiming the body for burial pays the costs that have been incurred in the care and transportation of the body within thirty days after claiming it, all rights thereto shall cease and the body may then be used as if no claim had been made. 2. This section shall not apply to bodies given under authority of the revised uniform anatomical gift Act as provided in chapter 142C. [C73, §4018; C97, §4946; S13, §4946-c, -d; C24, 27, 31, 35, 39, §2354; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §142.4] 2003 Acts, ch 108, §36; 2007 Acts, ch 44, §26; 2020 Acts, ch 1062, §94

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142 - DEAD BODIES FOR SCIENTIFIC PURPOSES Section 142.5 - Disposition after dissection.

142.5 Disposition after dissection. The remains of every body received for scientific purposes under this chapter shall be decently buried or cremated after it has been used for said purposes, and a failure to do so shall be a simple misdemeanor. [C73, §4019; C97, §4947; C24, 27, 31, 35, 39, §2355; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §142.5] Referred to in §156.2

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142 - DEAD BODIES FOR SCIENTIFIC PURPOSES Section 142.6 - Record of receipt.

142.6 Record of receipt. Any college, school, or physician receiving the dead body of any human being for scientific purposes shall keep a record showing: 1. The name of the person from whom, and the time and place, such body was received. 2. The description of the receptacle in which the body was received, including the shipping direction attached to the same. 3. The description of the body, including the length, weight, and sex, apparent age at time of death, color of hair and beard, if any, and all marks or scars which might be used to identify the same. 4. The condition of the body and whether mutilated so as to prevent identification. [C97, §4948; C24, 27, 31, 35, 39, §2356; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §142.6] Referred to in §142.7, 142.10

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142 - DEAD BODIES FOR SCIENTIFIC PURPOSES Section 142.7 - Record and bodies.

142.7 Record and bodies. The record required by section 142.6 and the dead body of every human being received under this chapter shall be subject to inspection by any peace officer, or relative of the deceased. [C97, §4948, 4949; C24, 27, 31, 35, 39, §2357; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §142.7]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142 - DEAD BODIES FOR SCIENTIFIC PURPOSES Section 142.8 - Purpose for which body used.

142.8 Purpose for which body used. 1. The dead bodies delivered under this chapter shall be used only within the limits of this state for the purpose of scientific, medical, and surgical study, and no person shall remove the same beyond the limits of this state or in any manner traffic therein. Any person who shall violate this section shall be guilty of a serious misdemeanor. 2. This section shall not apply to bodies given under authority of the revised uniform anatomical gift Act as provided in chapter 142C. [C73, §4020; C97, §4950; C24, 27, 31, 35, 39, §2358; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §142.8] 2003 Acts, ch 108, §37; 2007 Acts, ch 44, §27; 2020 Acts, ch 1062, §94

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142 - DEAD BODIES FOR SCIENTIFIC PURPOSES Section 142.9 - Failure to deliver dead body.

142.9 Failure to deliver dead body. Any person having the custody of the dead body of any human being which is required to be delivered for scientific purposes by this chapter, who shall fail to notify the department of health and human services of the existence of such body, or fail to deliver the same in accordance with the instructions of the department, shall be guilty of a simple misdemeanor. [S13, §4946-e; C24, 27, 31, 35, 39, §2359; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §142.9] 2023 Acts, ch 19, §232 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142A - TOBACCO USE PREVENTION AND CONTROL Section 142A.1 - Tobacco use prevention and control partnership — purpose and intent.

142A.1 Tobacco use prevention and control partnership — purpose and intent. 1. The purpose of this chapter is to establish a comprehensive partnership among the general assembly, the executive branch, communities, and the people of Iowa in addressing the prevalence of tobacco use in the state. 2. It is the intent of the general assembly that the comprehensive tobacco use prevention and control initiative established in this chapter will specifically address reduction of tobacco use by youth and pregnant women and enhancement of the capacity of youth to make healthy choices. The initiative shall allow extensive involvement of youth in attaining these results. 3. It is also the intent of the general assembly that the comprehensive tobacco use prevention and control initiative will foster a social and legal climate in which tobacco use becomes undesirable and unacceptable, in which role models and those who influence youth promote healthy social norms and demonstrate behavior that counteracts the glamorization of tobacco use, and in which tobacco becomes less accessible to youth. The intent of the general assembly shall be accomplished by engaging all who are affected by the use of tobacco in the state, including smokers and nonsmokers, youth, and adults. 2000 Acts, ch 1192, §1, 17; 2011 Acts, ch 63, §1 Referred to in §142A.4, 142A.6

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142A - TOBACCO USE PREVENTION AND CONTROL Section 142A.10 - Funding of programs delivered through community partnerships.

142A.10 Funding of programs delivered through community partnerships. 1. The commission shall develop and implement a statewide system for the initiative programs that are delivered through community partnerships. 2. The system shall provide for equitable allocation of funding for initiative programs among the state's community partnership areas, based upon school-age population and other criteria established by the commission. 3. The specific programs, distribution provisions, and other provisions approved by the commission for expenditure of the maximum allocation amount established for a community partnership area shall be outlined in the written contract with the community partnership. 4. Any allocation received by a community partnership shall be matched with local funding, in-kind services, office support, or other tangible support or offset of costs. 2000 Acts, ch 1192, §10, 17

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142A - TOBACCO USE PREVENTION AND CONTROL Section 142A.11 - Application for services — minors.

142A.11 Application for services — minors. A minor who is twelve years of age or older shall have the legal capacity to act and give consent to the provision of tobacco cessation coaching services pursuant to a tobacco cessation telephone and internet-based program approved by the department. Consent shall not be subject to later disaffirmance by reason of such minority. The consent of another person, including but not limited to the consent of a spouse, parent, custodian, or guardian, shall not be necessary. 2013 Acts, ch 81, §5

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142A - TOBACCO USE PREVENTION AND CONTROL Section 142A.2 - Definitions.

142A.2 Definitions. As used in this chapter, unless the context otherwise requires: 1. "Commission" means the commission on tobacco use prevention and control established in this chapter. 2. "Community partnership" means a public agency or nonprofit organization implementing the tobacco use prevention and control initiative in a local area in accordance with this chapter. 3. "Department" means the department of health and human services. 4. "Director" means the director of health and human services. 5. "Initiative" means the comprehensive tobacco use prevention and control initiative established in this chapter. 6. "Manufacturer" means manufacturer as defined in section 453A.1. 7. "Pregnant woman" means a female of any age who is pregnant. 8. "School-age youth" means a person attending school in kindergarten through grade twelve. 9. "Tobacco" means both cigarettes and tobacco

products as defined in section 453A.1. 10. “Youth” means a person who is five through twenty-four years of age. 2000 Acts, ch 1192, §2, 17; 2011 Acts, ch 63, §2; 2023 Acts, ch 19, §233 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142A - TOBACCO USE PREVENTION AND CONTROL Section 142A.3 - Tobacco use prevention and control — commission created.

142A.3 Tobacco use prevention and control — commission created. 1. The department shall develop, implement, and administer the initiative established in this chapter and shall perform other duties as directed by this chapter or as assigned by the director. 2. A commission on tobacco use prevention and control is established to develop policy, provide direction for the initiative, and perform all other duties related to the initiative and other tobacco use prevention and control activities as directed by this chapter or referred to the commission by the director. 3. The membership of the commission shall include the following voting members who shall serve three-year, staggered terms: a. Members, at least one of whom is a member of a racial minority, to be appointed by the governor, subject to confirmation by the senate pursuant to sections 2.32 and 69.19, and consisting of the following: (1) Three members who are active with nonprofit health organizations that emphasize tobacco use prevention or who are active as health services providers, at the local level. (2) Three members who are active with health promotion activities at the local level in youth education, nonprofit services, or other activities relating to tobacco use prevention and control. b. Three voting members, to be selected by the participants in the annual statewide youth summit of the initiative’s youth program, who shall not be subject to section 69.16 or 69.16A. However, the selection process shall provide for diversity among the members and at least one of the youth members shall be a female. 4. The commission shall also include the following ex officio, nonvoting members: a. Four members of the general assembly, with not more than one member from each chamber being from the same political party. The majority leader of the senate and the minority leader of the senate shall each appoint one of the senate members. The majority leader of the house of representatives and the minority leader of the house of representatives shall each appoint one of the house members. b. The presiding officer of the statewide youth executive body, selected by the delegates to the statewide youth summit. 5. In addition to the members of the commission, the following agencies, organizations, and persons shall each assign a single liaison to the commission to provide assistance to the commission in the discharge of the commission’s duties: a. The department of education. b. The drug policy director. c. The department of justice, office of the attorney general. 6. Citizen members shall be reimbursed for actual and necessary expenses incurred in performance of their duties. Citizen members shall be paid a per diem as specified in section 7E.6. Legislative members are eligible for per diem and expenses as provided in section 2.10. 7. A member of the commission who is convicted of a crime relating to tobacco, alcohol, or controlled substances is subject to removal from the commission. 8. A vacancy on the commission other than for the youth members shall be filled in the same manner as the original appointment for the balance of the unexpired term. A youth member vacancy shall be filled by the presiding officer of the statewide executive body as selected by the delegates to the statewide youth summit. 9. The commission shall elect a chairperson from among its voting members and may select other officers from among its voting members, as determined necessary by the commission. The commission shall meet regularly as determined by the commission, upon the call of the chairperson, or upon the call of a majority of the voting members. 10. The commission may designate an advisory council. The commission shall determine the membership and representation of the advisory council and members of the council shall serve at the pleasure of the commission. The advisory council may include representatives of health care provider groups, parent groups, antitobacco advocacy programs and organizations, research and evaluation experts, and youth organizers. 2000 Acts, ch 1192, §3, 17; 2004 Acts, ch 1176, §6; 2009 Acts, ch 133, §42; 2010 Acts, ch 1061, §30; 2011 Acts, ch 63, §3, 4; 2012 Acts, ch 1021, §46; 2023 Acts, ch 19, §234 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142A - TOBACCO USE PREVENTION AND CONTROL Section 142A.4 - Commission duties.

142A.4 Commission duties. The commission shall do all of the following: 1. Develop and implement the comprehensive tobacco use prevention and control initiative as provided in this chapter. 2. Provide a forum for the discussion, development, and recommendation of public policy alternatives in the field of tobacco use prevention and control. 3. Develop an educational component of the initiative. Educational efforts provided through the school system shall be developed in conjunction with the department of education. 4. Develop a plan for implementation of the initiative in accordance with the purpose and intent specified in section 142A.1. 5. Provide for technical assistance, training, and other support under the initiative. 6. Take actions to develop and implement a statewide system for the initiative programs that are delivered through community partnerships. 7. Manage and coordinate the provision of funding and other moneys available to the initiative by combining all or portions of appropriations or other revenues as authorized by law. 8. Assist with the linkage of the initiative with child welfare and juvenile justice decategorization projects, education programming, early childhood Iowa areas, and other programs and services directed to youth at the state and community level. 9. a. Coordinate and respond to any requests from a community partnership relating to any of the following: (1) Removal of barriers to community partnership efforts. (2) Pooling and redirecting of existing federal, state, or other public or private funds available for purposes that are consistent with the initiative. (3) Seeking of federal waivers to assist community partnership efforts. b. In coordinating and responding to the requests, the commission shall work with state agencies, the governor, and the general assembly as necessary to address requests deemed appropriate by the commission. 10. Adopt rules pursuant to chapter 17A as necessary for the designation, governance, and oversight of the initiative and the implementation of this chapter. The commission shall provide for community partnership and youth program input in the rules adoption process. The rules shall include but are not limited to all of the following: a. Performance indicators for initiative programs, community partnerships,

and the services provided under the auspices of community partnerships. The performance indicators shall be developed with input from communities. b. Minimum standards to further the provision of equal access to services. 11. Monitor and evaluate the effectiveness of performance measures utilized under the initiative. 12. Submit a report to the governor and the general assembly on an annual basis regarding the initiative, including demonstrated progress based on performance indicators. The commission shall report more frequently if requested by the joint appropriations subcommittee that makes recommendations concerning the commission's budget. 13. Represented by the chairperson of the commission, annually appear before the joint appropriations subcommittee that makes recommendations concerning the commission's budget to report on budget expenditures and department operations relative to the prior fiscal year and the current fiscal year. 14. Prioritize funding needs and the allocation of moneys appropriated and other resources available for the programs and activities of the initiative. 15. Review fiscal needs of the initiative and make recommendations to the director in the development of budget requests. 16. Solicit and accept any gift of money or property, including any grant of money, services, or property from the federal government, the state, a political subdivision, or a private source that is consistent with the goals of the initiative. The commission shall adopt rules prohibiting the acceptance of gifts from a manufacturer of tobacco products. 17. Advise and make recommendations to the governor, the general assembly, and the director, relative to tobacco use, treatment, intervention, prevention, control, and education programs in the state. 18. Evaluate the work of the department relating to the initiative. For this purpose, the commission shall have access to any relevant department records and documents, and other information reasonably obtainable by the department. 19. Develop the structure for the statewide youth summit to be held annually. 20. Approve the content of any materials distributed by the youth program pursuant to section 142A.9, prior to distribution of the materials. 2000 Acts, ch 1192, §4, 17; 2004 Acts, ch 1176, §7; 2005 Acts, ch 179, §57; 2009 Acts, ch 41, §263; 2010 Acts, ch 1031, §293; 2011 Acts, ch 63, §5; 2023 Acts, ch 19, §235 Referred to in §142A.5 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142A - TOBACCO USE PREVENTION AND CONTROL Section 142A.5 - Department duties.

142A.5 Department duties. The department shall do all of the following: 1. Coordinate all tobacco use prevention and control programs and activities under the purview of the department. 2. Receive and review budget recommendations from the commission. The director shall consider these recommendations in developing the budget request for the department. 3. Implement the initiative, coordinate the activities of the commission and the initiative, and coordinate other tobacco use prevention and control activities. 4. Monitor and evaluate the effectiveness of performance measures. 5. Provide staff and administrative support to the commission. 6. Administer contracts entered into under this chapter. 7. Coordinate and cooperate with other tobacco use prevention and control programs within and outside of the state. 8. Provide necessary information to the commission to assist the commission in making its annual report to the joint appropriations subcommittee pursuant to section 142A.4, and in fulfilling other commission duties pursuant to section 142A.4. 2000 Acts, ch 1192, §5, 17; 2003 Acts, ch 145, §190; 2004 Acts, ch 1176, §8, 9; 2011 Acts, ch 63, §6, 7; 2023 Acts, ch 19, §236 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142A - TOBACCO USE PREVENTION AND CONTROL Section 142A.6 - Comprehensive tobacco use prevention and control initiative established — purpose — results.

142A.6 Comprehensive tobacco use prevention and control initiative established — purpose — results. 1. A comprehensive tobacco use prevention and control initiative is established. The department shall implement the initiative as provided in this chapter. 2. The purpose of the initiative is to attain the following results: a. Reduction of tobacco use by youth. b. Strong, active youth involvement in activities to prevent youth tobacco use and to promote cessation of youth tobacco use. c. Enhanced capacity of youth to make healthy choices. d. Reduction of tobacco use by pregnant women. 3. Success in achieving the initiative's desired results may be demonstrated by a minimum of the following: a. Data demonstrating consistent progress in reducing the prevalence of tobacco use among youth and adults. b. Survey results indicating widespread support among youth for the initiative's tobacco use prevention and control activities; for programs that enhance the ability of youth to make healthy choices including those related to use of tobacco, alcohol, and other substances; and for the media, marketing, and communications efforts supporting the initiative's desired results. Any survey conducted may also include an assessment of the effectiveness of tobacco use prevention and control activities in affecting other unhealthy youth behaviors including sexual activity and violent behavior. 4. The department shall implement the initiative in a manner that ensures that youth are extensively involved in the decision making for the programs implemented under the initiative. The initiative shall also involve parents, schools, and community members in activities to achieve the results desired for the initiative. The department shall encourage collaboration at the state and local levels to maximize available resources and to provide flexibility to support community efforts. 5. Procurement of goods and services necessary to implement the initiative is subject to approval of the commission. Notwithstanding chapter 8A, subchapter III, or any other provision of law to the contrary, such procurement may be accomplished by the commission under its own competitive bidding process which shall provide for consideration of such factors as price, bidder competence, and expediency in procurement. 6. In order to promote the tobacco use prevention and control partnership established in section 142A.1, the following persons shall comply with the following, as applicable: a. A manufacturer, distributor, wholesaler, retailer, or distributing agent or agent thereof shall not give away cigarettes or tobacco products. b. A manufacturer, distributor, wholesaler, retailer, or distributing agent or agent thereof shall not provide free articles, products, commodities, gifts, or concessions in any exchange for the purchase of cigarettes or tobacco products. c. The prohibitions in this section do not apply to transactions between manufacturers, distributors, wholesalers, or retailers. d. For the purpose of this subsection, manufacturer, distributor, wholesaler, retailer, and distributing agent mean as defined in section 453A.1.

2000 Acts, ch 1192, §6, 17; 2003 Acts, ch 145, §191; 2011 Acts, ch 63, §8, 9; 2023 Acts, ch 19, §237 See also §453A.39
Subsections 1 and 4 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142A - TOBACCO USE PREVENTION AND CONTROL Section 142A.7 - Initiative components.

142A.7 Initiative components. 1. The initiative shall include but is not limited to all of the following: a. Youth programs, designed to achieve the initiative's desired results, that are directed by youth participants for youth. b. A media, marketing, and communications program to achieve the initiative's desired results. Advertising shall not include the name, voice, or likeness of any elected or appointed public official or of any candidate for elective office. c. Independent evaluation of each component of the statewide initiative. d. Ongoing statewide assessment of data, review of indicators used in assessing the effectiveness of the initiative, and evaluation of the initiative, its programs, and its marketing strategy. The initial baseline used to measure the effectiveness of the initiative shall be developed using existing, available indicators. Following development of the initial baseline, indicators of the effectiveness of the initiative shall be reviewed on at least an annual basis to ensure that the indicators used most accurately provide for measurement of such effectiveness. Primary emphasis in data assessment shall be on data relating to tobacco usage and may include data demonstrating the prevalence of tobacco use among youth and pregnant women, and the prevalence of the use of alcohol and other substances among youth. Sources of data considered shall include but are not limited to the centers for disease control and prevention of the United States department of health and human services and the Iowa youth tobacco survey, and may include the Iowa youth risk survey conducted by the department or the youth risk behavior survey. e. A tobacco use prevention and control education program. 2. Administrative costs associated with each program of the initiative and program provider shall be established at a reasonable level consistent with effective management practices. 3. Requests for information or for proposals shall emphasize that performance measures are required for any contract or allocation of funding under the initiative. 2000 Acts, ch 1192, §7, 17; 2011 Acts, ch 63, §10

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142A - TOBACCO USE PREVENTION AND CONTROL Section 142A.8 - Community partnerships.

142A.8 Community partnerships. 1. A community partnership is a public agency or nonprofit organization operating in a local area under contract with the department to implement the initiative in that local area utilizing broad community involvement. The community partnership or its designee shall act as the fiscal agent for moneys administered by the community partnership. 2. A community partnership area shall encompass a county or multicounty area, school district or multischool district area, economic development enterprise zone that meets the requirements of an urban or rural enterprise community under Tit. XIII of the federal Omnibus Budget Reconciliation Act of 1993, or early childhood Iowa area, in accordance with criteria adopted by the commission for appropriate population levels and size of geographic areas. 3. The commission shall adopt rules pursuant to chapter 17A providing procedures for the initial designation of community partnership areas and for subsequent changes to the initially designated areas. 4. The requirements for contracts entered into by a community partnership and the department shall include but are not limited to all of the following: a. Administrative functions. b. Fiscal provisions. c. Community and youth involvement in program and administrative decisions. d. Evaluation of the program. 2000 Acts, ch 1192, §8, 17; 2010 Acts, ch 1031, §294; 2010 Acts, ch 1061, §180; 2011 Acts, ch 63, §11

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142A - TOBACCO USE PREVENTION AND CONTROL Section 142A.9 - Youth program.

142A.9 Youth program. 1. A youth program component shall be implemented in each community partnership area to achieve the purposes of the initiative. 2. The youth program shall include but is not limited to all of the following: a. A structure for program participants to interact with other participating youth within the community partnership area and in other areas of the state. b. A structure for formal youth involvement in youth program governance at the community partnership area level and in a statewide youth summit or summits consisting of participation by representatives of the community partnership area level. c. A structure for participation in a statewide executive body consisting of participants selected by the delegates to the statewide youth summit of the youth program. d. Youth activities that are character-based and focused on rewarding appropriate values, behavior, and healthy choices by participants. 3. To the greatest extent possible, the youth program shall be directed by youth for youth participants. State and local administrators associated with the initiative shall consult with and utilize the youth program participants in the media, marketing, and communications program; education efforts; and other aspects of the initiative including evaluation and collaboration. 2000 Acts, ch 1192, §9, 17; 2011 Acts, ch 63, §12 Referred to in §142A.4

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142C - REVISED UNIFORM ANATOMICAL GIFT ACT Section 142C.1 - Short title.

142C.1 Short title. This chapter shall be known and may be cited as the "Revised Uniform Anatomical Gift Act". 95 Acts, ch 39, §1; 2007 Acts, ch 44, §1

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142C - REVISED UNIFORM ANATOMICAL GIFT ACT Section 142C.10 - Sale or purchase of parts prohibited — penalty.

142C.10 Sale or purchase of parts prohibited — penalty. 1. A person shall not knowingly, for valuable consideration, purchase or sell a part for transplantation or therapy if removal of the part is intended to occur after the death of the decedent. 2. Valuable consideration does not include reasonable payment for the removal, processing, preservation, quality control, storage, transportation, implantation, or disposal of a part. 3. A person who violates this section commits a class “C” felony. 95 Acts, ch 39, §10; 2007 Acts, ch 44, §12

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142C - REVISED UNIFORM ANATOMICAL GIFT ACT Section 142C.10A - Other prohibited acts — penalty.

142C.10A Other prohibited acts — penalty. A person who, in order to obtain a financial gain, intentionally falsifies, forges, conceals, defaces, or obliterates a document of gift, an amendment or revocation of a document of gift, or a refusal, commits a class “C” felony. 2007 Acts, ch 44, §13

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142C - REVISED UNIFORM ANATOMICAL GIFT ACT Section 142C.11 - Immunity.

142C.11 Immunity. 1. A person who complies with this chapter in good faith or with the applicable anatomical gift law of another state, or who attempts in good faith to comply, is immune from liability in any civil action, criminal prosecution, or administrative proceeding. 2. An individual who makes an anatomical gift pursuant to this chapter and the individual’s estate are not liable for any injury or damages that may result from the making or the use of the anatomical gift, if the gift is made in good faith. 3. In determining whether an anatomical gift has been made, amended, or revoked under this chapter, a person may rely upon representations of an individual listed in section 142C.4, subsection 1, paragraph “b”, “c”, “d”, “e”, “f”, “g”, or “h”, relating to the individual’s relationship to the donor or prospective donor unless the person knows that the representation is untrue. 95 Acts, ch 39, §11; 2002 Acts, ch 1064, §8; 2007 Acts, ch 44, §14

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142C - REVISED UNIFORM ANATOMICAL GIFT ACT Section 142C.12 - Service but not a sale.

142C.12 Service but not a sale. The procurement, removal, preservation, processing, storage, distribution, or use of parts for the purpose of injecting, transfusing, or transplanting any of the parts into the human body is, for all purposes, the rendition of a service by every person participating in the act, and whether or not any remuneration is paid, is not a sale of the part for any purposes. However, any person that renders such service warrants only under this section that due care has been exercised and that acceptable professional standards of care in providing such service according to the state of the medical arts have been followed. Strict liability, in tort, shall not be applicable to the rendition of such services. 95 Acts, ch 39, §12

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142C - REVISED UNIFORM ANATOMICAL GIFT ACT Section 142C.12A - Law governing validity, choice of law, presumption of validity.

142C.12A Law governing validity, choice of law, presumption of validity. 1. A document of gift is valid if executed in accordance with any of the following: a. This chapter. b. The laws of the state or country where the document of gift was executed. c. The laws of the state or country where the person making the anatomical gift was domiciled, has a place of residence, or was a national at the time the document of gift was executed. 2. If a document of gift is valid under this section, the law of this state governs the interpretation of the document of gift. 3. A person may presume that a document of gift or amendment of an anatomical gift is valid unless that person knows that it was not validly executed or was revoked. 2007 Acts, ch 44, §15

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142C - REVISED UNIFORM ANATOMICAL GIFT ACT Section 142C.12B - Effect of anatomical gift on advance health care directive.

142C.12B Effect of anatomical gift on advance health care directive. 1. As used in this section: a. “Advance health care directive” means a durable power of attorney for health care pursuant to chapter 144B or a record signed or authorized by a prospective donor containing the prospective donor’s direction concerning a health care decision for the prospective donor. b. “Declaration” means a record signed by a prospective donor specifying the circumstances under which a life support system may be withheld or withdrawn from the prospective donor. c. “Health care decision” means any decision regarding the health care of the prospective donor. 2. a. If a prospective donor has a declaration or advance health care directive and the terms of the declaration or directive and the express or implied terms of a potential anatomical gift are in conflict with regard to the administration of measures necessary to ensure the medical suitability of a part for transplantation or therapy, the prospective donor’s attending physician and prospective donor shall confer to resolve the conflict. b. If the prospective donor is incapable of resolving the conflict, an agent acting under the prospective donor’s declaration or directive or, if no agent exists or the agent is not reasonably available, another person, authorized by law other than this chapter to make health care decisions on behalf of the prospective donor, shall act for the donor to resolve the conflict. The agent or other person shall resolve the conflict consistent with the desires of the donor as expressed in a declaration executed in accordance with chapter 144A, or a durable power of attorney for health care executed in accordance with chapter 144B, or as otherwise known, or if not known, consistent with the donor’s best interest. c. The conflict shall be resolved as expeditiously as possible. d. Information relevant to the resolution of the conflict may be obtained from the appropriate procurement organization

and any other person authorized to make an anatomical gift for the prospective donor under section 142C.4. Prior to resolution of the conflict, measures necessary to ensure the medical suitability of the part shall not be withheld or withdrawn from the prospective donor if withholding or withdrawing the measures is not contraindicated by appropriate end-of-life care. 2007 Acts, ch 44, §16

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142C - REVISED UNIFORM ANATOMICAL GIFT ACT Section 142C.13 - Transitional provisions.

142C.13 Transitional provisions. This chapter applies to an anatomical gift, or amendment to, revocation of, or refusal to make an anatomical gift, whenever made. 95 Acts, ch 39, §13; 95 Acts, ch 209, §20; 2007 Acts, ch 44, §17

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142C - REVISED UNIFORM ANATOMICAL GIFT ACT Section 142C.14 - Uniformity of application and construction.

142C.14 Uniformity of application and construction. This chapter shall be applied and construed with consideration given to the need to promote uniformity of the law with respect to anatomical gifts among states which enact this law. 95 Acts, ch 39, §14; 2007 Acts, ch 44, §18

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142C - REVISED UNIFORM ANATOMICAL GIFT ACT Section 142C.14A - Electronic signatures.

142C.14A Electronic signatures. This chapter modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §7001 et seq., but does not modify, limit, or authorize electronic delivery of any of the notices described in §103(b) of that Act, 15 U.S.C. §7003(b). 2007 Acts, ch 44, §19

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142C - REVISED UNIFORM ANATOMICAL GIFT ACT Section 142C.15 - Anatomical gift public awareness and transplantation fund — established — uses of fund.

142C.15 Anatomical gift public awareness and transplantation fund — established — uses of fund. 1. An anatomical gift public awareness and transplantation fund is created as a separate fund in the state treasury under the control of the department of health and human services. The fund shall consist of moneys remitted by the county treasurer of a county or by the department of transportation which were collected through the payment of a contribution made by an applicant for registration of a motor vehicle pursuant to section 321.44A and any other contributions to the fund. 2. The moneys collected under this section and deposited in the fund are appropriated to the department of health and human services for the purposes specified in this section. Moneys in the fund shall not be subject to appropriation or expenditure for any other purpose. 3. The treasurer of state shall act as custodian of the fund and shall disburse amounts contained in the fund as directed by the department. The treasurer of state may invest the moneys deposited in the fund. The income from any investment shall be credited to and deposited in the fund. Notwithstanding section 8.33, moneys in the fund are not subject to reversion to the general fund of the state. The fund shall be administered by the department which shall make expenditures from the fund consistent with the purposes of this section. 4. The department of health and human services may use not more than five percent of the moneys in the fund for administrative costs. The remaining moneys in the fund may be expended through grants to any of the following persons, subject to the following conditions: a. Not more than twenty percent of the moneys in the fund annually may be expended in the form of grants to state agencies or to nonprofit legal entities with an interest in anatomical gift public awareness and transplantation to conduct public awareness projects. Moneys remaining that were not requested and awarded for public awareness projects may be used to support the Iowa donor registry. Grants shall be made based upon the submission of a grant application. b. Not more than thirty percent of the moneys in the fund annually may be expended in the form of grants to hospitals for reimbursement for costs directly related to the development of in-hospital anatomical gift public awareness projects, anatomical gift referral protocols, and associated administrative expenses. As a condition of receiving a grant, a hospital shall demonstrate, through documentation, that the hospital, during the previous calendar year, properly complied with in-hospital anatomical gift request protocols for all deaths occurring in the hospital at a percentage rate which places the hospital in the upper fifty percent of all protocol compliance rates for hospitals submitting documentation for cost reimbursement under this section. c. Any unobligated moneys in the fund annually may be expended in the form of grants to transplant recipients, transplant candidates, living organ donors, or to legal representatives on behalf of transplant recipients, transplant candidates, or living organ donors. Transplant recipients, transplant candidates, living organ donors, or the legal representatives of transplant recipients, transplant candidates, or living organ donors shall submit grant applications with supporting documentation provided by a hospital that performs transplants, verifying that the person by or for whom the application is submitted requires a transplant or is a living organ donor and specifying the amount of the costs associated with the following, if funds are not available from any other third-party payor: (1) The costs of the organ transplantation procedure. (2) The costs of post-transplantation drug or other therapy. (3) Other transplantation costs including but not limited to food, lodging, and transportation. 96 Acts, ch 1076, §1; 98 Acts, ch 1015, §1; 2000 Acts, ch 1052, §1; 2003 Acts, ch 32, §2; 2005 Acts, ch 89, §11; 2006 Acts, ch 1030, §14; 2007 Acts, ch 44, §20; 2015 Acts, ch 138, §6, 161, 162; 2023 Acts, ch 19, §238, 239 Referred to in §142C.17, 321.44A Subsections 1 and 2 amended Subsection 4, unnumbered paragraph 1 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142C - REVISED UNIFORM ANATOMICAL GIFT ACT Section 142C.17 - Annual donation and compliance report.

142C.17 Annual donation and compliance report. The department of health and human services, in conjunction with any statewide organ procurement organization in Iowa, shall prepare and submit a report to the general assembly on or before January 1 each year regarding organ donation rates and voluntary compliance efforts with hospital organ and tissue donation protocols by physicians, hospitals, and other health systems organizations. The report shall contain the following: 1. An evaluation of organ procurement efforts in the state, including statistics regarding organ and tissue donation activity as of September 30 of the preceding year. 2. Efforts by any statewide organ procurement organization in Iowa, and related parties, to increase organ and tissue donation and consent rates. 3. Voluntary compliance efforts with hospital organ and tissue donation protocols by physicians, hospitals, and health systems organizations and the results of those efforts. 4. Annual contribution levels to the anatomical gift public awareness and transplantation fund created in section 142C.15, and any distributions made from the fund. 5. Efforts and ideas for increasing public awareness of the option of organ and tissue donation. 6. Additional information deemed relevant by the department in assessing the status and progress of organ and tissue donation efforts in the state. 98 Acts, ch 1015, §2; 2023 Acts, ch 19, §240 Unnumbered paragraph 1 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142C - REVISED UNIFORM ANATOMICAL GIFT ACT Section 142C.18 - Iowa donor registry.

142C.18 Iowa donor registry. 1. The department of health and human services shall contract with and recognize the Iowa donor registry for the purpose of indicating on the donor registry all relevant information regarding a donor's making or amending of an anatomical gift. 2. The state department of transportation shall cooperate with a person that administers the Iowa donor registry for the purpose of transferring to the donor registry all relevant information regarding a donor's making of an anatomical gift. 3. The department of natural resources shall cooperate with a person that administers the Iowa donor registry for the purpose of transferring to the donor registry all relevant information regarding a donor's making of an anatomical gift. 4. The Iowa donor registry shall do all of the following: a. Allow a donor or other person authorized under section 142C.3 to include on the donor registry a statement or symbol that the donor has made or amended an anatomical gift. b. Be accessible to a procurement organization to allow the procurement organization to obtain relevant information on the donor registry to determine, at or near the death of the donor or a prospective donor, whether the donor or prospective donor has made, amended, or revoked an anatomical gift. c. Be accessible for purposes of paragraphs "a" and "b" seven days a week on a twenty-four-hour per day basis. d. Provide a centralized, automated system to compile donation information received by the state department of transportation, department of natural resources, county treasurers, and the Iowa donor network. e. Provide educational materials regarding the making, amending, or revoking of an anatomical gift or a refusal to make an anatomical gift. 5. Personally identifiable information on the donor registry about a donor or prospective donor shall not be used or disclosed without the express consent of the donor, prospective donor, or person that made the anatomical gift for any purpose other than to determine, at or near the death of the donor or prospective donor, whether the donor or prospective donor has made, amended, or revoked an anatomical gift. 2000 Acts, ch 1052, §2; 2007 Acts, ch 44, §24; 2019 Acts, ch 86, §8, 9; 2023 Acts, ch 19, §241 Subsection 1 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142C - REVISED UNIFORM ANATOMICAL GIFT ACT Section 142C.2 - Definitions.

142C.2 Definitions. As used in this chapter, unless the context otherwise requires: 1. "Adult" means an individual who is eighteen years of age or older. 2. "Agent" means an individual who meets any of the following conditions: a. Is authorized to make health care decisions on the principal's behalf by a durable power of attorney for health care pursuant to chapter 144B. b. Is expressly authorized to make an anatomical gift on the principal's behalf by any other record signed by the principal. 3. "Anatomical gift" or "gift" means a donation of all or part of the human body effective after the donor's death, for the purposes of transplantation, therapy, research, or education. 4. "Decedent" means a deceased individual whose body or part is or may be the source of an anatomical gift and includes a stillborn infant. 5. "Disinterested witness" means a witness other than the spouse, child, parent, sibling, grandchild, grandparent, or guardian of the individual who makes, amends, revokes, or refuses to make an anatomical gift, or any other adult who exhibited special care and concern for the individual. "Disinterested witness" does not include a person who may receive an anatomical gift pursuant to section 142C.5. 6. "Document of gift" means a donor card or other record used to make an anatomical gift, including a statement or symbol on a driver's license, identification card, or hunting, fishing, or fur harvester license, or an entry in a donor registry. 7. "Donor" means an individual whose body or part is the subject of an anatomical gift. 8. "Donor registry" means a database that contains records of anatomical gifts and amendments of anatomical gifts. 9. "Driver's license" means a license or permit issued by the state department of transportation to operate a vehicle, whether or not conditions are attached to the license or permit. 10. "Eye bank" means a person that is licensed, accredited, or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage, or distribution of human eyes or portions of human eyes. 11. "Forensic pathologist" means a pathologist who is further certified in the subspecialty of forensic pathology by the American board of pathology. 12. "Guardian" means a person appointed by a court to make decisions regarding the support, care, education, health, or welfare of an individual, but does not include a guardian ad litem. 13. "Hospital" means a hospital licensed under chapter 135B, or a hospital licensed, accredited, or approved under federal law or the laws of any other state, and includes a hospital operated by the federal government, a state, or a political subdivision of a state, although not required to be licensed under state laws. 14. "Hunting, fishing, or fur harvester license" means a license issued by the department of natural resources or an authorized license agent pursuant to chapter 483A. 15. "Identification card" means a nonoperator's identification card issued by the state department of

transportation pursuant to section 321.190. 16. “Iowa donor network” means the nonprofit organization certified by the centers for Medicare and Medicaid services of the United States department of health and human services as the single organ procurement agency serving the state and which also serves as the tissue recovery agency for the state. 17. “Iowa donor registry” means the Iowa donor registry administered by the Iowa donor network. 18. “Know” means to have actual knowledge. 19. “Medical examiner” means an individual who is appointed as a medical examiner pursuant to section 331.801 or 691.5. 20. “Minor” means an individual who is less than eighteen years of age. 21. “Organ procurement organization” means a person designated by the United States secretary of health and human services as an organ procurement organization. 22. “Parent” means a parent whose parental rights have not been terminated. 23. “Part” means an organ, an eye, or tissue of a human being, but does not include the whole body of a human being. 24. “Pathologist” means a licensed physician who is certified in anatomic or clinical pathology by the American board of pathology. 25. “Person” means person as defined in section 4.1. 26. “Physician” means an individual authorized to practice medicine and surgery or osteopathic medicine and surgery under the laws of any state. 27. “Procurement organization” means an eye bank, organ procurement organization, or tissue bank. 28. “Prospective donor” means an individual who is dead or near death and has been determined by a procurement organization to have a part that could be medically suitable for transplantation, therapy, research, or education, but does not include an individual who has made a refusal. 29. “Reasonably available” means able to be contacted by a procurement organization without undue effort and willing and able to act in a timely manner consistent with existing medical criteria necessary for the making of an anatomical gift. 30. “Recipient” means an individual into whose body a decedent’s part has been transplanted or is intended for transplant. 31. “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form. 32. “Refusal” means a record created pursuant to section 142C.3 that expressly states an individual’s intent to prohibit other persons from making an anatomical gift of the individual’s body or part. 33. “Sign” means to do any of the following with the present intent to authenticate or adopt a record: a. Execute or adopt a tangible symbol. b. Attach to or logically associate with the record an electronic symbol, sound, or process. 34. “State” means any state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. 35. “Technician” means an individual determined to be qualified to remove or process parts by an appropriate organization that is licensed, accredited, or regulated under federal or state law and includes an enucleator. 36. “Tissue” means a portion of the human body other than an organ or an eye, but does not include blood unless the blood is donated for the purpose of research or education. 37. “Tissue bank” means a person that is licensed, accredited, or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage, or distribution of tissue. 38. “Transplant hospital” means a hospital that furnishes organ transplants and other medical and surgical specialty services required for the care of transplant patients. 95 Acts, ch 39, §2; 2001 Acts, ch 74, §3; 2002 Acts, ch 1064, §1, 2; 2007 Acts, ch 44, §2; 2009 Acts, ch 133, §43; 2019 Acts, ch 86, §2, 3 Referred to in §22.7(41)(b), 135.192, 423.3

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142C - REVISED UNIFORM ANATOMICAL GIFT ACT Section 142C.3 - Persons who may make — manner of making — amending or revoking — refusal to make anatomical gift before donor’s death — preclusive effect.

142C.3 Persons who may make — manner of making — amending or revoking — refusal to make anatomical gift before donor’s death — preclusive effect. 1. Who may make. Subject to subsection 5, an anatomical gift of a donor’s body or part may be made during the life of the donor for the purposes of transplantation, therapy, research, or education in the manner prescribed in subsection 2 by any of the following: a. The donor if the donor is any of the following: (1) An adult. (2) A minor, if the minor is emancipated. (3) A minor, if the minor is authorized under state law to apply for a driver’s license or identification card because the minor is at least fourteen years of age, and the minor authorizes a statement or symbol indicating an anatomical gift on a driver’s license, identification card, or donor registry entry with the signed approval of a parent or guardian. (4) A minor, if the minor is authorized under state law to apply for a hunting, fishing, or fur harvester license, the minor is at least fourteen years of age, and the minor authorizes a symbol indicating an anatomical gift on a hunting, fishing, or fur harvester license with the signed approval of a parent or guardian. b. An agent of the donor, unless the durable power of attorney for health care or other record prohibits the agent from making the anatomical gift. c. A parent of the donor, if the donor is an unemancipated minor. d. The guardian of the donor. 2. Manner of making. a. A donor may make an anatomical gift by any of the following means: (1) By authorizing a statement or symbol indicating that the donor has made an anatomical gift to be imprinted on the donor’s driver’s license or identification card. (2) By authorizing a symbol indicating that the donor has made an anatomical gift to be imprinted on the donor’s hunting, fishing, or fur harvester license. (3) In a will. (4) During a terminal illness or injury of the donor, by any form of communication addressed to at least two adults, at least one of whom is a disinterested witness. (5) As provided in paragraph “b”. b. (1) A donor or other person authorized to make an anatomical gift under subsection 1 may make a gift by a donor card or other record signed by the donor or other person making the gift or by authorizing that a statement or symbol indicating that the donor has made an anatomical gift be included on the donor registry. (2) If the donor or other person is physically unable to sign a record, the record may be signed by another individual at the direction of the donor or other person and shall meet all of the following requirements: (a) Be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the donor or other person. (b) State that the record has been signed and witnessed as provided in subparagraph division (a). c. Revocation, suspension, expiration, or cancellation of a driver’s license, identification card, or hunting, fishing, or fur harvester license upon which an anatomical gift is indicated shall not invalidate the gift. d. An anatomical gift made by will takes effect upon the donor’s death whether or not the will is probated. Invalidation of the will after the donor’s death does not invalidate the gift. 3. Amending or revoking gift before donor’s

death. a. Subject to subsection 5, a donor or other person authorized to make an anatomical gift under subsection 1 may amend or revoke an anatomical gift by any of the following means: (1) A record signed by any of the following: (a) The donor. (b) The other person authorized to make an anatomical gift. (c) Subject to paragraph “b”, another individual acting at the direction of the donor or the other authorized person if the donor or other person is physically unable to sign the record. (2) A later-executed document of gift that amends or revokes a previous anatomical gift or portion of an anatomical gift, either expressly or by inconsistency. b. A record signed pursuant to paragraph “a”, subparagraph (1), subparagraph division (c), shall comply with all of the following: (1) Be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the donor or the other authorized person. (2) State that the record has been signed and witnessed as provided in subparagraph (1). c. Subject to subsection 5, a donor or other person authorized to make an anatomical gift under subsection 1 may revoke an anatomical gift by the destruction or cancellation of the document of gift, or the portion of the document of gift used to make the gift, with the intent to revoke the gift. d. A donor may amend or revoke an anatomical gift that was not made in a will by any form of communication during a terminal illness or injury addressed to at least two adults, at least one of whom is a disinterested witness. e. A donor who makes an anatomical gift in a will may amend or revoke the gift in the manner provided for amendment or revocation of wills or as provided in paragraph “a”. 4. Refusal to make. a. An individual may refuse to make an anatomical gift of the individual’s body or part by any of the following means: (1) A record signed by any of the following: (a) The individual. (b) Subject to paragraph “b”, another individual acting at the direction of the individual if the individual is physically unable to sign the record. (2) The individual’s will, whether or not the will is admitted to probate or invalidated after the individual’s death. (3) Any form of communication made by the individual during the individual’s terminal illness or injury addressed to at least two adults, at least one of whom is a disinterested witness. b. A record signed pursuant to paragraph “a”, subparagraph (1), subparagraph division (b), shall comply with all of the following: (1) Be witnessed by at least two adults, at least one of whom is a disinterested witness, who have signed at the request of the individual. (2) State that the record has been signed and witnessed as provided in subparagraph (1). c. An individual who has made a refusal may amend or revoke the refusal in accordance with any of the following: (1) In the manner provided in paragraph “a” for making a refusal. (2) By subsequently making an anatomical gift pursuant to subsection 2 that is inconsistent with the refusal. (3) By destroying or canceling the record evidencing the refusal, or the portion of the record used to make the refusal, with the intent to revoke the refusal. d. Except as otherwise provided in subsection 5, paragraph “h”, in the absence of an express, contrary indication by the individual set forth in the refusal, an individual’s unrevoked refusal to make an anatomical gift of the individual’s body or part prohibits all other persons from making an anatomical gift of the individual’s body or part. 5. Preclusive effect. a. Donor gift or amendment — subsequent actions by others prohibited. Except as otherwise provided in paragraph “g”, and subject to paragraph “f”, in the absence of a contrary indication by the donor, a person other than the donor is prohibited from making, amending, or revoking an anatomical gift of a donor’s body or part if the donor made an anatomical gift of the donor’s body or part under subsection 2 or an amendment to an anatomical gift of the donor’s body or part under subsection 3. b. Donor revocation not a refusal. A donor’s revocation of an anatomical gift of the donor’s body or part under subsection 3 is not a refusal and does not prohibit another person specified in subsection 1 or section 142C.4 from making an anatomical gift of the donor’s body or part under subsection 2 or section 142C.4. c. Gift on amendment by another — subsequent actions by others prohibited. If a person other than the donor makes an unrevoked anatomical gift of the donor’s body or part under subsection 2, or an amendment to an anatomical gift of the donor’s body or part under subsection 3, another person may not make, amend, or revoke the gift of the donor’s body or part under section 142C.4. d. Revocation by another not prohibitive of other gift. A revocation of an anatomical gift of a donor’s body or part under subsection 3 by a person other than the donor does not prohibit another person from making an anatomical gift of the body or part under subsection 2 or section 142C.4. e. Gift of part not prohibitive of gift of another part. In the absence of a contrary indication by the donor or other person authorized to make an anatomical gift under subsection 1, an anatomical gift of a part is neither a refusal to donate another part nor a limitation on the making of an anatomical gift of another part at a later time by the donor or another authorized person. f. Gift for one purpose not prohibitive of another purpose. In the absence of a contrary indication by the donor or other person authorized to make an anatomical gift under subsection 1, an anatomical gift of a part for one or more of the purposes specified in subsection 1 is not a limitation on the making of an anatomical gift of the part for any of the other purposes by the donor or any other person under subsection 2 or section 142C.4. g. Unemancipated minor gift — parent revocation. If a donor who is an unemancipated minor dies, a parent of the donor who is reasonably available may revoke or amend an anatomical gift of the donor’s body or part. h. Unemancipated minor refusal — parent revocation or amendment. If an unemancipated minor who signed a refusal dies, a parent of the minor who is reasonably available may revoke the minor’s refusal. 95 Acts, ch 39, §3; 2002 Acts, ch 1064, §3, 4; 2007 Acts, ch 44, §3; 2009 Acts, ch 41, §263; 2019 Acts, ch 86, §4 – 6 Referred to in §142C.2, 142C.4, 142C.5, 142C.18

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142C - REVISED UNIFORM ANATOMICAL GIFT ACT Section 142C.4 - Who may make anatomical gift of decedent’s body or part — amending or revoking gift.

142C.4 Who may make anatomical gift of decedent’s body or part — amending or revoking gift. 1. Subject to subsection 2, and unless prohibited by section 142C.3, subsection 4 or 5, an anatomical gift of a decedent’s body or part for purposes of transplantation, therapy, research, or education may be made by any member of the following classes of persons who is reasonably available, in the order of priority listed. a. An agent of the decedent at the time of death who could have made an anatomical gift under section 142C.3, subsection 1, immediately before the decedent’s death. b. The spouse of the decedent. c. Adult children of the decedent. d. Parents of the decedent. e. Adult siblings of the decedent. f. Adult grandchildren of the decedent. g. Grandparents of the

decedent. h. An adult who exhibited special care and concern for the decedent. i. Any persons who were acting as guardians of the decedent at the time of death. j. Any other person having the authority to dispose of the decedent's body. 2. a. If there is more than one member of a class listed in subsection 1, paragraph "a", "c", "d", "e", "f", "g", or "i", entitled to make an anatomical gift, an anatomical gift may be made by one member of the class unless that member or a person to whom the gift may pass under section 142C.5 knows of an objection by another member of the class. If an objection is known, the gift shall be made only by a majority of the members of the class who are reasonably available. b. A person shall not make an anatomical gift if, at the time of the death of the decedent, a person in a prior class under subsection 1 is reasonably available to make or to object to the making of an anatomical gift. 3. A person authorized to make an anatomical gift under subsection 1 may make an anatomical gift by a document of gift signed by the person making the gift or by the person's oral communication that is electronically recorded or is contemporaneously reduced to a record and signed by the recipient of the oral communication. 4. Subject to subsection 5, an anatomical gift by a person authorized under subsection 1 may be amended or revoked orally or in a record by any member of the prior class who is reasonably available. If more than one member of the prior class is reasonably available, the gift made by a person authorized under subsection 1 may be: a. Amended only if a majority of the reasonably available members agree to the amending of the gift. b. Revoked only if a majority of the reasonably available members agree to the revoking of the gift or if they are equally divided as to whether to revoke the gift. 5. A revocation under subsection 4 is effective only if, before an incision has been made to remove a part from the donor's body or before invasive procedures have begun to prepare the recipient, the procurement organization, transplant hospital, or physician or technician knows of the revocation. 95 Acts, ch 39, §4; 2002 Acts, ch 1064, §5; 2007 Acts, ch 44, §4 Referred to in §142C.3, 142C.5, 142C.8, 142C.11, 142C.12B

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142C - REVISED UNIFORM ANATOMICAL GIFT ACT Section 142C.4A - Cooperation between medical examiner and organ procurement organization — facilitation of anatomical gift from decedent whose body is under jurisdiction of medical examiner.

142C.4A Cooperation between medical examiner and organ procurement organization — facilitation of anatomical gift from decedent whose body is under jurisdiction of medical examiner. 1. A medical examiner shall cooperate with procurement organizations to maximize the opportunity to recover organs for the purpose of transplantation when the recovery of organs does not interfere with a death investigation. 2. If a medical examiner receives notice from a procurement organization that an organ might be or was made available with respect to a decedent whose body is under the jurisdiction of the medical examiner and a postmortem examination will be performed, unless the medical examiner denies recovery in accordance with this section, the medical examiner or designee shall conduct a postmortem examination of the body or the organ in a manner and within a period compatible with its preservation for the purposes of the gift. Every reasonable effort shall be made to accomplish the mutual goals of organ donation and a thorough death investigation. 3. An organ shall not be removed from the body of a decedent under the jurisdiction of a medical examiner for transplantation unless the organ is the subject of an anatomical gift. This subsection does not preclude a medical examiner from performing a medicolegal investigation pursuant to subsection 5 upon the body or organs of a decedent under the jurisdiction of the medical examiner. 4. Upon request of an organ procurement organization, a medical examiner shall release to the organ procurement organization the name and contact information of a decedent whose body is under the jurisdiction of the medical examiner. If the decedent's organs are medically suitable for transplantation, the pathologist or medical examiner shall release to the organ procurement organization the postmortem examination results, limited to cause and manner of death and any evidence of infection or other disease process, which might preclude safe transplantation of recovered organs. The organ procurement organization may make a subsequent disclosure of the postmortem examination results only if relevant to transplantation. 5. The medical examiner may conduct a medicolegal examination by reviewing all medical records, laboratory test results, X rays, other diagnostic results, and other information that any person possesses about a donor or prospective donor whose body is under the jurisdiction of the medical examiner, which the medical examiner determines may be relevant to the investigation. 6. A person who has any information requested by a medical examiner pursuant to subsection 5 shall provide that information as expeditiously as possible to allow the medical examiner to conduct the medicolegal investigation within a period compatible with the preservation of organs for the purpose of transplantation. 7. If an anatomical gift has been or might be made of an organ of a decedent whose body is under the jurisdiction of the medical examiner and a postmortem examination is not required, or the medical examiner determines that a postmortem examination is required but that the recovery of the organ that is the subject of an anatomical gift will not interfere with the examination, the medical examiner and organ procurement organization shall cooperate in the timely removal of the organ from the decedent for the purpose of transplantation. 8. a. If an anatomical gift of an organ from a decedent under the jurisdiction of the medical examiner has been or might be made, but the pathologist or medical examiner initially believes that the recovery of the organ could interfere with the postmortem investigation into the decedent's cause or manner of death, the pathologist or medical examiner shall consult with the organ procurement organization or physician or technician designated by the organ procurement organization about the proposed recovery. b. Ancillary clinical tests such as a magnetic resonance imaging (MRI), a computed tomography (CT) scan, or skeletal survey may be required by the pathologist prior to determination of suitability of organ procurement. These tests shall be performed and interpreted by the appropriate physician at the pathologist's request, and reported in a timely fashion. All expenses for such tests shall be the responsibility of the organ procurement organization regardless of outcome. c. After consultation pursuant to paragraph "a" and any preliminary investigation pursuant to paragraph "b", the pathologist or medical examiner may allow recovery, depending on the nature of the case and the availability of a pathologist to view the body prior to recovery. 9. If the manner of death may be homicide or has the potential for litigation, the organ recovery shall be approved

by the forensic pathologist, and the forensic pathologist may examine the body prior to organ recovery and document by diagrams and photographs all visible injuries. 10. a. If the medical examiner or designee allows recovery of an organ under subsection 7, 8, or 9, the organ procurement organization, upon request, shall cause the physician or technician who removes the organ to provide the medical examiner with a record describing the condition of the organ, a biopsy, a photograph, and any other information and observations that would assist in the postmortem examination. b. Arrangements for the examination of bodies of such decedents shall be coordinated between the organ procurement organization and the state medical examiner. c. If applicable, and whenever possible, the forensic pathologist who examined the decedent's body prior to recovery of the organ shall perform the autopsy. If the forensic pathologist is unable to accommodate examination of the body due to scheduling or staffing, the request for organ donation may be denied. 11. If a medical examiner or designee is required to be present at a removal procedure under subsection 9, upon request, the organ procurement organization requesting the recovery of the organ shall reimburse the medical examiner or designee for the additional costs incurred in complying with subsection 9. 12. A physician or technician who removes an organ at the direction of the organ procurement organization may be called to testify about findings from the surgical recovery of organs at no cost to taxpayers if the decedent is under the jurisdiction of the medical examiner. 13. a. The medical examiner or pathologist with jurisdiction over the body of a decedent has discretion to grant or deny permission for organ or tissue recovery. b. If the recovery of organs or tissues may hinder the determination of cause or manner of death or if evidence may be destroyed by the recovery, permission may be denied. c. The medical examiner or a pathologist performing state autopsies shall work closely with procurement organizations in an effort to balance the needs of the public and the decedent's next of kin. 96 Acts, ch 1048, §1; 2007 Acts, ch 44, §5

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142C - REVISED UNIFORM ANATOMICAL GIFT ACT Section 142C.5 - Persons who may receive anatomical gifts and purposes for which anatomical gifts may be made.

142C.5 Persons who may receive anatomical gifts and purposes for which anatomical gifts may be made. 1. An anatomical gift may be made to the following persons named in a document of gift: a. A hospital, accredited medical or osteopathic medical school, dental school, college, or university, organ procurement organization, or other appropriate person for research or education. b. An eye bank or tissue bank. c. Subject to subsection 2, an individual designated by the person making the anatomical gift if the individual is the recipient of the part. 2. If an anatomical gift to an individual under subsection 1, paragraph "c", cannot be transplanted into the individual, the part passes in accordance with subsection 7 in the absence of an express, contrary indication by the person making the anatomical gift. 3. If an anatomical gift of one or more specific parts or of all parts is made in a document of gift that does not name a person described in subsection 1 but identifies the purpose for which an anatomical gift may be used, the following rules apply: a. If the part is an eye and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate eye bank. b. If the part is tissue and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate tissue bank. c. If the part is an organ and the gift is for the purpose of transplantation or therapy, the gift passes to the appropriate organ procurement organization as custodian of the organ. d. If the part is an organ, an eye, or tissue and the gift is for the purpose of research or education, the gift passes to the appropriate procurement organization. 4. For the purpose of subsection 3, if there is more than one purpose of an anatomical gift set forth in the document of gift but the purposes are not set forth in any priority, the gift shall be used for transplantation or therapy, if suitable. If the gift cannot be used for transplantation or therapy, the gift may be used for research or education. 5. If an anatomical gift of one or more specific parts is made in a document of gift that does not name a person described in subsection 1 and does not identify the purpose of the gift, the gift may be used only for transplantation or therapy, and the gift passes in accordance with subsection 7. 6. If a document of gift specifies only a general intent to make an anatomical gift by words such as "donor", "organ donor", or "body donor", or by a symbol or statement of similar import, the gift may be used only for transplantation or therapy, and the gift passes in accordance with subsection 7. 7. For the purposes of subsections 2, 5, and 6, the following rules shall apply: a. If the part is an eye, the gift passes to the appropriate eye bank. b. If the part is tissue, the gift passes to the appropriate tissue bank. c. If the part is an organ, the gift passes to the appropriate organ procurement organization as custodian of the organ. 8. An anatomical gift of an organ for transplantation or therapy, other than an anatomical gift under subsection 1, paragraph "c", passes to the organ procurement organization as custodian of the organ. 9. If an anatomical gift does not pass pursuant to subsections 1 through 8, or the decedent's body or part is not used for transplantation, therapy, research, or education, custody of the body or part passes to the person under obligation to dispose of the body or part. 10. A person shall not accept an anatomical gift if the person knows that the gift was not effectively made under section 142C.3, subsection 2, or section 142C.4, or if the person knows that the decedent made a refusal under section 142C.3, subsection 4, that was not revoked. For purposes of this subsection, if a person knows that an anatomical gift was made on a document of gift, the person is deemed to know of any amendment or revocation of the gift or any refusal to make an anatomical gift on the same document of gift. 11. Except as otherwise provided in subsection 1, paragraph "c", nothing in this chapter shall affect the allocation of organs for transplantation or therapy. 95 Acts, ch 39, §5; 2007 Acts, ch 44, §6 Referred to in §142C.2, 142C.4, 142C.6, 142C.8

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142C - REVISED UNIFORM ANATOMICAL GIFT ACT Section 142C.5A - Search and notification.

142C.5A Search and notification. 1. The following persons shall make a reasonable search of an individual who the person reasonably believes is dead or near death for a document of gift or other information identifying the individual as a donor or as an individual who made a refusal: a. A law enforcement officer, fire fighter, paramedic, or other emergency rescuer finding the

individual. b. If no other source of the information is immediately available, a hospital, as soon as practical after the individual's arrival at the hospital. 2. If a document of gift or a refusal to make an anatomical gift is located by the search required by subsection 1, paragraph "a", and the individual or deceased individual to whom it relates is taken to a hospital, the person responsible for conducting the search shall deliver the document of gift or refusal to the hospital. 3. A person is not subject to criminal or civil liability for failing to discharge the duties imposed by this section but may be subject to administrative sanctions. 2007 Acts, ch 44, §7

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142C - REVISED UNIFORM ANATOMICAL GIFT ACT Section 142C.6 - Delivery of document of gift not required — right to examine.

142C.6 Delivery of document of gift not required — right to examine. 1. A document of gift does not require delivery during the donor's lifetime to be effective. 2. Upon or after an individual's death, a person in possession of the document of gift or a refusal to make an anatomical gift with respect to the individual shall allow examination and copying of the document of gift or the refusal by a person authorized to make or object to the making of an anatomical gift with respect to the individual or by a person to whom the gift could pass under section 142C.5. 95 Acts, ch 39, §6; 2002 Acts, ch 1064, §6; 2003 Acts, ch 108, §38; 2007 Acts, ch 44, §8

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142C - REVISED UNIFORM ANATOMICAL GIFT ACT Section 142C.7 - Confidential information.

142C.7 Confidential information. A hospital, licensed or certified health care professional pursuant to chapter 148, 148C, or 152, or medical examiner shall release patient information to a procurement organization as part of a referral or retrospective review of the patient as a potential donor, unless such disclosure would jeopardize an investigation or pose a clear and present danger to the public safety or the safety of an individual. Any information regarding a patient, including the patient's identity, however, constitutes confidential medical information and under any other circumstances is prohibited from disclosure without the written consent of the patient or the patient's legal representative. 95 Acts, ch 39, §7; 96 Acts, ch 1048, §2; 2002 Acts, ch 1064, §7; 2007 Acts, ch 44, §9; 2008 Acts, ch 1088, §93; 2015 Acts, ch 60, §2

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142C - REVISED UNIFORM ANATOMICAL GIFT ACT Section 142C.8 - Rights and duties of procurement organizations and donors.

142C.8 Rights and duties of procurement organizations and donors. 1. When a hospital refers an individual at or near death to a procurement organization, the procurement organization shall make a reasonable search of the records of the state department of transportation, department of natural resources, and any donor registry that the hospital knows exists for the geographical area in which the individual resides to ascertain whether the individual has made an anatomical gift. 2. A procurement organization shall be allowed reasonable access to information in the records of the state department of transportation and the department of natural resources to ascertain whether an individual at or near death is a donor. 3. When a hospital refers an individual at or near death to a procurement organization, the procurement organization may conduct any reasonable examination necessary to ensure the medical suitability of a part that is or could be the subject of an anatomical gift for transplantation, therapy, research, or education from a donor or a prospective donor. During the examination period, measures necessary to ensure the medical suitability of the part shall not be withdrawn unless the hospital or procurement organization knows that the individual expressed a contrary intent. 4. Unless prohibited by law other than this chapter, at any time after a donor's death, the person to whom a part passes under section 142C.5 may conduct any reasonable examination necessary to ensure the medical suitability of the body or part for its intended purpose. 5. Unless prohibited by law other than this chapter, an examination under subsection 3 or 4 may include an examination of all medical and dental records of the donor or prospective donor. 6. Upon the death of a minor who was a donor or had signed a refusal, unless a procurement organization knows the minor is emancipated, the procurement organization shall conduct a reasonable search for the parents of the minor and provide the parents with an opportunity to revoke or amend the anatomical gift or revoke the refusal. 7. Upon referral by a hospital under subsection 1, a procurement organization shall make a reasonable search for any person listed in section 142C.4 having priority to make an anatomical gift on behalf of a prospective donor. If a procurement organization receives information that an anatomical gift to any other person was made, amended, or revoked, the procurement organization shall promptly advise the other person of all relevant information. 8. Subject to section 142C.5, subsection 9, the rights of a person to whom a part passes under section 142C.5 are superior to the rights of all other persons with respect to the part. 9. The person may accept or reject an anatomical gift in whole or in part. Subject to the terms of the document of gift and this chapter, a person who accepts an anatomical gift of an entire body may allow embalming, burial or cremation, and use of the remains in a funeral service. If the gift is of a part, the person to whom the part passes under section 142C.5, upon the death of the donor and prior to embalming, burial, or cremation, shall cause the part to be removed without unnecessary mutilation. 10. The physician, physician assistant, or advanced registered nurse practitioner who attends the decedent at death and the physician, physician assistant, or advanced registered nurse practitioner who determines the time of death shall not participate in the procedures for removing or transplanting a part from the decedent. 11. A physician or technician may remove a donated part from the body of a donor that the physician or technician is qualified to remove. 95 Acts, ch 39, §8; 2007 Acts, ch 44, §10; 2011 Acts, ch 26, §1; 2019 Acts, ch 86, §7

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142C - REVISED UNIFORM ANATOMICAL GIFT ACT Section 142C.9 - Coordination of procurement and use.

142C.9 Coordination of procurement and use. Each hospital in the state shall enter into agreements or affiliations with procurement organizations for coordination of procurement and use of anatomical gifts. 95 Acts, ch 39, §9; 2007 Acts, ch 44, §11

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142D - SMOKEFREE AIR ACT Section 142D.1 - Title — findings — purpose.

142D.1 Title — findings — purpose. 1. This chapter shall be known and may be cited as the “Smokefree Air Act”. 2. The general assembly finds that environmental tobacco smoke causes and exacerbates disease in nonsmoking adults and children. These findings are sufficient to warrant measures that regulate smoking in public places, places of employment, and outdoor areas in order to protect the public health and the health of employees. 3. The purpose of this chapter is to reduce the level of exposure by the general public and employees to environmental tobacco smoke in order to improve the public health of Iowans. 2008 Acts, ch 1084, §1

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142D - SMOKEFREE AIR ACT Section 142D.2 - Definitions.

142D.2 Definitions. As used in this chapter, unless the context otherwise requires: 1. “Bar” means an establishment where one may purchase alcoholic beverages, as defined in section 123.3, for consumption on the premises and in which the serving of food is only incidental to the consumption of those beverages. 2. “Business” means a sole proprietorship, partnership, joint venture, corporation, association, or other business entity, either for-profit or not-for-profit, including retail establishments where goods or services are sold; professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered; and private clubs. 3. “Common area” means a reception area, waiting room, lobby, hallway, restroom, elevator, stairway or stairwell, the common use area of a multiunit residential property, or other area to which the public is invited or in which the public is permitted. 4. “Department” means the department of health and human services. 5. “Employee” means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit, or a person who provides services to an employer on a voluntary basis. 6. “Employer” means a person including a sole proprietorship, partnership, joint venture, corporation, association, or other business entity whether for-profit or not-for-profit, including state government and its political subdivisions, that employs the services of one or more individuals as employees. 7. “Enclosed area” means all space between a floor and ceiling that is contained on all sides by solid walls or windows, exclusive of doorways, which extend from the floor to the ceiling. 8. “Farm tractor” means farm tractor as defined in section 321.1. 9. “Farm truck” means a single-unit truck, truck-tractor, tractor, semitrailer, or trailer used by a farmer to transport agricultural, horticultural, dairy, or other farm products, including livestock, produced or finished by the farmer, or to transport any other personal property owned by the farmer, from the farm to market, and to transport property and supplies to the farm of the farmer. 10. a. “Farmer” means any of the following: (1) A person who files schedule F as part of the person’s annual form 1040 or form 1041 filing with the United States internal revenue service, or an employee of such person while the employee is actively engaged in farming. (2) A person who holds an equity position in or who is employed by a business association holding agricultural land where the business association is any of the following: (a) A family farm corporation, authorized farm corporation, family farm limited partnership, limited partnership, family farm limited liability company, authorized limited liability company, family trust, or authorized trust, as provided in chapter 9H. (b) A limited liability partnership as defined in section 486A.101. (3) A natural person related to the person actively engaged in farming as provided in subparagraph (1) or (2) when the person is actively engaged in farming. The natural person must be related as spouse, parent, grandparent, lineal ascendant of a grandparent or a grandparent’s spouse, other lineal descendant of a grandparent or a grandparent’s spouse, or a person acting in a fiduciary capacity for persons so related. b. For purposes of this subsection, “actively engaged in farming” means participating in physical labor on a regular, continuous, and substantial basis, or making day-to-day management decisions, where such participation or decision making is directly related to raising and harvesting crops for feed, food, seed, or fiber, or to the care and feeding of livestock. 11. “Health care provider location” means an office or institution providing care or treatment of disease, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to a hospital as defined in section 135B.1, a long-term care facility, an adult day services program as defined in section 231D.1, clinics, laboratories, and the locations of professionals regulated pursuant to Title IV, subtitle 3, and includes all enclosed areas of the location including waiting rooms, hallways, other common areas, private rooms, semiprivate rooms, and wards within the location. 12. “Implement of husbandry” means implement of husbandry as defined in section 321.1. 13. “Long-term care facility” means a health care facility as defined in section 135C.1, an elder group home as defined in section 231B.1, or an assisted living program as defined in section 231C.2. 14. “Place of employment” means an area under the control of an employer and includes all areas that an employee frequents during the course of employment or volunteering, including but not limited to work areas, private offices, conference and meeting rooms, classrooms, auditoriums, employee lounges and cafeterias, hallways, medical facilities, restrooms, elevators, stairways and stairwells, and vehicles owned, leased, or provided by the employer unless otherwise provided under this chapter. “Place of employment” does not include a private residence, unless the private residence is used as a child care facility, a child care home, or as a health care provider location. 15. “Political subdivision” means a city, county, township, or school district. 16. “Private club” means an organization, whether or not incorporated, that is the owner, lessee, or occupant of a location used exclusively for club purposes at all times and that meets all of the following criteria: a. Is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain. b. Sells alcoholic beverages only as incidental to its operation. c. Is managed by a board of directors, executive committee, or similar body chosen by the members. d. Has established bylaws or another document to govern its activities. e. Has been granted an exemption from the payment of federal income tax as a club pursuant to 26 U.S.C. §501. 17. “Public place” means an enclosed area

to which the public is invited or in which the public is permitted, including common areas, and including but not limited to all of the following: a. Financial institutions. b. Restaurants. c. Bars. d. Public and private educational facilities. e. Health care provider locations. f. Hotels and motels. g. Laundromats. h. Public transportation facilities and conveyances under the authority of the state or its political subdivisions, including buses and taxicabs, and including the ticketing, boarding, and waiting areas of these facilities. i. Aquariums, galleries, libraries, and museums. j. Retail food production and marketing establishments. k. Retail service establishments. l. Retail stores. m. Shopping malls. n. Entertainment venues including but not limited to theaters; concert halls; auditoriums and other facilities primarily used for exhibiting motion pictures, stage performances, lectures, musical recitals, and other similar performances; bingo facilities; and indoor arenas including sports arenas. o. Polling places. p. Convention facilities and meeting rooms. q. Public buildings and vehicles owned, leased, or operated by or under the control of the state government or its political subdivisions and including the entirety of the private residence of any state employee any portion of which is open to the public. r. Service lines. s. Private clubs only when being used for a function to which the general public is invited. t. Private residences only when used as a child care facility, a child care home, or health care provider location. u. Child care facilities and child care homes. v. Gambling structures, excursion gambling boats, and racetrack enclosures. 18. “Restaurant” means eating establishments, including private and public school cafeterias, which offer food to the public, guests, or employees, including the kitchen and catering facilities in which food is prepared on the premises for serving elsewhere, and including a bar area within a restaurant. 19. “Retail tobacco store” means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is incidental to the sale of tobacco products. 20. “Service line” means an indoor line in which one or more individuals are waiting for or receiving service of any kind, whether or not the service involves the exchange of money. 21. “Shopping mall” means an enclosed public walkway or hall area that serves to connect retail or professional establishments. 22. “Smoking” means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other tobacco product in any manner or in any form. “Smoking” does not include smoking that is associated with a recognized religious ceremony, ritual, or activity, including but not limited to burning of incense. 23. “Sports arena” means a sports pavilion, stadium, gymnasium, health spa, boxing arena, swimming pool, roller or ice rink, bowling alley, or other similar place where members of the general public assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events. 2008 Acts, ch 1084, §2; 2023 Acts, ch 19, §242 Referred to in §123.49, 237A.3B, 321.453 NEW subsection 4 and former subsections 4 – 22 renumbered as 5 – 23

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142D - SMOKEFREE AIR ACT Section 142D.3 - Prohibition of smoking — public places, places of employment, and outdoor areas.

142D.3 Prohibition of smoking — public places, places of employment, and outdoor areas. 1. Smoking is prohibited and a person shall not smoke in any of the following: a. Public places. b. All enclosed areas within places of employment including but not limited to work areas, private offices, conference and meeting rooms, classrooms, auditoriums, employee lounges and cafeterias, hallways, medical facilities, restrooms, elevators, stairways and stairwells, and vehicles owned, leased, or provided by the employer unless otherwise provided under this chapter. 2. In addition to the prohibitions specified in subsection 1, smoking is prohibited and a person shall not smoke in or on any of the following outdoor areas: a. The seating areas of outdoor sports arenas, stadiums, amphitheaters, and other entertainment venues where members of the general public assemble to witness entertainment events. b. Outdoor seating or serving areas of restaurants. c. Public transit stations, platforms, and shelters under the authority of the state or its political subdivisions. d. School grounds, including parking lots, athletic fields, playgrounds, tennis courts, and any other outdoor area under the control of a public or private educational facility, including inside any vehicle located on such school grounds. e. The grounds of any public buildings owned, leased, or operated by or under the control of the state government or its political subdivisions, including the grounds of a private residence of any state employee any portion of which is open to the public with the following exceptions: (1) This paragraph shall not apply to the Iowa state fairgrounds, or fairgrounds as defined in section 174.1. (2) This paragraph shall not apply to institutions administered by the department of corrections, except that smoking on the grounds shall be limited to designated smoking areas. (3) This paragraph shall not apply to facilities of the Iowa national guard as defined in section 29A.1, except that smoking on the grounds shall be limited to designated smoking areas. 2008 Acts, ch 1084, §3 Referred to in §142D.4, 142D.5

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142D - SMOKEFREE AIR ACT Section 142D.4 - Areas where smoking not regulated.

142D.4 Areas where smoking not regulated. Notwithstanding any provision of this chapter to the contrary, the following areas are exempt from the prohibitions of section 142D.3: 1. Private residences, unless used as a child care facility, child care home, or a health care provider location. 2. Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided that not more than twenty percent of the rooms of a hotel or motel rented to guests are designated as smoking rooms, all smoking rooms on the same floor are contiguous, and smoke from smoking rooms does not infiltrate into areas in which smoking is otherwise prohibited under this chapter. The status of smoking and nonsmoking rooms shall not be changed, except to provide additional nonsmoking rooms. 3. Retail tobacco stores, provided that smoke from these locations does not infiltrate into areas in which smoking is otherwise prohibited under this chapter. 4. Private and semiprivate rooms in long-term care facilities, occupied by one or more individuals, all of whom are smokers and have requested in writing to be placed in a room where smoking is permitted, provided that smoke from these locations does not infiltrate into areas in which smoking is otherwise prohibited under this chapter. 5. Private clubs that have no employees, except when being used for a function to which the general public is invited, provided that

smoke from these locations does not infiltrate into areas in which smoking is otherwise prohibited under this chapter. This exemption shall not apply to any entity that is established for the purpose of avoiding compliance with this chapter. 6. Outdoor areas that are places of employment except those areas where smoking is prohibited pursuant to section 142D.3, subsection 2. 7. Limousines under private hire; vehicles owned, leased, or provided by a private employer that are for the sole use of the driver and are not used by more than one person in the course of employment either as a driver or passenger; privately owned vehicles not otherwise defined as a place of employment or public place; and cabs of motor trucks or truck tractors if no nonsmoking employees are present. 8. An enclosed area within a place of employment or public place that provides a smoking cessation program or a medical or scientific research or therapy program, if smoking is an integral part of the program. 9. Farm tractors, farm trucks, and implements of husbandry when being used for their intended purposes. 10. Only the gaming floor of a premises licensed pursuant to chapter 99F exclusive of any bar or restaurant located within the gaming floor which is an enclosed area and subject to the prohibitions of section 142D.3. 11. The Iowa veterans home. 2008 Acts, ch 1084, §4

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142D - SMOKEFREE AIR ACT Section 142D.5 - Declaration of area as nonsmoking.

142D.5 Declaration of area as nonsmoking. 1. Notwithstanding any provision of this chapter to the contrary, an owner, operator, manager, or other person having custody or control of an area otherwise exempt from the prohibitions of section 142D.3 may declare the entire area as a nonsmoking place. 2. Smoking shall be prohibited in any location of an area declared a nonsmoking place under this section if a sign is posted conforming to the provisions of section 142D.6. 2008 Acts, ch 1084, §5 Referred to in §142D.6, 142D.8, 142D.9

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142D - SMOKEFREE AIR ACT Section 142D.6 - Notice of nonsmoking requirements — posting of signs.

142D.6 Notice of nonsmoking requirements — posting of signs. 1. Notice of the provisions of this chapter shall be provided to all applicants for a business license in this state, to all law enforcement agencies, and to any business required to be registered with the office of the secretary of state. 2. All employers subject to the prohibitions of this chapter shall communicate to all existing employees and to all prospective employees upon application for employment the smoking prohibitions prescribed in this chapter. 3. The owner, operator, manager, or other person having custody or control of a public place, place of employment, area declared a nonsmoking place pursuant to section 142D.5, or outdoor area where smoking is prohibited under this chapter shall clearly and conspicuously post in and at every entrance to the public place, place of employment, area declared a nonsmoking place pursuant to section 142D.5, or outdoor area, “no smoking” signs or the international “no smoking” symbol. Additionally, a “no smoking” sign or the international “no smoking” symbol shall be placed in every vehicle that constitutes a public place, place of employment, or area declared a nonsmoking place pursuant to section 142D.5 under this chapter, visible from the exterior of the vehicle. All signs shall contain the telephone number for reporting complaints and the internet site of the department. The owner, operator, manager, or other person having custody or control of the public place, place of employment, area declared a nonsmoking place pursuant to section 142D.5, or outdoor area may use the sample signs provided on the department’s internet site, or may use another sign if the contents of the sign comply with the requirements of this subsection. 4. The owner, operator, manager, or other person having custody or control of a public place, place of employment, area declared a nonsmoking place pursuant to section 142D.5, or outdoor area where smoking is prohibited under this chapter shall remove all ashtrays from these locations. 2008 Acts, ch 1084, §6; 2023 Acts, ch 19, §243 Referred to in §142D.5 Subsection 3 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142D - SMOKEFREE AIR ACT Section 142D.7 - Nonretaliation — nonwaiver of rights.

142D.7 Nonretaliation — nonwaiver of rights. 1. A person or employer shall not discharge, refuse to employ, or in any manner retaliate against an employee, applicant for employment, or customer because that employee, applicant, or customer exercises any rights afforded under this chapter, registers a complaint, or attempts to prosecute a violation of this chapter. 2. An employee who works in a location where an employer allows smoking does not waive or surrender any legal rights the employee may have against the employer or any other person. 2008 Acts, ch 1084, §7

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142D - SMOKEFREE AIR ACT Section 142D.8 - Enforcement.

142D.8 Enforcement. 1. This chapter shall be enforced by the department or the department’s designee. The department shall adopt rules to administer this chapter, including rules regarding enforcement. The department shall provide information regarding the provisions of this chapter and related compliance issues to employers, owners, operators, managers, and other persons having custody or control of a public place, place of employment, area declared a nonsmoking place pursuant to section 142D.5, or outdoor area where smoking is prohibited, and the general public via the department’s internet site. The internet site shall include sample signage and the telephone number for reporting complaints. Judicial magistrates shall hear and determine violations of this chapter. 2. If a public place is subject to any state or political subdivision inspection process or is under contract with the state or a political subdivision, the person performing the inspection shall assess compliance with the requirements of this chapter and shall report any violations to the department or the department’s designee. 3. An owner, operator, manager, or other person having custody or

control of a public place, place of employment, area declared a nonsmoking place pursuant to section 142D.5, or outdoor area regulated under this chapter shall inform persons violating this chapter of the provisions of this chapter. 4. An employee or private citizen may bring a legal action to enforce this chapter. Any person may register a complaint under this chapter by filing a complaint with the department or the department's designee. 5. In addition to the remedies provided in this section, the department or the department's designee or any other person aggrieved by the failure of the owner, operator, manager, or other person having custody or control of a public place, place of employment, area declared a nonsmoking place pursuant to section 142D.5, or outdoor area regulated by this chapter to comply with this chapter may seek injunctive relief to enforce this chapter. 2008 Acts, ch 1084, §8; 2023 Acts, ch 19, §244 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 142D - SMOKEFREE AIR ACT Section 142D.9 - Civil penalties.

142D.9 Civil penalties. 1. A person who smokes in an area where smoking is prohibited pursuant to this chapter shall pay a civil penalty pursuant to section 805.8C, subsection 3, paragraph "a", for each violation. 2. A person who owns, operates, manages, or otherwise has custody or control of a public place, place of employment, area declared a nonsmoking place pursuant to section 142D.5, or outdoor area regulated under this chapter and who fails to comply with this chapter shall pay a civil penalty as follows: a. For a first violation, a monetary penalty not to exceed one hundred dollars. b. For a second violation within one year, a monetary penalty not to exceed two hundred dollars. c. For each violation in excess of a second violation within one year, a monetary penalty not to exceed five hundred dollars for each additional violation. 3. An employer who discharges or in any manner discriminates against an employee because the employee has made a complaint or has provided information or instituted a legal action under this chapter shall pay a civil penalty of not less than two thousand dollars and not more than ten thousand dollars for each violation. 4. In addition to the penalties established in this section, violation of this chapter by a person who owns, operates, manages, or who otherwise has custody or control of a public place, place of employment, area declared a nonsmoking place pursuant to section 142D.5, or outdoor area regulated under this chapter may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred. 5. Violation of this chapter constitutes a public nuisance which may be abated by the department or the department's designee by restraining order, preliminary or permanent injunction, or other means provided by law, and the entity abating the public nuisance may take action to recover the costs of such abatement. 6. Each day on which a violation of this chapter occurs is considered a separate and distinct violation. 7. Civil penalties paid pursuant to this chapter shall be deposited in the general fund of the state, unless a local authority as designated by the department in administrative rules is involved in the enforcement, in which case the civil penalties paid shall be deposited in the general fund of the respective city or county. 2008 Acts, ch 1084, §9; 2023 Acts, ch 19, §245 Referred to in §331.427, 805.8C(3)(a) Nuisances in general, chapter 657 Subsection 5 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 143 - PUBLIC HEALTH NURSES Section 143.1 - Authority to employ.

143.1 Authority to employ. Any local board of health, area education agency board, or the school board of any school district may employ public health nurses at periods each year and in numbers as deemed advisable. The council of any city, or the school board of any school district, or any of them acting in cooperation, may contract with any nonprofit nurses' association for public health nursing service. The compensation and expenses shall be paid out of the general fund of the political subdivision employing nurses. [C24, 27, 31, 35, 39, §2362; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §143.1; 81 Acts, ch 117, §1018]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 143 - PUBLIC HEALTH NURSES Section 143.2 - Cooperation.

143.2 Cooperation. The said boards may cooperate in the employment of public health nurses and may apportion the expenses therefor to the various political subdivisions represented by said authorities. [C24, 27, 31, 35, 39, §2363; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §143.2]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 143 - PUBLIC HEALTH NURSES Section 143.3 - Duties.

143.3 Duties. The authorities employing any public health nurses shall prescribe their duties which in a general way shall be for the promotion and conservation of the public health. [C24, 27, 31, 35, 39, §2364; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §143.3]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.1 - Definitions.

144.1 Definitions. As used in this chapter, unless the context otherwise requires: 1. "Court of competent jurisdiction" when used to refer to inspection of an original certificate of birth based upon an adoption means the court where the adoption was ordered. 2. "Cremated remains" means all the remains of the cremated human body recovered after the completion of the cremation process, including pulverization which leaves only bone fragments reduced to unidentifiable dimensions, and may include the residue of any foreign matter including casket material, bridgework, or eyeglasses that were cremated with the human remains. 3. "Cremation" means the technical process, using heat and flame, that reduces human remains to bone fragments, with the reduction taking place through heat and evaporation. Cremation shall include the processing, and may include the pulverization, of the bone fragments. 4. "Dead body" means a lifeless human body or parts or bones of a body, if, from the state of the body, parts, or bones, it may reasonably be concluded that death recently occurred. 5. "Department" means the department of health and human services. 6.

“Fetal death” means death prior to the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy. Death is indicated by the fact that after expulsion or extraction the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles. In determining a fetal death, heartbeats shall be distinguished from transient cardiac contractions, and respirations shall be distinguished from fleeting respiratory efforts or gasps. 7. “Filing” means the presentation of a certificate, report, or other record, provided for in this chapter, of a birth, death, fetal death, adoption, marriage, dissolution, or annulment for registration by the department. 8. “Final disposition” means the burial, interment, cremation, removal from the state, or other disposition of a dead body or fetus. 9. “Institution” means any establishment, public or private, which provides inpatient medical, surgical, or diagnostic care or treatment, or nursing, custodial, or domiciliary care to two or more unrelated individuals, or to which persons are committed by law. 10. “Live birth” means the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy, which, after such expulsion or extraction, breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached. In determining a live birth, heartbeats shall be distinguished from transient cardiac contractions, and respirations shall be distinguished from fleeting respiratory efforts or gasps. 11. “Record” kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1. 12. “Registration” means the process by which vital statistic records are completed, filed, and incorporated by the department in the department’s official records. 13. “State registrar” means the state registrar of vital statistics. 14. “System of vital statistics” includes the registration, collection, preservation, amendment, and certification of vital statistics records, and activities and records related to the records including the data processing, analysis, and publication of statistical data derived from such records. 15. “Vital statistics” means records of births, deaths, fetal deaths, adoptions, marriages, dissolutions, annulments, and data related to the records. [C24, 27, 31, 35, 39, §2317, 2384; C46, 50, 54, 58, 62, 66, §141.1, 144.1; C71, 73, 75, 77, 79, 81, §144.1] 83 Acts, ch 101, §21; 97 Acts, ch 159, §7; 99 Acts, ch 141, §14, 15; 2000 Acts, ch 1148, §1; 2002 Acts, ch 1119, §200, 201; 2020 Acts, ch 1025, §1; 2023 Acts, ch 19, §246 Referred to in §252A.2, 714I.2 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.11 - Public access to records.

144.11 Public access to records. The county registrar shall allow public access to public records under the custody of the county registrar during normal business hours for county offices in the county. 95 Acts, ch 124, §4, 26

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.12 - Forms uniform.

144.12 Forms uniform. In order to promote and maintain uniformity in the system of vital statistics, the forms of certificates, reports, and other returns shall include as a minimum the items recommended by the federal agency responsible for national vital statistics, subject to approval and modification by the department. Forms shall be furnished by the department. The forms or other recording methods used to register records required under this chapter shall be prescribed by the department. [C71, 73, 75, 77, 79, 81, §144.12] 88 Acts, ch 1158, §35; 97 Acts, ch 159, §9 Referred to in §595.15

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.12A - Declaration of paternity registry.

144.12A Declaration of paternity registry. 1. As used in this section, unless the context otherwise requires: a. “Child” means a person under eighteen years of age for whom paternity has not been established. b. “Court” means the juvenile court. c. “Father” means the male, biological parent of a child. d. “Putative father” means a man who is alleged to be or who claims to be the biological father of a child born to a woman to whom the man is not married at the time of the birth of the child. e. “Registrant” means a person who has registered pursuant to this section and who claims to be the father of a child. f. “Registrar” means the state registrar of vital statistics. g. “Registry” means the declaration of paternity registry established in this section. 2. a. The registrar shall establish a declaration of paternity registry to record the name, address, social security number, and any other identifying information required by rule of the department of a putative father who wishes to register under this section prior to the birth of a child and no later than the date of the filing of the petition for termination of parental rights. b. The declaration does not constitute an affidavit of paternity filed pursuant to section 252A.3 and declarations filed shall be maintained by the registrar in a registry distinct from the registry used to maintain affidavits of paternity filed pursuant to section 252A.3. A declaration of paternity filed with the registry may be used as evidence of paternity in an action to establish paternity or to determine a support obligation with respect to the putative father. c. Failure or refusal to file a declaration of paternity shall not be used as evidence to avoid a legally established obligation of financial support for a child. 3. A person who files a declaration of paternity with the registrar shall include in the declaration all of the following: a. The person’s name, current address, social security number, and any other identifying information requested by the department. If the person filing the declaration of paternity changes the person’s address, the person shall notify the registrar of the new address in a manner prescribed by the department. b. The name, last known address, and social security number, if known, of the mother of the child, or any other identifying information requested by the department. c. The name of the child, if known, and the date and location of the birth of the child, if known. d. The registrar shall accept a declaration of paternity filed in accordance with this section. e. The registrar shall forward a copy of the declaration to the mother as notification that the person has registered with the registry. f. The registrar shall accept and immediately register, upon receipt, a declaration of paternity without a fee and without the signature of the biological mother. The registrar may charge a reasonable fee as established

by rule of the department for processing searches of the registry. 4. The department shall, upon request, provide the name, address, social security number, and any other identifying information of a registrant to the biological mother of the child; a court; the attorney of any party to an adoption, termination of parental rights, or establishment of paternity or support action; or to child support services for an action to establish paternity or support; or any other subunit of the department subject to prior approval by the state registrar. The information shall not be divulged to any other person and shall be considered a confidential record as to any other person, except upon order of the court for good cause shown. If the registry has not received a declaration of paternity, the department shall provide a written statement to that effect to the person making the inquiry. 5. a. Information provided to the registry may be revoked by the registrant by submission of a written statement signed and acknowledged by the registrant before a notary public as provided in chapter 9B. b. The statement shall include a declaration that to the best of the registrant's knowledge, the registrant is not the father of the named child or that paternity of the true father has been established. c. Revocation nullifies the registration and the information provided by the registrant shall be expunged. d. Revocation is effective only following the birth of the child. 6. The department shall adopt rules necessary to implement and administer this section. The rules shall include establishment of sites throughout the state for local distribution of declaration of paternity registration forms. 94 Acts, ch 1174, §2; 95 Acts, ch 67, §12; 2012 Acts, ch 1050, §36, 60; 2023 Acts, ch 19, §250 Referred to in §22.7(30), 233.2, 252K.201, 600A.6, 600A.7 Subsection 4 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.13 - Birth certificates.

144.13 Birth certificates. 1. Certificates of births shall be filed as follows: a. A certificate of birth for each live birth which occurs in this state shall be filed as directed by the state registrar within seven days after the birth and shall be registered by the county registrar if it has been completed and filed in accordance with this chapter. b. When a birth occurs in an institution or en route to an institution, the person in charge of the institution or the person's designated representative, shall obtain the personal data, prepare the certificate, and file the certificate as directed by the state registrar. The physician in attendance or the person in charge of the institution or the person's designee shall certify to the facts of birth either by signature or as otherwise authorized by rule and provide the medical information required by the certificate within seven days after the birth. c. When a birth occurs outside an institution and not en route to an institution, the certificate shall be prepared and filed by one of the following in the indicated order of priority: (1) The physician in attendance at or immediately after the birth. (2) Any other person in attendance at or immediately after the birth. (3) The father or the mother. (4) The person in charge of the premises where the birth occurred. The state registrar shall establish by rule the evidence required to establish the facts of birth. d. The state registrar may share information from birth certificates for the sole purpose of identifying those children in need of immunizations. e. If an affidavit of paternity is obtained directly from the county registrar and is filed pursuant to section 252A.3A the county registrar shall forward the original affidavit to the state registrar. 2. If the mother was married at the time of conception, birth, or at any time during the period between conception and birth, the name of the husband shall be entered on the certificate as the father of the child unless paternity has been determined otherwise by a court of competent jurisdiction, in which case the name of the father as determined by the court shall be entered by the department. 3. If the mother was not married at the time of conception, birth, and at any time during the period between conception and birth, the name of the father shall not be entered on the certificate of birth, unless a determination of paternity has been made pursuant to section 252A.3, in which case the name of the father as established shall be entered by the department. If the father is not named on the certificate of birth, no other information about the father shall be entered on the certificate. 4. The state registrar shall make all of the following available to child support services, upon request: a. A copy of a child's birth certificate. b. The social security numbers of the mother and the father. c. A copy of the affidavit of paternity if filed pursuant to section 252A.3A and any subsequent rescission form which rescinds the affidavit. d. Information, other than information for medical and health use only, identified on a child's birth certificate or on an affidavit of paternity filed pursuant to section 252A.3A. The information may be provided as mutually agreed upon by the state registrar and child support services, including by automated exchange. [C24, 27, 31, 35, 39, §2397, 2398, 2399, 2400, 2401; C46, 50, 54, 58, 62, 66, §144.12 – 144.16; C71, 73, 75, 77, 79, 81, §144.13] 88 Acts, ch 1158, §36; 90 Acts, ch 1052, §1; 92 Acts, ch 1097, §2; 93 Acts, ch 79, §9; 93 Acts, ch 116, §1; 94 Acts, ch 1171, §2, 3; 95 Acts, ch 94, §1; 97 Acts, ch 159, §10 – 12; 97 Acts, ch 175, §223 – 225; 99 Acts, ch 141, §16; 2017 Acts, ch 54, §76; 2023 Acts, ch 19, §251 Referred to in §144.13A, 233.2, 252A.3A, 331.611 Subsection 4 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.13A - Fees — use of funds — electronic birth certificate system.

144.13A Fees — use of funds — electronic birth certificate system. 1. The state registrar shall charge the parent a fee of twenty dollars for the registration of a certificate of birth. 2. The state registrar shall charge the parent a separate fee established under section 144.46 for a certified copy of the certificate. The certified copy shall include all of the information included in the original certificate of birth and shall be letter-sized. The certified copy shall be mailed to the parent by the state registrar. The mailing of a certified copy of the certificate to a biological parent shall not be precluded by the execution of a release of custody under chapter 600A, and, upon request, a biological parent shall be provided with a certified copy of the certificate unless the parental rights of the biological parent are terminated. 3. a. If, during the period between May 1993 and October 2009, a parent was issued a smaller than letter-sized certified copy of the certificate of birth under this section, which did not include all of the information included in the original certificate of birth, upon request of a parent, the state registrar shall issue to the parent a single letter-sized certified copy replacement that includes all of the information provided in the original certificate of birth. A parent shall not be required to

exchange the smaller certified copy for the larger certified copy replacement, but may retain the smaller certified copy. b. Notwithstanding the amount of the fee charged under subsection 2, the state registrar shall not charge a fee for the issuance of a single letter-sized certified copy of the certificate of birth requested by a parent under this subsection. c. This subsection shall not apply if a new certificate of birth was substituted for the original certificate of birth pursuant to section 144.24. 4. If the person responsible for the filing of the certificate of birth under section 144.13 is not the parent, the person is entitled to collect the fee from the parent. The fee shall be remitted to the state registrar. If the expenses of the birth are reimbursed under the medical assistance program established by chapter 249A or if the parent is indigent and unable to pay the expenses of the birth and no other means of payment is available to the parent, the registration fee and certified copy fee are waived. If the person responsible for the filing of the certificate is not the parent, the person is discharged from the duty to collect and remit the fee under this section if the person has made a good faith effort to collect the fee from the parent. 5. The fees collected by the state registrar shall be remitted to the treasurer of state for deposit in the general fund of the state. a. Ten dollars of each registration fee is appropriated and shall be used for primary and secondary child abuse prevention programs pursuant to section 235A.1, and ten dollars of each registration fee is appropriated and shall be used for the congenital and inherited disorders central registry established pursuant to section 136A.6. Notwithstanding section 8.33, moneys appropriated in this paragraph that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year, and shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this paragraph. b. It is the intent of the general assembly that the funds generated from the fees as established under section 144.46 for the mailing of the certified copy of the birth certificate be appropriated and used to support the distribution of the automatic birth certificate and the implementation of the electronic birth certificate system. 6. The state registrar shall provide the county registrars with access to all birth records available through the electronic birth certificate system, including all records provided in accordance with section 144.13 or section 144.14 and birth records that are prepared and delivered to parents named in an adoption decree pursuant to section 600.13, subsection 5. 85 Acts, ch 173, §1; 87 Acts, ch 233, §428; 88 Acts, ch 1158, §37; 91 Acts, ch 243, §1; 92 Acts, ch 1097, §3; 95 Acts, ch 124, §5, 26; 99 Acts, ch 96, §13; 99 Acts, ch 141, §17; 2003 Acts, ch 103, §1; 2004 Acts, ch 1031, §12; 2004 Acts, ch 1156, §1; 2004 Acts, ch 1171, §1, 2; 2005 Acts, ch 167, §45, 66; 2005 Acts, ch 175, §82, 129; 2006 Acts, ch 1155, §2, 15; 2015 Acts, ch 119, §1; 2017 Acts, ch 148, §105, 106; 2023 Acts, ch 19, §252 Referred to in §232.2, 331.611, 600A.9 Subsection 5, paragraph a amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.13B - Waiver of fees — military service.

144.13B Waiver of fees — military service. Notwithstanding any provision of this chapter to the contrary, the certified copy fees for a birth certificate or death certificate of a service member who died while performing military duty, as defined in section 29A.1, subsection 3, 8, or 12, shall be waived for a period of one year from the date of death for a family member of the deceased service member. 2010 Acts, ch 1170, §2; 2011 Acts, ch 47, §7; 2012 Acts, ch 1072, §32 Referred to in §331.611

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.14 - Foundlings.

144.14 Foundlings. 1. A person who assumes the custody of a living infant of unknown parentage shall report on a form and in the manner prescribed by the state registrar within five days to the county registrar of the county in which the child was found, the following information: a. The date and place the child was found. b. The sex, color or race, and approximate age of the child. c. The name and address of the person or institution which has assumed custody of the child. d. The name given to the child by the custodian. e. Other data required by the state registrar. 2. The place where the child was found shall be entered as the place of birth and the date of birth shall be determined by approximation. A report registered under this section shall constitute the certificate of birth for the infant. 3. If the child is identified and a certificate of birth is found or obtained, any report registered under this section shall be sealed and filed and may be opened only by order of a court of competent jurisdiction or as provided by regulation. [C71, 73, 75, 77, 79, 81, §144.14] 88 Acts, ch 1158, §38; 2009 Acts, ch 133, §44 Referred to in §144.13A, 233.2, 331.611

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.15 - Delayed registrations of birth.

144.15 Delayed registrations of birth. 1. When the birth of a person born in this state has not been registered, a certificate may be filed in accordance with regulations. The certificate shall be registered subject to evidentiary requirements prescribed to substantiate the alleged facts of birth. Certificates of birth registered one year or more after the date of occurrence shall be marked “delayed” and shall show on their face the date of the delayed registration. A summary statement of the evidence submitted in support of the delayed registration shall be endorsed on the certificate. A delayed certificate of birth shall not be registered for a deceased person. 2. When an applicant does not submit the substantiating evidence required for delayed registration or when the state registrar finds reason to question the validity or adequacy of the evidence, the state registrar shall not register the delayed certificate and shall advise the applicant of the reasons for this action. The registration official shall advise the applicant of the applicant’s right of appeal to the district court pursuant to sections 144.17 and 144.18, which sections shall be applicable to such appeal notwithstanding the terms of the Iowa administrative procedure Act, chapter 17A. 3. The department may by regulation provide for the dismissal of an application which is not actively prosecuted. [C71, 73, 75, 77, 79, 81, §144.15] 97 Acts, ch 159, §13; 2003 Acts, ch 44, §114; 2017 Acts, ch 54, §76 Referred to in §144.17, 144.25, 331.611

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.16 - Delayed registration of death or marriage.

144.16 Delayed registration of death or marriage. When a death or marriage occurring in this state has not been registered, a certificate may be filed in accordance with regulations. Such certificate shall be registered subject to evidentiary requirements prescribed to substantiate the alleged facts of death or marriage. Certificates of death and marriage registered one year or more after the date of occurrence shall be marked “delayed” and shall show on their face the date of the delayed registration. [C71, 73, 75, 77, 79, 81, §144.16] Referred to in §331.611

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.17 - Petition to establish certificate.

144.17 Petition to establish certificate. 1. If a delayed certificate of birth is rejected under the provisions of section 144.15, a petition may be filed with the district court for an order establishing a record of the date and place of the birth and the parentage of the person whose birth is to be registered. 2. a. The petition shall be made on a form prescribed and furnished by the state registrar and shall allege: (1) That the person for whom a delayed certificate of birth is sought was born in this state. (2) That no record of birth of that person can be found in the office of the state or county custodian of birth records. (3) That diligent efforts by the petitioner have failed to obtain the evidence required in accordance with section 144.15. (4) That the state registrar has refused to register a delayed certificate of birth. (5) Such other allegations as may be required. b. The petition shall be accompanied by a statement of the registration official made in accordance with section 144.15 and all documentary evidence which was submitted to the registration official in support of such registration. The petition shall be verified by the petitioner. [C71, 73, 75, 77, 79, 81, §144.17] 88 Acts, ch 1158, §39; 2009 Acts, ch 41, §193 Referred to in §144.15, 144.25, 331.611

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.18 - Court hearing.

144.18 Court hearing. 1. The court shall fix a time and place for hearing the petition and shall give the registration official who refused to register the petitioner’s delayed certificate of birth at least ten days’ notice of such hearing. If both persons to be named as parents are not a party to the petition, such person or persons, if living, shall also be given at least ten days’ notice of the hearing. The court shall prescribe the manner of such notice. Such official, or the official’s authorized representative, may appear and testify in the proceeding. 2. If the court from the evidence presented finds that the person for whom a delayed certificate of birth is sought was born in this state, it shall make findings as the case may require and shall issue an order on a form prescribed and furnished by the state registrar to establish a record of birth. The order shall include the birth data to be registered, a description of the evidence presented, and the date of the court’s action. 3. The clerks of the district court shall forward each order to the state registrar not later than the tenth day of the calendar month following the month in which it was entered. The order shall be registered by the state registrar and shall constitute the record of birth, from which copies may be issued in accordance with sections 144.42 through 144.46. [C71, 73, 75, 77, 79, 81, §144.18] 2017 Acts, ch 29, §42 Referred to in §144.15, 144.25, 331.611

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.19 - Adoption certificate.

144.19 Adoption certificate. For each adoption decreed by any court in this state, the court shall require the preparation of a certificate of adoption on a form prescribed and furnished by the state registrar. The certificate shall include a report of the facts necessary to locate and identify the certificate of birth of the person adopted, provide information necessary to establish a new certificate of birth of the person adopted, identify the order of adoption, and be certified by the clerk of the court. A fee established by the department by rule based on average administrative cost shall be collected for the preparation of a certificate of adoption. Fees collected under this section shall be deposited in the general fund of the state. [C46, 50, 54, 58, 62, 66, §144.44; C71, 73, 75, 77, 79, 81, §144.19; 81 Acts, ch 64, §4] Referred to in §144.23, 600.13

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.2 - Records and statistics.

144.2 Records and statistics. The department shall install, maintain, and operate the system of vital statistics throughout the state. No system for the registration of births, deaths, fetal deaths, adoptions, marriages, dissolutions, and annulments, shall be maintained in the state or any of its political subdivisions other than the one provided for in this chapter. Suitable quarters shall be provided for the department by the executive council at the seat of government. The quarters shall be properly equipped for the permanent and safe preservation of all official records made and returned under this chapter. [C24, 27, 31, 35, 39, §2388, 2432; C46, 50, 54, 58, 62, 66, §144.3, 144.49; C71, 73, 75, 77, 79, 81, §144.2] 83 Acts, ch 101, §22; 2023 Acts, ch 19, §247 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.20 - Information.

144.20 Information. Information in the possession of the petitioner necessary to prepare the adoption report shall be furnished with the petition for adoption by each petitioner for adoption or the petitioner’s attorney. The adoption services provider or other person concerned shall supply the court with such additional information in their possession as necessary to complete the certificate. The provision of such information shall be submitted to the court prior to the issuance of a final decree in the matter by the court, unless found by the court to be unavailable after diligent inquiry. [C71, 73, 75, 77, 79, 81, §144.20] 2021 Acts, ch 80, §73

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.21 - Amended record.

144.21 Amended record. Whenever an adoption decree is amended or annulled, the clerk of the court shall prepare a certificate, which shall include facts necessary to identify the original adoption report, and facts in the adoption decree necessary to properly amend the birth record. [C46, 50, 54, 58, 62, 66, §144.44; C71, 73, 75, 77, 79, 81, §144.21]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.22 - Clerk to report to state registrar.

144.22 Clerk to report to state registrar. Not later than the tenth day of each calendar month, the clerk of the court shall forward to the state registrar certificates of adoption, or amendment or annulment of adoption, entered in the preceding month, together with such related reports as the state registrar requires. The state registrar, upon receipt from a court of a certificate of adoption, or amendment or annulment of adoption, for a person born outside this state shall forward the certificate to the appropriate registration authority in the state of birth. [C46, 50, 54, 58, 62, 66, §144.44; C71, 73, 75, 77, 79, 81, §144.22]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.23 - State registrar to issue new certificate.

144.23 State registrar to issue new certificate. The state registrar shall establish a new certificate of birth for a person born in this state, when the state registrar receives the following: 1. An adoption report as provided in section 144.19, or a certified copy of the decree of adoption together with the information necessary to identify the original certificate of birth and to establish a new certificate of birth. 2. A request that a new certificate be established and evidence proving that the person for whom the new certificate is requested has been legitimated, or that a court of competent jurisdiction has determined the paternity of the person. 3. A notarized affidavit by a licensed physician and surgeon or osteopathic physician and surgeon stating that by reason of surgery or other treatment by the licensee, the sex designation of the person has been changed. The state registrar may make a further investigation or require further information necessary to determine whether a sex change has occurred. [C24, 27, 31, 35, 39, §2406; C46, 50, 54, 58, 62, 66, §144.21, 144.44; C71, 73, 75, 77, 79, 81, §144.23] 2002 Acts, ch 1040, §1, 5; 2005 Acts, ch 89, §12 Referred to in §144.23A, 600.13

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.23A - Biological parent information — reestablishment of original certificate of birth.

144.23A Biological parent information — reestablishment of original certificate of birth. 1. Notwithstanding whether an original certificate of birth is substituted with a new certificate of birth pursuant to section 144.24 following adoption of the subject of the original certificate of birth, whether a new certificate of birth is issued to show that a person for whom the new certificate is requested has been legitimated or that paternity of that person has been determined pursuant to section 144.23, or whether a new certificate of birth is issued to show paternity pursuant to section 144.40 if paternity is not shown on the original certificate of birth, an adopted person who is the subject of the original certificate of birth, who was born in this state, who is at least eighteen years of age at the time the application is filed, and whose original certificate of birth was substituted with a new certificate of birth pursuant to section 144.24 based upon the adoption, may apply to the state registrar to have that original certificate of birth reestablished to include the name on the original certificate of birth of an omitted biological parent in accordance with this section. 2. Prior to issuing a reestablished original certificate of birth as provided in subsection 1, all of the following requirements shall be met: a. The adopted person shall file a written application, in the form and manner prescribed by the state registrar along with proof of identification, with the state registrar consenting to the adopted person's original certificate of birth being reestablished to include the name of an omitted biological parent. b. The adopted person shall obtain and submit to the state registrar one of the following regarding the person whose name is to be added as a biological parent: (1) If the person whose name is to be added as a biological parent is living, the adopted person shall obtain from the person a sworn affidavit along with substantiating evidence attesting that the person is a biological parent of the subject of the original certificate of birth and that the name to be added is that of the biological parent that was omitted from the original certificate of birth. (2) If the person whose name is to be added as a biological parent is deceased, the adopted person shall obtain from the personal representative or successor of the estate of the person, from the trustee of the trust of the person, or from a relative of the person a sworn affidavit along with substantiating evidence, attesting that the person is a biological parent of the subject of the original certificate of birth and that the name to be added is that of the biological parent that was omitted from the original certificate of birth. 3. An adult adopted person as described in section 144.24A or an entitled person as defined in section 144.24A may apply for and obtain a noncertified copy of the reestablished original certificate of birth subject to compliance with the requirements for applying for and obtaining a noncertified copy of an original certificate of birth under section 144.24A. The reestablished original certificate of birth shall include the biological parent who was omitted from the original certificate of birth. A reestablished original certificate of birth shall be marked "reestablished". A summary statement of the evidence submitted pursuant to this section shall be endorsed on the certificate. 4. The state registrar shall adopt rules pursuant to chapter 17A to administer this section including rules relating to all of the following: a. The establishment, collection, and deposit of fees in accordance with section 144.46 for the preparation and registration of a reestablished original certificate of birth and for issuance of a noncertified copy of a reestablished original certificate of birth under this section. The fee established for issuance of a noncertified copy of a reestablished original certificate of birth shall not exceed the fee established for issuance of a certified copy of

a certificate of birth. b. The consent and affidavit forms, the proof of identification requirements relative to provision of consent by the subject of an original certificate of birth, and the evidentiary requirements to substantiate that a person is an omitted biological parent of the subject of the original certificate of birth. 5. For the purposes of this section: a. “Personal representative” means the same as defined in section 633.3. b. “Relative” means any of the following: (1) A person related to the person whose name is to be added on the original certificate of birth as a biological parent, by consanguinity or affinity within the second degree as determined by common law. (2) A lineal descendent, by consanguinity or affinity, of the person whose name is to be added to the original certificate of birth as a biological parent, including legally adopted children and biological children, stepchildren, grandchildren, great-grandchildren, and any other lineal descendent of such individual. c. “Successor” means the same as defined in section 633.356. d. “Trustee” means the same as defined in section 633.3. 2023 Acts, ch 105, §1 Referred to in §144.24, 144.24A NEW section

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.24 - Substituting new for original birth certificates — inspection.

144.24 Substituting new for original birth certificates — inspection. 1. If a new certificate of birth is established, the actual place and date of birth shall be shown on the certificate. The certificate shall be substituted for the original certificate of birth. 2. Following substitution of the original certificate of birth with a new certificate of birth, the original certificate and the evidence of adoption, paternity, legitimation, or sex change shall not be subject to inspection except under order of a court of competent jurisdiction, including but not limited to an order issued pursuant to section 600.16A, as provided in section 144.23A or 144.24A, or as provided by administrative rule for statistical or administrative purposes only. 3. Notwithstanding subsection 2, the state registrar shall, upon the application of an adult adopted person, a biological parent, an adoptive parent, or the legal representative of the adult adopted person, the biological parent, or the adoptive parent, inspect the original certificate and the evidence of adoption and reveal to the applicant the date of the adoption and the name and address of the court which issued the adoption decree. [C24, 27, 31, 35, 39, §2406; C46, 50, 54, 58, 62, 66, §144.21, 144.44; C71, 73, 75, 77, 79, 81, §144.24] 91 Acts, ch 243, §2; 99 Acts, ch 141, §18; 2021 Acts, ch 113, §1; 2023 Acts, ch 105, §2 Referred to in §144.13A, 144.23A, 144.24A Subsection 2 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.24A - Access to original certificate of birth — application — contact preference form — medical history form — fees.

144.24A Access to original certificate of birth — application — contact preference form — medical history form — fees. 1. Notwithstanding any provision of law to the contrary, an adopted person who was born in this state and whose original certificate of birth was substituted with a new certificate of birth pursuant to section 144.24 based upon the adoption, or an entitled person, may apply for and obtain a noncertified copy of the original certificate of birth of the adopted person who is the subject of the original certificate of birth in accordance with this section, including with any required redaction of personally identifiable information pursuant to subsection 2, paragraph “a”, subparagraph (4). a. (1) If an adopted person who is the subject of the original certificate of birth is submitting the application, the adopted person shall be at least eighteen years of age at the time the application is filed. (2) If an entitled person is submitting the application, the adopted person who is the subject of the original certificate of birth shall be deceased at the time the application is filed. b. The adopted person or the entitled person shall file a written application with the state registrar on a form and in the manner prescribed by the state registrar requesting a noncertified copy of the original certificate of birth. c. Upon receipt of the written application, proof of identification, and payment of a fee, the state registrar shall issue a noncertified copy of the original certificate of birth to the applicant in accordance with this section, including with any required redaction of personally identifiable information pursuant to subsection 2, paragraph “a”, subparagraph (4). At the time of such issuance, the state registrar shall also provide to the applicant any contact preference form or medical history form completed and submitted to the state registrar pursuant to subsections 2 and 3 in accordance with this section, including with any required redaction of personally identifiable information pursuant to subsection 2, paragraph “a”, subparagraph (4), and subsection 3, paragraph “a”, subparagraph (4). 2. a. The state registrar shall develop a contact preference form on which a biological parent may state a preference regarding contact by an adopted person or an entitled person following application for and issuance of the noncertified copy of the original certificate of birth under this section. The preferences available to the biological parent shall include all of the following, from which the biological parent may choose only one: (1) “I would like to be contacted. I have completed this contact preference form and am filing the form with the state registrar. I may change this preference by filing a subsequent contact preference form with the state registrar.” (2) “I would prefer to be contacted only through an intermediary. I would like the following named individual or entity to act as an intermediary. I have completed this contact preference form and am filing the form with the state registrar. I may change this preference by filing a subsequent contact preference form with the state registrar.” (3) “I do not want to be contacted; however, my personally identifiable information may be released if requested in accordance with Iowa Code section 144.24A. I have completed this contact preference form and am filing the form with the state registrar. I may change this preference by filing a subsequent contact preference form with the state registrar.” (4) “I do not want to be contacted. I request that my personally identifiable information be redacted from the noncertified copy of the original certificate of birth and my contact preference form. I have completed this contact preference form and am filing the form with the state registrar. I may change this preference by filing a subsequent contract preference form with the state registrar.” b. The contact preference form shall also state that regardless of whether a contact preference form is completed by the biological parent, a noncertified copy of the original certificate of birth shall be issued to an adopted person or an entitled person who applies for a noncertified copy of an original

certificate of birth in accordance with this section, including with any required redaction of personally identifiable information pursuant to subsection 2, paragraph “a”, subparagraph (4). c. The contact preference form shall be provided to the biological parent in accordance with section 600A.4. A contact preference form may be completed or updated by the biological parent at any time at the request of the biological parent. 3. a. The state registrar shall develop a medical history form on which a biological parent may provide the medical history of the biological parent and any blood relatives. The options available to the biological parent shall include all of the following, from which the biological parent may choose only one: (1) “I am not aware of any medical history of any significance.” (2) “I prefer not to provide any medical information at this time.” (3) “I wish to provide the following medical information included on the attached form.” (4) “I wish to provide the following medical information included in the attached form. However, I request that my personally identifiable information be redacted from the medical information form prior to its release under Iowa Code section 144.24A.” b. The medical history form shall be provided to the biological parent in accordance with section 600A.4. A medical history form may be completed or updated by the biological parent at any time at the request of the biological parent. 4. Upon receipt of a completed contact preference form or medical history form, the state registrar shall attach any such completed form to the original certificate of birth. 5. For the purposes of this section, “entitled person” means the spouse of the adopted person who is deceased or an adult related to the adopted person who is deceased within the second degree of consanguinity. 6. The state registrar shall adopt rules pursuant to chapter 17A to administer this section including rules relating to all of the following: a. Establishment, collection, and deposit of fees in accordance with section 144.46 for issuance of a noncertified copy of the original certificate of birth under this section. The fee established shall not exceed the fee established for issuance of a certified copy of a certificate of birth. b. The application form and proof of identification requirements relative to an application for a noncertified copy of an original certificate of birth. c. The contact preference form and the medical history form. 7. a. The department shall implement a public awareness and notification period to promote awareness of the provisions of this section and to allow time for a biological parent to file contact preference and medical history forms. b. An application may be submitted under this section by an adopted person or an entitled person to obtain a noncertified copy of an adopted person’s original certificate of birth in accordance with this section, if the adopted person who is the subject of the original certificate of birth was born before January 1, 1971. c. Beginning January 1, 2022, an application may be submitted under this section by an adopted person or an entitled person to obtain a noncertified copy of an adopted person’s original certificate of birth in accordance with this section, notwithstanding the date of birth of the adopted person who is the subject of the original certificate of birth prescribed under paragraph “b”. 8. If an original certificate of birth is reestablished pursuant to section 144.23A, the adopted person or the entitled person who meets the requirements of this section may apply for and obtain a noncertified copy of the reestablished original certificate of birth of the adopted person who is the subject of the original certificate of birth subject to compliance with the requirements of this section relating to the issuance of a noncertified copy of an original certificate of birth. 2021 Acts, ch 113, §2, 6; 2023 Acts, ch 105, §3 Referred to in §144.23A, 144.24, 600.13, 600.16A, 600A.4 NEW subsection 8

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.25 - No previous certificate — procedure.

144.25 No previous certificate — procedure. 1. If no certificate of birth is on file for the person for whom a new certificate is to be established, a delayed certificate of birth shall be filed with the state registrar as provided in section 144.15, or sections 144.17 and 144.18, before a new certificate of birth is established, except that when the date and place of birth and parentage have been established in the adoption proceedings, a delayed certificate shall not be required. 2. When a new certificate of birth is established by the state registrar, all copies of the original certificate of birth in the custody of any custodian of permanent local records in this state shall be sealed from inspection or forwarded to the state registrar of vital statistics, as the state registrar shall direct. [C71, 73, 75, 77, 79, 81, §144.25]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.25A - Certificate of birth — foreign and international adoptions.

144.25A Certificate of birth — foreign and international adoptions. The department shall adopt rules pursuant to chapter 17A to establish a procedure for the issuance of a certificate of birth for children adopted pursuant to section 600.15. 2002 Acts, ch 1040, §2, 5

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.26 - Death certificate.

144.26 Death certificate. 1. a. A death certificate for each death which occurs in this state shall be filed as directed by the state registrar within three days after the death and prior to final disposition, and shall be registered by the county registrar if it has been completed and filed in accordance with this chapter. A death certificate shall include the social security number, if provided, of the deceased person. All information including the certifying physician’s, physician assistant’s, or advanced registered nurse practitioner’s name shall be typewritten. b. A physician assistant or an advanced registered nurse practitioner authorized to sign a death certificate shall be licensed in this state and shall have been in charge of the deceased patient’s care. 2. All information included on a death certificate may be provided as mutually agreed upon by the state registrar and child support services, including by automated exchange. 3. a. The county in which a dead body is found is the county of death. If death occurs in a moving conveyance, the county in which the dead body is first removed from the conveyance is the county of death. b. If a decedent died outside of the county of the decedent’s residence, the state registrar shall send a copy of the decedent’s death certificate and any

amendments to the county registrar of the county of the decedent's residence. The county registrar shall record a death certificate received pursuant to this paragraph in the same records in which the death certificate of a decedent who died within the county is recorded. The state registrar may provide the county registrars with electronic access to vital records in lieu of the requirements of this paragraph. 4. a. The department shall establish by rule procedures for making a finding of presumption of death when no body can be found. The department shall also provide by rule the responsibility for completing and signing the medical certification of cause of death in such circumstances. The presumptive death certificate shall be in a form prescribed by the state registrar and filed in the county where the death was presumed to occur. b. The department shall provide for the correction, substitution, or removal of a presumptive death certificate when the body of the person is later found, additional facts are discovered, or the person is discovered to be alive. 5. Upon the activation of an electronic death record system, each person with a duty related to death certificates shall participate in the electronic death record system. A person with a duty related to a death certificate includes but is not limited to a physician as defined in section 135.1, a physician assistant, an advanced registered nurse practitioner, a funeral director, and a county recorder. [SS15, §587-b; C24, 27, 31, 35, 39, §2319; C46, 50, 54, 58, 62, 66, §141.3; C71, 73, 75, 77, 79, 81, S81, §144.26; 81 Acts, ch 64, §5] 88 Acts, ch 1158, §40; 97 Acts, ch 159, §14; 97 Acts, ch 175, §226; 2002 Acts, ch 1108, §11; 2011 Acts, ch 26, §2; 2012 Acts, ch 1069, §1, 3; 2013 Acts, ch 140, §17; 2023 Acts, ch 19, §253 Referred to in §144.35, 331.611, 633.520 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.27 - Funeral director's duties — death certificate — disposition of unclaimed veterans' remains.

144.27 Funeral director's duties — death certificate — disposition of unclaimed veterans' remains. 1. The funeral director who first assumes custody of a dead body shall file the death certificate, obtain the personal data from the next of kin or the best qualified person or source available and obtain the medical certification of cause of death from the person responsible for completing the certification. When a person other than a funeral director assumes custody of a dead body, the person shall be responsible for carrying out the provisions of this section. 2. a. A funeral director responsible for filing a death certificate under this section may after a period of one hundred eighty days release to the department of veterans affairs the name of a deceased person whose cremated remains are not claimed by a person authorized to control the decedent's remains under section 144C.5, for the purposes of determining whether the deceased person is a veteran or dependent of a veteran and is eligible for inurnment at a national or state veterans cemetery. If obtained pursuant to subsection 1, the funeral director may also release to the department of veterans affairs documents of identification, including but not limited to the social security number, military service number, and military separation or discharge documents, or such similar federal or state documents, of such a person. b. If the department of veterans affairs determines that the cremated remains of the deceased person are eligible for inurnment at a national or state veterans cemetery, the department of veterans affairs shall notify the funeral director of the determination. If the cremated remains have not been claimed by a person authorized to control the decedent's remains under section 144C.5 one hundred eighty days after the funeral director receives notice under this paragraph "b", all rights to the cremated remains shall cease, and the funeral director shall transfer the cremated remains to an eligible veterans organization if the eligible veterans organization has secured arrangements for the inurnment of the cremated remains at a national or state veterans cemetery. For purposes of this subsection, an "eligible veterans organization" means a veterans service organization organized for the benefit of veterans and chartered by the United States Congress or a veterans remains organization exempt from federal income taxes under section 501(c)(3) of the Internal Revenue Code that is recognized by the department of veterans affairs to inurn unclaimed cremated remains. c. A funeral director providing information or transferring cremated remains shall be immune from criminal, civil, or other regulatory liability arising from any actions in accordance with this subsection. In addition, the department of veterans affairs, a national or state veterans cemetery, and an eligible veterans organization shall be immune from criminal, civil, or other regulatory liability arising from any actions in accordance with this subsection. Such immunity shall not apply to acts or omissions constituting intentional misconduct. [C24, 27, 31, 35, 39, §2321; C46, 50, 54, 58, 62, 66, §141.5; C71, 73, 75, 77, 79, 81, §144.27] 97 Acts, ch 159, §15; 2016 Acts, ch 1033, §1 Referred to in §331.611

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.28 - Medical certification.

144.28 Medical certification. 1. a. For the purposes of this section, "nonnatural cause of death" means the death is a direct or indirect result of physical, chemical, thermal, or electrical trauma, or drug or alcohol intoxication or other poisoning. b. Unless there is a nonnatural cause of death, the medical certification shall be completed and signed by the physician, physician assistant, or advanced registered nurse practitioner in charge of the patient's care for the illness or condition which resulted in death within seventy-two hours after receipt of the death certificate from the funeral director or individual who initially assumes custody of the body. c. If there is a nonnatural cause of death, the county or state medical examiner shall be notified and shall conduct an inquiry. d. If the decedent was an infant or child and the cause of death is not known, a medical examiner's inquiry shall be conducted and an autopsy performed as necessary to exclude a nonnatural cause of death. e. If upon inquiry into a death, the county or state medical examiner determines that a preexisting natural disease or condition was the likely cause of death and that the death does not affect the public interest as described in section 331.802, subsection 3, the medical examiner may elect to defer to the physician, physician assistant, or advanced registered nurse practitioner in charge of the patient's preexisting condition the certification of the cause of death. f. When an inquiry is required by the county or state medical examiner, the medical examiner shall investigate the cause and manner of death and shall complete and sign the medical certification within seventy-two hours after determination of the cause and manner

of death. 2. The person completing the medical certification of cause of death shall attest to its accuracy either by signature or by an electronic process approved by rule. [C24, 27, 31, 35, 39, §2320; C46, 50, 54, 58, 62, 66, §141.4(18); C71, 73, 75, 77, 79, 81, §144.28] 97 Acts, ch 159, §16; 2002 Acts, ch 1098, §2; 2007 Acts, ch 159, §26; 2008 Acts, ch 1058, §13; 2011 Acts, ch 26, §3 Referred to in §144.35, 331.611

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.29 - Fetal deaths.

144.29 Fetal deaths. 1. A fetal death certificate for each fetal death which occurs in this state after a gestation period of twenty completed weeks or greater, or for a fetus with a weight of three hundred fifty grams or more shall be filed as directed by the state registrar within three days after delivery and prior to final disposition of the fetus. The certificate shall be registered if it has been completed and filed in accordance with this chapter. 2. The county in which a dead fetus is found is the county of death. The certificate shall be filed within three days after the fetus is found. If a fetal death occurs in a moving conveyance, the county in which the fetus is first removed from the conveyance is the county of death. [C24, 27, 31, 35, 39, §2405; C46, 50, 54, 58, 62, 66, §144.20; C71, 73, 75, 77, 79, 81, §144.29] 88 Acts, ch 1158, §41; 97 Acts, ch 159, §17 Referred to in §144.35, 331.611

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.29A - Termination of pregnancy reporting — legislative intent.

144.29A Termination of pregnancy reporting — legislative intent. 1. A health care provider who initially identifies and diagnoses a spontaneous termination of pregnancy or who induces a termination of pregnancy shall file with the department a report for each termination within thirty days of the occurrence. The health care provider shall make a good faith effort to obtain all of the following information that is available with respect to each termination: a. The confidential health care provider code as assigned by the department. b. The report tracking number. c. The maternal health services region of the department of health and human services, as designated as of July 1, 1997, in which the patient resides. d. The race of the patient. e. The age of the patient. f. The marital status of the patient. g. The educational level of the patient. h. The number of previous pregnancies, live births, and spontaneous or induced terminations of pregnancies. i. The month and year in which the termination occurred. j. The number of weeks since the patient's last menstrual period and a clinical estimate of gestation. k. The method used for an induced termination, including whether mifepristone was used. 2. It is the intent of the general assembly that the information shall be collected, reproduced, released, and disclosed in a manner specified by rule of the department, adopted pursuant to chapter 17A, which ensures the anonymity of the patient who experiences a termination of pregnancy, the health care provider who identifies and diagnoses or induces a termination of pregnancy, and the hospital, clinic, or other health facility in which a termination of pregnancy is identified and diagnosed or induced. The department may share information with federal public health officials for the purposes of securing federal funding or conducting public health research. However, in sharing the information, the department shall not relinquish control of the information, and any agreement entered into by the department with federal public health officials to share information shall prohibit the use, reproduction, release, or disclosure of the information by federal public health officials in a manner which violates this section. The department shall publish, annually, a demographic summary of the information obtained pursuant to this section, except that the department shall not reproduce, release, or disclose any information obtained pursuant to this section which reveals the identity of any patient, health care provider, hospital, clinic, or other health facility, and shall ensure anonymity in the following ways: a. The department may use information concerning the report tracking number or concerning the identity of a reporting health care provider, hospital, clinic, or other health facility only for purposes of information collection. The department shall not reproduce, release, or disclose this information for any purpose other than for use in annually publishing the demographic summary under this section. b. The department shall enter the information, from any report of termination submitted, within thirty days of receipt of the report, and shall immediately destroy the report following entry of the information. However, entry of the information from a report shall not include any health care provider, hospital, clinic, or other health facility identification information including, but not limited to, the confidential health care provider code, as assigned by the department. c. To protect confidentiality, the department shall limit release of information to release in an aggregate form which prevents identification of any individual patient, health care provider, hospital, clinic, or other health facility. For the purposes of this paragraph, "aggregate form" means a compilation of the information received by the department on termination of pregnancies for each information item listed, with the exceptions of the report tracking number, the health care provider code, and any set of information for which the amount is so small that the confidentiality of any person to whom the information relates may be compromised. The department shall establish a methodology to provide a statistically verifiable basis for any determination of the correct amount at which information may be released so that the confidentiality of any person is not compromised. 3. Except as specified in subsection 2, reports, information, and records submitted and maintained pursuant to this section are strictly confidential and shall not be released or made public upon subpoena, search warrant, discovery proceedings, or by any other means. 4. The department shall assign a code to any health care provider who may be required to report a termination under this section. An application procedure shall not be required for assignment of a code to a health care provider. 5. A health care provider shall assign a report tracking number which enables the health care provider to access the patient's medical information without identifying the patient. 6. To ensure proper performance of the reporting requirements under this section, it is preferred that a health care provider who practices within a hospital, clinic, or other health facility authorize one staff person to fulfill the reporting requirements. 7. For the purposes of this section: a. "Health care provider" means an individual licensed under chapter 148, 148C, 148D, or 152, or any individual who provides medical services under the authorization of the licensee. b. "Inducing a termination of pregnancy" means

the use of any means to terminate the pregnancy of a woman known to be pregnant with the intent other than to produce a live birth or to remove a dead fetus. c. “Spontaneous termination of pregnancy” means the occurrence of an unintended termination of pregnancy at any time during the period from conception to twenty weeks gestation and which is not a spontaneous termination of pregnancy at any time during the period from twenty weeks or greater which is reported to the department as a fetal death under this chapter. 97 Acts, ch 172, §1; 2003 Acts, ch 42, §1; 2008 Acts, ch 1088, §94; 2013 Acts, ch 90, §29; 2023 Acts, ch 19, §254 Referred to in §144.31B, 144.52, 331.611, 714I.4 Subsection 1, paragraph c amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.3 - Rules adopted.

144.3 Rules adopted. The department may adopt, amend, and repeal rules for the purpose of carrying out the provisions of this chapter, in accordance with chapter 17A. [C71, 73, 75, 77, 79, 81, §144.3]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.30 - Funeral director’s duty — fetal death certificate.

144.30 Funeral director’s duty — fetal death certificate. The funeral director who first assumes custody of a fetus shall file the fetal death certificate. In the absence of such a person, the physician or other person in attendance at or after the delivery shall file the certificate of fetal death. The person filing the certificate shall obtain the personal data from the next of kin or the best qualified person or source available and shall obtain the medical certification of cause of death from the person responsible for completing the certification. When a person other than a funeral director assumes custody of a fetus, the person shall be responsible for carrying out the provisions of this section. [C71, 73, 75, 77, 79, 81, §144.30] 97 Acts, ch 159, §18 Referred to in §144.31A, 331.611

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.31 - Medical certification — fetal death.

144.31 Medical certification — fetal death. 1. The medical certification for a fetal death shall be completed within seventy-two hours after delivery by the physician in attendance at or after delivery except when inquiry is required by the county medical examiner. 2. When a fetal death occurs without medical attendance upon the mother at or after delivery or when inquiry is required by the county medical examiner, the medical examiner shall investigate the cause of fetal death and shall complete the medical certification within seventy-two hours after taking charge of the case. The person completing the medical certification of cause of fetal death shall attest to its accuracy either by signature or as authorized by rule. [C24, 27, 31, 35, 39, §2322, 2323, 2405; C46, 50, 54, 58, 62, 66, §141.6, 141.7, 144.20; C71, 73, 75, 77, 79, 81, §144.31] 97 Acts, ch 159, §19; 2010 Acts, ch 1163, §1 Referred to in §144.35, 331.611

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.31A - Certificate of birth resulting in stillbirth.

144.31A Certificate of birth resulting in stillbirth. 1. As used in this section: a. “Certificate of birth resulting in stillbirth” means a document issued based upon a properly filed fetal death certificate to record the birth of a stillborn fetus. b. “Stillbirth” means stillbirth as defined in section 136A.2. 2. After each fetal death that occurs in the state which is also a stillbirth, the person required to file the fetal death certificate pursuant to section 144.30 shall advise any parent named on the fetal death certificate that the parent may request the preparation of a certificate of birth resulting in stillbirth following registration of a fetal death certificate. 3. The department may prescribe by rules adopted pursuant to chapter 17A the form and content of a request and the process for requesting a certificate of birth resulting in stillbirth. 4. The department shall prescribe by rules adopted pursuant to chapter 17A the form and content of and the fee for the preparation of a certificate of birth resulting in stillbirth. a. At a minimum, the rules shall require that the certificate of birth resulting in stillbirth contain all of the following: (1) The date of the stillbirth. (2) The county in which the stillbirth occurred. (3) A first name, middle name, last name, no name, or combination of these as requested by the parent. (4) The state file number of the corresponding fetal death certificate. (5) The statement: “This certificate is not proof of live birth.” b. The fees collected shall be remitted to the treasurer of state for deposit in the general fund of the state and the vital records fund in accordance with section 144.46. 5. Only a parent named on the fetal death certificate may request a certificate of birth resulting in stillbirth. A certificate of birth resulting in stillbirth may be requested and issued at any time regardless of the date on which the fetal death certificate was issued. 6. A certificate of birth resulting in stillbirth is not required to be filed or registered. 7. A certificate of birth resulting in stillbirth shall not be used to establish, bring, or support a civil cause of action seeking damages against any person for bodily injury, personal injury, or wrongful death for a stillbirth. 2012 Acts, ch 1022, §1, 2 Referred to in §331.611

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.31B - Certificate of nonviable birth.

144.31B Certificate of nonviable birth. 1. As used in this section: a. “Certificate of nonviable birth” means a document issued based upon a nonviable birth. b. “Health care provider” means the same as defined in section 144.29A. c. “Hospital” means the same as defined in section 135B.1. d. “Nonviable birth” means an unintentional, spontaneous fetal demise occurring after demonstration of a doppler-detected heartbeat and prior to the twentieth week of gestation during a pregnancy that has been verified by a health care provider. 2. A health care provider who attends or diagnoses a nonviable birth or a hospital at which a nonviable birth occurs shall

advise a patient who experiences a nonviable birth that the patient may request a certificate of nonviable birth as provided in this section and, upon request by the patient, shall provide a letter certifying the nonviable birth to the patient. 3. The department may prescribe by rules adopted pursuant to chapter 17A the form and content of a request and the process for requesting a certificate of nonviable birth. 4. The department shall issue a certificate of nonviable birth to a patient within sixty days of receipt of a request and certification letter. 5. a. The department shall prescribe by rules adopted pursuant to chapter 17A the form and content of and the fee for the preparation of a certificate of nonviable birth, which fee shall not exceed the actual cost of preparation of the certificate. b. At a minimum, the rules shall require that the certificate of nonviable birth contain all of the following: (1) The date of the nonviable birth. (2) The name and gender, if known. If the name is not furnished by the patient, the department shall complete the certificate with the name “baby boy” or “baby girl” and the last name of the patient. If the gender is unknown, the department shall complete the certificate with the name “baby” and the last name of the patient. (3) The statement: “This certificate is not proof of live birth.” 6. The fees collected shall be remitted to the treasurer of state for deposit in the general fund of the state and the vital records fund in accordance with section 144.46. 7. A certificate of nonviable birth shall not be required to be filed or registered. The department shall not register the nonviable birth associated with a certificate issued under this section or use the nonviable birth in calculating live birth statistics. 8. A certificate of nonviable birth shall not be used to establish, bring, or support a civil cause of action seeking damages against any person for bodily injury, personal injury, or wrongful death for a nonviable birth. 9. This section shall only apply to, and a certificate of nonviable birth may be requested and issued only for, nonviable births occurring on or after January 1, 2000. 2022 Acts, ch 1090, §1 Referred to in §331.611

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.32 - Burial transit permit.

144.32 Burial transit permit. 1. If a person other than a funeral director, medical examiner, or emergency medical service assumes custody of a dead body or fetus, the person shall secure a burial transit permit. To be valid, the burial transit permit must be issued by the county medical examiner, a funeral director, or the state registrar. The permit shall be obtained prior to the removal of the body or fetus from the place of death and the permit shall accompany the body or fetus to the place of final disposition. 2. To transfer a dead body or fetus outside of this state, the funeral director who first assumes custody of the dead body or fetus shall obtain a burial transit permit prior to the transfer. The permit shall accompany the dead body or fetus to the place of final disposition. 3. A dead body or fetus brought into this state for final disposition shall be accompanied by a burial transit permit under the law of the state in which the death occurred. 4. A burial transit permit shall not be issued to a person other than a funeral director when the cause of death is or is suspected to be a communicable disease as defined by rule of the department. 93 Acts, ch 139, §5; 97 Acts, ch 159, §20; 2012 Acts, ch 1069, §2 Referred to in §156.2, 331.611, 331.804, 523I.309

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.33 - Bodies brought into state.

144.33 Bodies brought into state. A burial transit permit issued under the law of another state which accompanies a dead body or fetus brought into this state shall be authority for final disposition of the body or fetus in this state. [C24, 27, 31, 35, 39, §2324; C46, 50, 54, 58, 62, 66, §141.18; C71, 73, 75, 77, 79, 81, §144.33] Referred to in §331.611

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.34 - Disinterment — permit.

144.34 Disinterment — permit. 1. a. Disinterment of a dead body or fetus, without a court order, shall be allowed for the purpose of autopsy or reburial only, and then only if supervised by a funeral director. b. Disinterment of cremated remains, without a court order, shall be allowed, but only if supervised by a funeral director. c. The state registrar, without a court order, shall not issue a permit without the consent of the person authorized to control the decedent’s remains under section 144C.5. 2. a. Disinterment of a dead body or fetus for the purpose of reburial may be allowed by court order only upon a showing of substantial benefit to the public, and then only if supervised by a funeral director. b. Disinterment of a dead body or fetus for the purpose of autopsy by court order shall be allowed only when reasonable cause is shown that someone is criminally or civilly responsible for such death, after hearing, upon reasonable notice prescribed by the court to the person authorized to control the decedent’s remains under section 144C.5, and then only if supervised by a funeral director. c. Disinterment of a dead body or fetus for the purpose of cremation may be allowed by court order only if supervised by a funeral director. Subsequent to the disinterment, cremation of the body shall only be allowed upon a determination by the state or county medical examiner that the death was due to natural causes. 3. A permit for disinterment shall be issued by the state registrar according to rules adopted pursuant to chapter 17A or when ordered by the district court of the county in which such body is buried. A person authorized to control final disposition of a decedent’s remains under section 144C.5 is an interested person and shall be entitled to notice prior to the obtaining of a court order. 4. Due consideration under this section shall be given to the public health, the preferences of a person authorized to control final disposition of a decedent’s remains under section 144C.5, and any court order. [C24, 27, 31, 35, 39, §2337, 2338; C46, 50, 54, 58, 62, 66, §141.21, 141.22; C71, 73, 75, 77, 79, 81, §144.34] 2008 Acts, ch 1051, §2, 22; 2020 Acts, ch 1025, §2 Referred to in §144.52, 331.611, 523I.309, 523I.402

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.35 - Extensions of time by rules.

144.35 Extensions of time by rules. The department may, by regulation and upon such conditions as it may prescribe to assure

compliance with the purposes of this chapter, provide for extension of the periods prescribed in sections 144.26, 144.28, 144.29, and 144.31, for filing of death certificates, fetal death certificates, and medical certifications of cause of death in cases in which compliance with the applicable prescribed period would result in undue hardship. [C24, 27, 31, 35, 39, §2318; C46, 50, 54, 58, 62, 66, §141.2(2); C71, 73, 75, 77, 79, 81, §144.35] 91 Acts, ch 116, §2 Referred to in §331.611

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.36 - Marriage certificate filed — prohibited information.

144.36 Marriage certificate filed — prohibited information. 1. A certificate recording each marriage performed in this state shall be filed with the state registrar. The county registrar shall prepare the certificate on the form furnished by the state registrar upon the basis of information obtained from the parties to be married, who shall attest to the information by their signatures. The county registrar in each county shall keep a record of marriage certificates as required by the state registrar. 2. Every person who performs a marriage shall certify the fact of marriage and return the certificate to the county registrar within fifteen days after the ceremony. The certificate shall be signed by the witnesses to the ceremony and the person performing the ceremony. 3. The certificate of marriage shall not contain information concerning the race of the married persons, previous marriages of the married persons, or the educational level of the married persons. 4. The county registrar shall record and forward to the state registrar on or before the tenth day of each calendar month the original certificates of marriages filed with the county registrar during the preceding calendar month and the fees collected by the county registrar on behalf of the state for applications for a license to marry in accordance with section 331.605, subsection 1, paragraph “g”. [C24, 27, 31, 35, 39, §2421, 2422, 2425; C46, 50, 54, 58, 62, 66, §144.36, 144.37, 144.40; C71, 73, 75, 77, 79, 81, §144.36] 83 Acts, ch 186, §10048, 10201; 85 Acts, ch 195, §18; 95 Acts, ch 124, §6, 26; 99 Acts, ch 114, §6; 2010 Acts, ch 1061, §163; 2023 Acts, ch 19, §255 Referred to in §331.611, 595.16A See also §595.13 regarding certificate return Subsection 1 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.37 - Dissolution and annulment records.

144.37 Dissolution and annulment records. 1. For each dissolution or annulment of marriage granted by any court in this state, a record shall be prepared by the clerk of court or by the petitioner or the petitioner’s legal representative if directed by the clerk and filed by the clerk of court with the state registrar. The information necessary to prepare the record shall be furnished with the petition, to the clerk of court by the petitioner or the petitioner’s legal representative, on forms supplied by the state registrar. 2. The clerk of the district court in each county shall maintain the records of dissolutions and annulments of marriage as required by the state registrar. 3. On or before the tenth day of each calendar month, the clerk of court shall forward to the state registrar the record of each dissolution and annulment granted during the preceding calendar month and related reports required by regulations issued under this chapter. [C24, 27, 31, 35, 39, §2421, 2423, 2425; C46, 50, 54, 58, 62, 66, §144.36, 144.38, 144.40; C71, 73, 75, 77, 79, 81, §144.37; 81 Acts, ch 64, §6; 82 Acts, ch 1100, §1] 83 Acts, ch 101, §23; 83 Acts, ch 186, §10049, 10201; 85 Acts, ch 195, §19; 2017 Acts, ch 54, §76; 2023 Acts, ch 19, §256 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.38 - Amendment of official record.

144.38 Amendment of official record. To protect the integrity and accuracy of vital statistics records, a certificate or record registered under this chapter may be amended only in accordance with this chapter and regulations adopted hereunder. A certificate that is amended under this section shall be marked “amended” except as provided in section 144.40. The date of amendment and a summary description of the evidence submitted in support of the amendment shall be endorsed on or made a part of the record. The department shall prescribe by regulation the conditions under which additions or minor corrections shall be made to birth certificates within one year after the date of birth without the certificate being marked “amended”. [C24, 27, 31, 35, 39, §2402, 2404; C46, 50, 54, 58, 62, 66, §144.17, 144.19, 144.44, 144.45; C71, 73, 75, 77, 79, 81, §144.38] Referred to in §144.41

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.39 - Change of name.

144.39 Change of name. Upon receipt of a certified copy of a court order from a court of competent jurisdiction or certificate of the clerk of court pursuant to chapter 674 changing the name of a person born in this state, the state registrar shall amend the certificate of birth to reflect the new name. A fee established by the department by rule based on average administrative cost shall be collected to amend the certificate of birth to reflect a new name. Fees collected under this section shall be deposited in the general fund of the state. [C71, 73, 75, 77, 79, 81, §144.39; 81 Acts, ch 64, §7] 2009 Acts, ch 56, §1 Referred to in §144.41

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.4 - State registrar.

144.4 State registrar. The director or the director’s designee shall be the state registrar of vital statistics and shall carry out the provisions of this chapter. [C24, 27, 31, 35, 39, §2387; C46, 50, 54, 58, 62, 66, §144.2; C71, 73, 75, 77, 79, 81, §144.4] 2023 Acts, ch 19, §248 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.40 - Paternity of children — birth certificates.

144.40 Paternity of children — birth certificates. Upon request and receipt of an affidavit of paternity completed and filed pursuant to section 252A.3A, or a certified copy or notification by the clerk of court of a court or administrative order establishing paternity, the state registrar shall establish a new certificate of birth to show paternity if paternity is not shown on the birth certificate. Upon written request of the parents on the affidavit of paternity, the surname of the child may be changed on the certificate to that of the father. The certificate shall not be marked “amended”. The original certificate and supporting documentation shall be maintained in a sealed file; however, a photocopy of the paternity affidavit filed pursuant to section 252A.3A and clearly labeled as a copy may be provided to a parent named on the affidavit of paternity. [C24, 27, 31, 35, 39, §2406; C46, 50, 54, 58, 62, 66, §144.21; C71, 73, 75, 77, 79, 81, §144.40; 81 Acts, ch 64, §8] 93 Acts, ch 79, §10; 94 Acts, ch 1171, §4; 2005 Acts, ch 89, §13 Referred to in §144.23A, 144.38, 144.41

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.41 - Amending local records.

144.41 Amending local records. When a certificate is amended under sections 144.38 through 144.40 the state registrar shall report the amendment to the custodian of any permanent local records and such records shall be amended accordingly. [C71, 73, 75, 77, 79, 81, §144.41] 2021 Acts, ch 80, §74

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.42 - Reproduction of original records.

144.42 Reproduction of original records. To preserve original documents, the state registrar may prepare typewritten, photographic, or other reproductions of original records and files in the state registrar’s office. Such reproductions when certified by the state registrar shall be accepted as the original record. [C71, 73, 75, 77, 79, 81, §144.42; 81 Acts, ch 64, §9] Referred to in §144.18

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.43 - Vital records closed to inspection — exceptions.

144.43 Vital records closed to inspection — exceptions. 1. To protect the integrity of vital statistics records, to ensure their proper use, and to ensure the efficient and proper administration of the vital statistics system kept by the state registrar, access to vital statistics records kept by the state registrar shall be limited to the state registrar and the state registrar’s employees, and then only for administrative purposes. 2. It shall be unlawful for the state registrar to permit inspection of, or to disclose information contained in vital statistics records, or to copy or permit to be copied all or part of any such record except as authorized by rule. 3. a. The following vital statistics records in the custody of a county registrar may be inspected and copied as of right under chapter 22: (1) A record of birth. (2) A record of marriage. (3) A record of divorce, dissolution of marriage, or annulment of marriage. (4) A record of death if that death was not a fetal death. b. The following vital statistics records in the custody of the state archivist may be inspected and copied as of right under chapter 22: (1) A record of birth if the record is at least seventy-five years old or upon proof of entitlement to the record. (2) A record of marriage if the record is at least seventy-five years old or upon proof of entitlement to the record. (3) A record of divorce, dissolution of marriage, or annulment of marriage if the record is at least seventy-five years old or upon proof of entitlement to the record. (4) A record of death or fetal death, if the record is at least fifty years old or upon proof of entitlement to the record. 4. A public record shall not be withheld from the public because it is combined with data processing software. The state registrar shall not implement any electronic data processing system for the storage, manipulation, or retrieval of vital records that would impair a county registrar’s ability to permit the examination of a public record and the copying of a public record, as established by rule. If it is necessary to separate a public record from data processing software in order to permit the examination of the public record, the county registrar shall periodically generate a written log available for public inspection which contains the public record. [C46, 50, 54, 58, 62, 66, §144.45; C71, 73, 75, 77, 79, 81, S81, §144.43; 81 Acts, ch 64, §10; 82 Acts, ch 1100, §2] 88 Acts, ch 1158, §43; 90 Acts, ch 1025, §1; 94 Acts, ch 1171, §5; 97 Acts, ch 159, §21; 2009 Acts, ch 41, §194; 2015 Acts, ch 30, §59; 2018 Acts, ch 1125, §2; 2023 Acts, ch 19, §257 Referred to in §144.18, 233.2 Subsection 3, paragraph b amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.43A - Mutual consent voluntary adoption registry.

144.43A Mutual consent voluntary adoption registry. 1. In addition to other procedures by which birth certificates may be inspected under this chapter, the state registrar shall establish a mutual consent voluntary adoption registry through which adult adopted children, adult siblings, and the biological parents of adult adoptees may register to obtain identifying birth information. 2. If all of the following conditions are met, the state registrar shall reveal the identity of the biological parent to the adult adopted child or the identity of the adult adopted child to the biological parent, shall notify the parties involved that the requests have been matched, and shall disclose the identifying information to those parties: a. A biological parent has filed a request and provided consent to the revelation of the biological parent’s identity to the adult adopted child, upon request of the adult adopted child. b. An adult adopted child has filed a request and provided consent to the revelation of the identity of the adult adopted child to a biological parent, upon request of the biological parent. c. The state registrar has been provided sufficient information to make the requested match. 3. Notwithstanding the provisions of this section, if the adult adopted person has a sibling who is a minor and who has also been adopted, the state registrar shall not grant the request of either the adult adopted person or the biological parent to reveal the identities of the parties. 4. If all of the following conditions are met, the state registrar shall reveal the identity of the adult adopted

child to an adult sibling and shall notify the parties involved that the requests have been matched, and disclose the identifying information to those parties: a. An adult adopted child has filed a request and provided consent to the revelation of the adult adopted child's identity to an adult sibling. b. The adult sibling has filed a request and provided consent to the revelation of the identity of the adult sibling to the adult adopted child. c. The state registrar has been provided with sufficient information to make the requested match. 5. A person who has filed a request or provided consent under this section may withdraw the consent at any time prior to the release of any information by filing a written withdrawal of consent statement with the state registrar. The adult adoptee, adult sibling, and biological parent shall notify the state registrar of any change in the information contained in a filed request or consent. 6. The state registrar shall establish a fee by rule based on the average administrative costs for providing services under this section. 99 Acts, ch 141, §19 Referred to in §144.18

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.44 - Permits for research.

144.44 Permits for research. The department may permit access to vital statistics by professional genealogists and historians, and may authorize the disclosure of data contained in vital statistics records when deemed essential for bona fide research purposes which are not for private gain. The department shall adopt rules which establish the parameters for access to and authorized disclosure of vital statistics and data contained in vital statistics records relating to birth and adoption records under this section. [C24, 27, 31, 35, 39, §2406, 2415; C46, 50, 54, 58, 62, 66, §144.21, 144.30; C71, 73, 75, 77, 79, 81, §144.44] 94 Acts, ch 1171, §6 Referred to in §144.18, 144.46

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.45 - Certified copies.

144.45 Certified copies. 1. The state registrar and the county registrar shall, upon written request from any applicant entitled to a record, issue a certified copy of any certificate or record in the registrar's custody or of a part of a certificate or record. Each copy issued shall show the date of registration; and copies issued from records marked "delayed", "amended", or "court order" shall be similarly marked and show the effective date. 2. A certified copy of a certificate, or any part thereof, shall be considered for all purposes the same as the original and shall be prima facie evidence of the facts therein stated, provided that the evidentiary value of a certificate or record filed more than one year after the event, or a record which has been amended, shall be determined by the judicial or administrative body or official before whom the certificate is offered as evidence. 3. The national division of vital statistics may be furnished copies or data which it requires for national statistics, provided that the state be reimbursed for the cost of furnishing data, and provided further that data shall not be used for other than statistical purposes by the national division of vital statistics unless so authorized by the state registrar. 4. Federal, state, local, and other public or private agencies may, upon written request, be furnished copies or data for statistical purposes upon terms or conditions prescribed by the department. 5. No person shall prepare or issue any certificate which purports to be an original, certified copy, or copy of a certificate of birth, death, fetal death, or marriage except as authorized in this chapter. [S13, §2575-a45; C24, 27, 31, 35, 39, §2349, 2416, 2426, 2429, 2431; C46, 50, 54, 58, 62, 66, §141.33, 144.31, 144.41, 144.46, 144.48; C71, 73, 75, 77, 79, 81, §144.45] 95 Acts, ch 124, §7, 26; 2017 Acts, ch 54, §76 Referred to in §144.18, 144.46, 331.611

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.45A - Commemorative birth and marriage certificates.

144.45A Commemorative birth and marriage certificates. Upon application and payment of a thirty-five dollar fee, the director may issue a commemorative copy of a certificate of birth or a certificate of marriage. Fees collected pursuant to this section shall be deposited in the emergency medical services fund established in section 135.25 to support the development and enhancement of emergency medical services systems and emergency medical services for children. 97 Acts, ch 203, §20 Referred to in §144.18

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.46 - Fees.

144.46 Fees. 1. The department by rule shall establish fees based on the average administrative cost which shall be collected by the state registrar or the county registrar for each of the following: a. A certified copy or short form certification of a certificate or record. b. A copy of a certificate or record or a vital statistics data file provided to a researcher in accordance with section 144.44. c. A copy of a certificate or record or a vital statistics data file provided to a federal, state, local, or other public or private agency for statistical purposes in accordance with section 144.45. d. Verification or certification of vital statistics data provided to a federal, state, or local governmental agency authorized by rule to receive such data. 2. Fees collected by the state registrar and by the county registrar on behalf of the state under this section shall be deposited in the general fund of the state and the vital records fund established in section 144.46A in accordance with an apportionment established by rule. Fees collected by the county registrar pursuant to section 331.605, subsection 1, paragraph "f", shall be deposited in the county general fund. 3. The department may establish and maintain, and either the state registrar or the county registrar is authorized to collect, a fee for a search of the files or records when no copy is made, or when no record is found on file. [C24, 27, 31, 35, 39, §2417, 2418, 2427; C46, 50, 54, 58, 62, 66, §144.32, 144.33, 144.42; C71, 73, 75, 77, 79, 81, S81, §144.46; 81 Acts, ch 64, §11] 83 Acts, ch 123, §68, 209; 83 Acts, ch 186, §10050, 10201; 94 Acts, ch 1074, §1; 95 Acts, ch 124, §8, 26; 99 Acts, ch 114, §7; 2007 Acts, ch 159, §27; 2010 Acts, ch 1061, §164; 2015 Acts, ch 119, §2, 3 Referred to in §144.13A, 144.18, 144.23A, 144.24A, 144.31A, 144.31B, 144.46A, 232.2, 331.611, 600.13

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.46A - Vital records fund.

144.46A Vital records fund. 1. A vital records fund is created under the control of the department. Moneys in the fund shall be used for purposes of the purchase and maintenance of an electronic system for vital records scanning, data capture, data reporting, storage, and retrieval, and for all registration and issuance activities. Moneys in the fund may also be used for other related purposes including but not limited to the streamlining of administrative procedures and electronically linking offices of county registrars to state vital records so that the records may be issued at the county level. 2. Moneys credited to the fund pursuant to section 144.46 and otherwise are appropriated to the department to be used for the purposes designated in subsection 1. Notwithstanding section 8.33, moneys credited to the fund that remain unencumbered or unobligated at the close of the fiscal year shall not revert to any fund but shall remain available for expenditure for the purposes designated. 2005 Acts, ch 175, §83; 2007 Acts, ch 159, §28 Referred to in §144.46

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.47 - Persons confined in institutions.

144.47 Persons confined in institutions. Every person in charge of an institution shall keep a record of personal particulars and data concerning each person admitted or confined to the institution. This record shall include information required by the standard certificate of birth, death, and fetal death forms issued under the provisions of this chapter. The record shall be made at the time of admission from information provided by such person, but when it cannot be so obtained, the same shall be obtained from relatives or other persons acquainted with the facts. The name and address of the person providing the information shall be a part of the record. [C24, 27, 31, 35, 39, §2407, 2408, 2409; C46, 50, 54, 58, 62, 66, §144.22, 144.23, 144.24; C71, 73, 75, 77, 79, 81, §144.47] Referred to in §144.50

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.48 - Institutions — dead persons.

144.48 Institutions — dead persons. When a dead human body is released or disposed of by an institution, the person in charge of the institution shall keep a record showing the name of the deceased, date of death, name and address of the person to whom the body is released, date of removal from the institution, or if finally disposed of by the institution, the date, place, and manner of disposition shall be recorded. [C24, 27, 31, 35, 39, §2407; C46, 50, 54, 58, 62, 66, §144.22; C71, 73, 75, 77, 79, 81, §144.48] Referred to in §144.50

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.49 - Additional record by funeral director.

144.49 Additional record by funeral director. A funeral director or other person who removes from the place of death or transports or finally disposes of a dead body or fetus, in addition to filing any certificate or other form required by this chapter, shall keep a record which shall identify the body, and information pertaining to the funeral director's or other person's receipt, removal, and delivery of the body as prescribed by the department. [C24, 27, 31, 35, 39, §2414; C46, 50, 54, 58, 62, 66, §144.29; C71, 73, 75, 77, 79, 81, §144.49] Referred to in §144.50

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.5 - Duties of state registrar.

144.5 Duties of state registrar. The state registrar shall do all of the following: 1. Administer and enforce this chapter and the rules issued under this chapter, and issue instructions for the efficient administration of the statewide system of vital statistics. 2. Direct and supervise the statewide system of vital statistics and be custodian of its records. 3. Direct, supervise, and control the activities of clerks of the district court and county recorders related to the operation of the vital statistics system and provide registrars with necessary postage. 4. Prescribe, print, and distribute the forms required by this chapter and prescribe any other means for transmission of data, as necessary to accomplish complete, accurate reporting. 5. Prepare and publish annual reports of vital statistics of this state and other reports as may be required. 6. Delegate functions and duties vested in the state registrar to officers, to employees of the department, to the clerks of the district court, and to the county registrars as the state registrar deems necessary or expedient. 7. Provide, by rules, for appropriate morbidity reporting. [C24, 27, 31, 35, 39, §2393; C46, 50, 54, 58, 62, 66, §144.8; C71, 73, 75, 77, 79, 81, §144.5; 81 Acts, ch 64, §1] 88 Acts, ch 1158, §33; 95 Acts, ch 124, §1, 2, 26; 97 Acts, ch 159, §8; 2021 Acts, ch 80, §72; 2023 Acts, ch 19, §249 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.50 - Length of time records to be kept.

144.50 Length of time records to be kept. Records maintained under sections 144.47 through 144.49 shall be retained for a period of not less than ten years and shall be made available for inspection by the state registrar or the state registrar's representative upon demand. [C71, 73, 75, 77, 79, 81, §144.50] 2021 Acts, ch 80, §75

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.51 - Information by others furnished on demand.

144.51 Information by others furnished on demand. Any person having knowledge of the facts shall furnish information the person possesses regarding any birth, death, fetal death, adoption, marriage, dissolution, or annulment, upon demand of the state registrar or the state registrar's representative. [C24, 27, 31, 35, 39, §2403, 2414; C46, 50, 54, 58, 62, 66, §144.18, 144.29; C71, 73, 75, 77, 79, 81, §144.51] 83 Acts, ch 101, §24

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.52 - Unlawful acts — punishment.

144.52 Unlawful acts — punishment. Any person committing any of the following acts is guilty of a serious misdemeanor: 1. Willfully and knowingly makes any false statement in a report, record, or certificate required to be filed under this chapter, or in an application for an amendment thereof, or willfully and knowingly supplies false information intending that such information be used in the preparation of any such report, record, or certificate, or amendment thereof. 2. Without lawful authority and with the intent to deceive, makes, alters, amends, or mutilates any report, record, or certificate required to be filed under this chapter or a certified copy of such report, record, or certificate. 3. Willfully and knowingly uses or attempts to use or furnish to another for use for any purpose of deception, any certificate, record, report, or certified copy thereof so made, altered, amended, or mutilated. 4. Willfully, with the intent to deceive, uses or attempts to use any certificate of birth or certified copy of a record of birth knowing that such certificate or certified copy was issued upon a record which is false in whole or in part or which relates to the birth of another person. 5. Willfully and knowingly furnishes a certificate of birth or certified copy of a record of birth with the intention that it be used by a person other than the person whose birth the record relates. 6. Disinterring a body in violation of section 144.34. 7. Knowingly violates a provision of section 144.29A. [C24, 27, 31, 35, 39, §2349, 2350, 2436; C46, 50, 54, 58, 62, 66, §141.33, 141.34, 144.53, 144.54; C71, 73, 75, 77, 79, 81, §144.52] 97 Acts, ch 172, §2

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.53 - Other acts — simple misdemeanors.

144.53 Other acts — simple misdemeanors. Any person committing any of the following acts is guilty of a simple misdemeanor: 1. Knowingly transports or accepts for transportation, interment, or other disposition a dead body without an accompanying permit as provided in this chapter. 2. Refuses to provide information required by this chapter. 3. Willfully violates any of the provisions of this chapter or refuses to perform any of the duties imposed upon the person by this chapter. [C24, 27, 31, 35, 39, §2350, 2436; C46, 50, 54, 58, 62, 66, §141.34, 144.53; C71, 73, 75, 77, 79, 81, §144.53]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.54 - Report to county attorney.

144.54 Report to county attorney. The department shall report cases of alleged violations to the proper county attorney, with a statement of the facts and circumstances, for such action as is appropriate. [C27, 31, 35, 39, §2434; C46, 50, 54, 58, 62, 66, §144.51; C71, 73, 75, 77, 79, 81, §144.54]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.55 - Attorney general to assist in enforcement.

144.55 Attorney general to assist in enforcement. Upon request of the department, the attorney general shall assist in the enforcement of the provisions of this chapter. [C24, 27, 31, 35, 39, §2435; C46, 50, 54, 58, 62, 66, §144.52; C71, 73, 75, 77, 79, 81, §144.55]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.56 - Autopsy.

144.56 Autopsy. 1. An autopsy or postmortem examination may be performed upon the body of a deceased person by a physician whenever the written consent to the examination or autopsy has been obtained from the person authorized to control the deceased person's remains under section 144C.5. 2. This section does not apply to any death investigated under the authority of sections 331.802 through 331.804. [C75, 77, 79, 81, S81, §144.56; 81 Acts, ch 117, §1207] 2008 Acts, ch 1051, §3, 22; 2021 Acts, ch 80, §76 Referred to in §144.57

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.57 - Public safety officer death — required notice — autopsy.

144.57 Public safety officer death — required notice — autopsy. A person who is authorized to pronounce individuals dead is required to inform one of the persons authorized to request an autopsy, as provided in section 144.56, that an autopsy will be required if the individual who died was a public safety officer who may have died in the line of duty and an eligible beneficiary of the deceased seeks to claim a federal public safety officer death benefit.* 2005 Acts, ch 174, §19 *Public safety officers' death benefits, see 34 U.S.C. §10281

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144 - VITAL STATISTICS Section 144.9 - County recorder as registrar.

144.9 County recorder as registrar. The county recorder is the county registrar and with respect to the county shall: 1. Administer

and enforce this chapter and the rules issued by the department. 2. Record and transmit the certificates, reports, or other returns filed with the county registrar to the state registrar at least semimonthly, or more frequently when directed by the state registrar. [C46, 50, 54, 58, 62, 66, §144.4, 144.10; C71, 73, 75, 77, 79, 81, §144.9] 88 Acts, ch 1158, §34; 95 Acts, ch 124, §3, 26

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144A - LIFE-SUSTAINING PROCEDURES Section 144A.1 - Short title.

144A.1 Short title. This chapter may be cited as the “Life-sustaining Procedures Act”. 85 Acts, ch 3, §2

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144A - LIFE-SUSTAINING PROCEDURES Section 144A.10 - Penalties.

144A.10 Penalties. 1. Any person who willfully conceals, withholds, cancels, destroys, alters, defaces, or obliterates the declaration, out-of-hospital do-not-resuscitate order, or out-of-hospital do-not-resuscitate identifier of another without the declarant’s or patient’s consent or who falsifies or forges a revocation of the declaration or out-of-hospital do-not-resuscitate order of another is guilty of a serious misdemeanor. 2. Any person who falsifies or forges the declaration or out-of-hospital do-not-resuscitate order of another, or willfully conceals or withholds personal knowledge of or delivery of a revocation as provided in section 144A.4 or 144A.7A, with the intent to cause a withholding or withdrawal of life-sustaining procedures, is guilty of a serious misdemeanor. 85 Acts, ch 3, §11; 2002 Acts, ch 1061, §9

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144A - LIFE-SUSTAINING PROCEDURES Section 144A.11 - General provisions.

144A.11 General provisions. 1. Death resulting from the withholding or withdrawal of life-sustaining procedures pursuant to a declaration or out-of-hospital do-not-resuscitate order and in accordance with this chapter does not, for any purpose, constitute a suicide, homicide, or dependent adult abuse. 2. The executing of a declaration pursuant to section 144A.3 or an out-of-hospital do-not-resuscitate order pursuant to section 144A.7A does not affect in any manner the sale, procurement, or issuance of any policy of life insurance, nor shall it be deemed to modify the terms of an existing policy of life insurance. No policy of life insurance is legally impaired or invalidated in any manner by the withholding or withdrawal of life-sustaining procedures pursuant to this chapter, notwithstanding any term of the policy to the contrary. 3. A physician, health care provider, health care service plan, insurer issuing disability insurance, self-insured employee welfare benefit plan, or nonprofit hospital plan shall not require any person to execute a declaration or an out-of-hospital do-not-resuscitate order as a condition for being insured for, or receiving, health care services. 4. This chapter creates no presumption concerning the intention of an individual who has not executed a declaration or an out-of-hospital do-not-resuscitate order with respect to the use, withholding, or withdrawal of life-sustaining procedures in the event of a terminal condition. 5. This chapter shall not be interpreted to increase or decrease the right of a patient to make decisions regarding use of life-sustaining procedures as long as the patient is able to do so, nor to impair or supersede any right or responsibility that any person has to effect the withholding or withdrawal of medical care in any lawful manner. In that respect, the provisions of this chapter are cumulative. 6. This chapter shall not be construed to condone, authorize or approve mercy killing or euthanasia, or to permit any affirmative or deliberate act or omission to end life other than to permit the natural process of dying. 85 Acts, ch 3, §12; 2002 Acts, ch 1061, §10 Dependent adult abuse, chapter 235B Homicide, chapter 707

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144A - LIFE-SUSTAINING PROCEDURES Section 144A.12 - Application to existing declarations.

144A.12 Application to existing declarations. A declaration executed prior to April 23, 1992, shall remain valid and shall be given effect in accordance with the then-applicable provisions of this chapter. If a declaration executed prior to April 23, 1992, includes a provision which would not have been given effect under this chapter prior to April 23, 1992, but which would be given effect under 1992 Acts, ch. 1132 , then the provision shall be given effect in accordance with 1992 Acts, ch. 1132 . 92 Acts, ch 1132, §5; 2014 Acts, ch 1026, §143

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144A - LIFE-SUSTAINING PROCEDURES Section 144A.2 - Definitions.

144A.2 Definitions. Except as otherwise provided, as used in this chapter: 1. “Adult” means an individual eighteen years of age or older. 2. “Attending physician” means the physician selected by, or assigned to, the patient who has primary responsibility for the treatment and care of the patient. 3. “Attending physician assistant” means the physician assistant selected by, or assigned to, the patient who has primary responsibility for the treatment and care of the patient. 4. “Declaration” means a document executed in accordance with the requirements of section 144A.3. 5. “Department” means the department of health and human services. 6. “Emergency medical care provider” means emergency medical care provider as defined in section 147A.1. 7. “Health care provider” means a person, including an emergency medical care provider, who is licensed, certified, or otherwise authorized or permitted by the law of this state to administer health care in the ordinary course of business or in the practice of a profession. 8. “Hospital” means hospital as defined in section 135B.1. 9. a. “Life-sustaining procedure” means any medical procedure, treatment, or intervention, including resuscitation, which meets both of the following requirements: (1) Utilizes mechanical or artificial means to

sustain, restore, or supplant a spontaneous vital function. (2) When applied to a patient in a terminal condition, would serve only to prolong the dying process. b. “Life-sustaining procedure” does not include the provision of nutrition or hydration except when required to be provided parenterally or through intubation, or the administration of medication or performance of any medical procedure deemed necessary to provide comfort care or to alleviate pain. 10. “Out-of-hospital do-not-resuscitate order” means a written order signed by a physician, executed in accordance with the requirements of section 144A.7A and issued consistent with this chapter, that directs the withholding or withdrawal of resuscitation when an adult patient in a terminal condition is outside the hospital. 11. “Physician” means a person licensed to practice medicine and surgery or osteopathic medicine and surgery in this state. 12. “Physician assistant” means a person licensed to practice as a physician assistant in this state. 13. “Qualified patient” means a patient who has executed a declaration or an out-of-hospital do-not-resuscitate order in accordance with this chapter and who has been determined by the attending physician to be in a terminal condition. 14. “Resuscitation” means any medical intervention that utilizes mechanical or artificial means to sustain, restore, or supplant a spontaneous vital function, including but not limited to chest compression, defibrillation, intubation, and emergency drugs intended to alter cardiac function or otherwise to sustain life. 15. “Terminal condition” means an incurable or irreversible condition that, without the administration of life-sustaining procedures, will, in the opinion of the attending physician, result in death within a relatively short period of time or a state of permanent unconsciousness from which, to a reasonable degree of medical certainty, there can be no recovery. 85 Acts, ch 3, §3; 92 Acts, ch 1132, §1 – 3; 2002 Acts, ch 1061, §1; 2008 Acts, ch 1088, §141; 2013 Acts, ch 30, §37; 2014 Acts, ch 1092, §32; 2022 Acts, ch 1066, §12; 2023 Acts, ch 19, §258 Referred to in §144C.2, 144D.4, 144G.1, 232D.401 Subsection 5 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144A - LIFE-SUSTAINING PROCEDURES Section 144A.3 - Declaration relating to use of life-sustaining procedures.

144A.3 Declaration relating to use of life-sustaining procedures. 1. A competent adult may execute a declaration at any time directing that life-sustaining procedures be withheld or withdrawn. The declaration shall be given operative effect only if the declarant’s condition is determined to be terminal and the declarant is not able to make treatment decisions. 2. The declaration must be signed by the declarant or another person acting on behalf of the declarant at the direction of the declarant, must contain the date of the declaration’s execution, and must be witnessed or acknowledged by one of the following methods: a. Is signed by at least two individuals who, in the presence of each other and the declarant, witnessed the signing of the declaration by the declarant or by another person acting on behalf of the declarant at the declarant’s direction. At least one of the witnesses shall be an individual who is not a relative of the declarant by blood, marriage, or adoption within the third degree of consanguinity. The following individuals shall not be witnesses for a declaration: (1) A health care provider attending the declarant on the date of execution of the declaration. (2) An employee of a health care provider attending the declarant on the date of execution of the declaration. (3) An individual who is less than eighteen years of age. b. Is acknowledged before a notarial officer within this state as provided in chapter 9B. 3. It is the responsibility of the declarant to provide the declarant’s attending physician or health care provider with the declaration. An attending physician or health care provider may presume, in the absence of actual notice to the contrary, that the declaration complies with this chapter and is valid. 4. A declaration or similar document executed in another state or jurisdiction in compliance with the law of that state or jurisdiction shall be deemed valid and enforceable in this state, to the extent the declaration or similar document is consistent with the laws of this state. A declaration or similar document executed by a veteran of the armed forces which is in compliance with the federal department of veterans affairs advance directive requirements shall be deemed valid and enforceable. 5. A declaration executed pursuant to this chapter may, but need not, be in the following form: DECLARATION If I should have an incurable or irreversible condition that will result either in death within a relatively short period of time or a state of permanent unconsciousness from which, to a reasonable degree of medical certainty, there can be no recovery, it is my desire that my life not be prolonged by the administration of life-sustaining procedures. If I am unable to participate in my health care decisions, I direct my attending physician to withhold or withdraw life-sustaining procedures that merely prolong the dying process and are not necessary to my comfort or freedom from pain. 85 Acts, ch 3, §4; 92 Acts, ch 1132, §4; 98 Acts, ch 1083, §1; 2002 Acts, ch 1061, §2, 3; 2012 Acts, ch 1050, §37, 60 Referred to in §144A.2, 144A.11

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144A - LIFE-SUSTAINING PROCEDURES Section 144A.4 - Revocation of declaration.

144A.4 Revocation of declaration. 1. A declaration may be revoked at any time and in any manner by which the declarant is able to communicate the declarant’s intent to revoke, without regard to mental or physical condition. A revocation is only effective as to the attending physician or attending physician assistant upon communication to such physician or physician assistant by the declarant or by another to whom the revocation was communicated. 2. The attending physician or attending physician assistant shall make the revocation a part of the declarant’s medical record. 85 Acts, ch 3, §5; 2022 Acts, ch 1066, §13 Referred to in §144A.10

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144A - LIFE-SUSTAINING PROCEDURES Section 144A.5 - Determination of terminal condition.

144A.5 Determination of terminal condition. When an attending physician who has been provided with a declaration determines that the declarant is in a terminal condition, this decision must be confirmed by another physician. The attending physician must record that determination in the declarant’s medical record. 85 Acts, ch 3, §6 Referred to in §144A.8

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144A - LIFE-SUSTAINING PROCEDURES Section 144A.6 - Treatment of qualified patients.

144A.6 Treatment of qualified patients. 1. A qualified patient has the right to make decisions regarding use of life-sustaining procedures as long as the qualified patient is able to do so. If a qualified patient is not able to make such decisions, the declaration shall govern decisions regarding use of life-sustaining procedures. 2. The declaration of a qualified patient known to the attending physician to be pregnant shall not be in effect as long as the fetus could develop to the point of live birth with continued application of life-sustaining procedures. However, the provisions of this subsection do not impair any existing rights or responsibilities that any person may have in regard to the withholding or withdrawal of life-sustaining procedures. 85 Acts, ch 3, §7 Referred to in §144A.8

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144A - LIFE-SUSTAINING PROCEDURES Section 144A.7 - Procedure in absence of declaration.

144A.7 Procedure in absence of declaration. 1. Life-sustaining procedures may be withheld or withdrawn from a patient who is in a terminal condition and who is comatose, incompetent, or otherwise physically or mentally incapable of communication and has not made a declaration in accordance with this chapter if there is consultation and written agreement for the withholding or the withdrawal of life-sustaining procedures between the attending physician and any of the following individuals, who shall be guided by the express or implied intentions of the patient, in the following order of priority if no individual in a prior class is reasonably available, willing, and competent to act: a. The attorney in fact designated to make treatment decisions for the patient should such person be diagnosed as suffering from a terminal condition, if the designation is in writing and complies with chapter 144B. b. The guardian of the person of the patient if one has been appointed, provided court approval is obtained in accordance with section 232D.401, subsection 4, paragraph “a”, or section 633.635, subsection 3, paragraph “b”, subparagraph (1). This paragraph does not require the appointment of a guardian in order for a treatment decision to be made under this section. c. The patient’s spouse. d. An adult child of the patient or, if the patient has more than one adult child, a majority of the adult children who are reasonably available for consultation. e. A parent of the patient, or parents if both are reasonably available. f. An adult sibling. 2. When a decision is made pursuant to this section to withhold or withdraw life-sustaining procedures, there shall be a witness present at the time of the consultation when that decision is made. 3. Subsections 1 and 2 shall not be in effect for a patient who is known to the attending physician to be pregnant with a fetus that could develop to the point of live birth with continued application of life-sustaining procedures. However, the provisions of this subsection do not impair any existing rights or responsibilities that any person may have in regard to the withholding or withdrawal of life-sustaining procedures. 85 Acts, ch 3, §8; 87 Acts, ch 100, §1; 2002 Acts, ch 1061, §4; 2005 Acts, ch 38, §55; 2014 Acts, ch 1078, §1; 2020 Acts, ch 1063, §61 Referred to in §144A.8, 144D.1, 144D.4

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144A - LIFE-SUSTAINING PROCEDURES Section 144A.7A - Out-of-hospital do-not-resuscitate orders.

144A.7A Out-of-hospital do-not-resuscitate orders. 1. If an attending physician or attending physician assistant issues an out-of-hospital do-not-resuscitate order for an adult patient under this section, the physician shall use the form prescribed pursuant to subsection 2, include a copy of the order in the patient’s medical record, and provide a copy to the patient or an individual authorized to act on the patient’s behalf. 2. The department, in collaboration with interested parties, shall prescribe uniform out-of-hospital do-not-resuscitate order forms and uniform personal identifiers, and shall adopt administrative rules necessary to implement this section. The uniform forms and personal identifiers shall be used statewide. 3. The out-of-hospital do-not-resuscitate order form shall include all of the following: a. The patient’s name. b. The patient’s date of birth. c. The name of the individual authorized to act on the patient’s behalf, if applicable. d. A statement that the patient is in a terminal condition. e. The physician’s or physician assistant’s signature. f. The date the form is signed. g. A concise statement of the nature and scope of the order. h. Any other information necessary to provide clear and reliable instructions to a health care provider. 4. A health care provider may withhold or withdraw resuscitation outside a hospital consistent with an out-of-hospital do-not-resuscitate order issued under this section and the rules or protocols adopted by the department. 5. In fulfilling the instructions of an out-of-hospital do-not-resuscitate order under this chapter, a health care provider shall continue to provide appropriate comfort care and pain relief to the patient. 6. An out-of-hospital do-not-resuscitate order shall not apply when a patient is in need of emergency medical services due to a sudden accident or injury resulting from a motor vehicle collision, fire, mass casualty, or other cause of a sudden accident or injury which is outside the scope of the patient’s terminal condition. 7. An out-of-hospital do-not-resuscitate order is deemed revoked at any time that a patient, or an individual authorized to act on the patient’s behalf as designated on the out-of-hospital do-not-resuscitate order, is able to communicate in any manner the intent that the order be revoked, without regard to the mental or physical condition of the patient. A revocation is only effective as to the health care provider upon communication to that provider by the patient, an individual authorized to act on the patient’s behalf as designated in the order, or by another person to whom the revocation is communicated. 8. The personal wishes of family members or other individuals who are not authorized in the order to act on the patient’s behalf shall not supersede a valid out-of-hospital do-not-resuscitate order. 9. If uncertainty regarding the validity or applicability of an out-of-hospital do-not-resuscitate order exists, a health care provider shall provide necessary and appropriate resuscitation. 10. A health care provider shall document compliance or noncompliance with an out-of-hospital do-not-resuscitate order and the reasons for not complying with the order, including evidence that the order was revoked or uncertainty regarding the

validity or applicability of the order. 11. This section shall not preclude a hospital licensed under chapter 135B from honoring an out-of-hospital do-not-resuscitate order entered in accordance with this section and in compliance with established hospital policies and protocols. 2002 Acts, ch 1061, §5; 2022 Acts, ch 1066, §14, 15 Referred to in §144A.2, 144A.8, 144A.10, 144A.11, 144D.4 Applicability to and validity of orders executed prior to July 1, 2002; 2002 Acts, ch 1061, §11

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144A - LIFE-SUSTAINING PROCEDURES Section 144A.8 - Transfer of patients.

144A.8 Transfer of patients. 1. An attending physician who is unwilling to comply with the requirements of section 144A.5, or who is unwilling to comply with the declaration of a qualified patient in accordance with section 144A.6 or an out-of-hospital do-not-resuscitate order pursuant to section 144A.7A, or who is unwilling to comply with the provisions of section 144A.7 or 144A.7A shall take all reasonable steps to effect the transfer of the patient to another physician. 2. If the policies of a health care provider preclude compliance with the declaration or out-of-hospital do-not-resuscitate order of a qualified patient under this chapter or preclude compliance with the provisions of section 144A.7 or 144A.7A, the provider shall take all reasonable steps to effect the transfer of the patient to a facility in which the provisions of this chapter can be carried out. 85 Acts, ch 3, §9; 2002 Acts, ch 1061, §6

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144A - LIFE-SUSTAINING PROCEDURES Section 144A.9 - Immunities.

144A.9 Immunities. 1. In the absence of actual notice of the revocation of a declaration or of an out-of-hospital do-not-resuscitate order, the following, while acting in accordance with the requirements of this chapter, are not subject to civil or criminal liability or guilty of unprofessional conduct: a. A physician who causes the withholding or withdrawal of life-sustaining procedures from a qualified patient. b. The health care provider in which such withholding or withdrawal occurs. c. A person who participates in the withholding or withdrawal of life-sustaining procedures under the direction of or with the authorization of a physician. 2. A physician is not subject to civil or criminal liability for actions under this chapter which are in accord with reasonable medical standards. 3. Any person, institution or facility against whom criminal or civil liability is asserted because of conduct in compliance with this chapter may interpose this chapter as an absolute defense. 4. In the absence of actual notice of the revocation of an out-of-hospital do-not-resuscitate order, a health care provider who complies with this chapter is not subject to civil or criminal liability or guilty of unprofessional conduct in entering, executing, or otherwise participating in an out-of-hospital do-not-resuscitate order. 85 Acts, ch 3, §10; 2002 Acts, ch 1061, §7, 8

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144B - DURABLE POWER OF ATTORNEY FOR HEALTH CARE Section 144B.1 - Definitions.

144B.1 Definitions. For purposes of this chapter, unless the context otherwise requires: 1. "Attorney in fact" means an individual who is designated by a durable power of attorney for health care as an agent to make health care decisions on behalf of a principal and has consented to act in that capacity. 2. "Designee" means a person named in a declaration under chapter 144C. 3. "Durable power of attorney for health care" means a document authorizing an attorney in fact to make health care decisions for the principal if the principal is unable, in the judgment of the attending physician or attending physician assistant, to make health care decisions. 4. "Health care" means any care, treatment, service, or procedure to maintain, diagnose, or treat an individual's physical or mental condition. "Health care" does not include the provision of nutrition or hydration except when they are required to be provided parenterally or through intubation. 5. "Health care decision" means the consent, refusal of consent, or withdrawal of consent to health care. 6. "Health care provider" means a person who is licensed, certified, or otherwise authorized or permitted by the law of this state to administer health care in the ordinary course of business or in the practice of a profession. 7. "Principal" means a person age eighteen or older who has executed a durable power of attorney for health care. 91 Acts, ch 140, §1; 2008 Acts, ch 1051, §4, 22; 2017 Acts, ch 30, §1, 4; 2022 Acts, ch 1066, §16 Referred to in §135N.1, 141A.1, 321.189

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144B - DURABLE POWER OF ATTORNEY FOR HEALTH CARE Section 144B.10 - Emergency treatment.

144B.10 Emergency treatment. This chapter does not affect the law governing health care treatment in an emergency. 91 Acts, ch 140, §10

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144B - DURABLE POWER OF ATTORNEY FOR HEALTH CARE Section 144B.11 - Prohibited practices.

144B.11 Prohibited practices. 1. A health care provider, health care service plan, insurer, self-insured employee welfare benefit plan, or nonprofit hospital plan shall not condition admission to a facility, or the providing of treatment, or insurance, on the requirement that an individual execute a durable power of attorney for health care. 2. A policy of life insurance shall not be legally impaired or invalidated in any manner by the withholding or withdrawing of health care pursuant to the direction of an attorney in fact appointed pursuant to this chapter. 91 Acts, ch 140, §11

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144B - DURABLE POWER OF ATTORNEY FOR HEALTH

CARESection 144B.12 - General provisions.

144B.12 General provisions. 1. This chapter does not create a presumption concerning the intention of an individual who has not executed a durable power of attorney for health care and does not impair or supersede any right or responsibility of an individual to consent, refuse to consent, or withdraw consent to health care on behalf of another in the absence of a durable power of attorney for health care. 2. This chapter shall not be construed to condone, authorize, or approve any affirmative or deliberate act or omission which would constitute mercy killing or euthanasia. 3. If after executing a durable power of attorney for health care designating a spouse as attorney in fact, the marriage between the principal and the attorney in fact is dissolved, the power is thereby revoked. In the event of remarriage to each other, the power is reinstated unless otherwise revoked by the principal. 4. It is the responsibility of the principal to provide for notification of a health care provider of the terms of the principal's durable power of attorney for health care. 91 Acts, ch 140, §12

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 144B - DURABLE POWER OF ATTORNEY FOR HEALTH CARESection 144B.2 - Durable power of attorney for health care.

144B.2 Durable power of attorney for health care. A durable power of attorney for health care authorizes the attorney in fact to make health care decisions for the principal if the durable power of attorney for health care substantially complies with the requirements of this chapter. A document executed prior to May 8, 1991, purporting to create a durable power of attorney for health care shall be deemed valid if the document specifically authorizes the attorney in fact to make health care decisions and is signed by the principal. 91 Acts, ch 140, §2

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 144B - DURABLE POWER OF ATTORNEY FOR HEALTH CARESection 144B.3 - Requirements.

144B.3 Requirements. 1. An attorney in fact shall make health care decisions only if the following requirements are satisfied: a. The durable power of attorney for health care explicitly authorizes the attorney in fact to make health care decisions. b. The durable power of attorney for health care contains the date of its execution and is witnessed or acknowledged by one of the following methods: (1) Is signed by at least two individuals who, in the presence of each other and the principal, witnessed the signing of the instrument by the principal or by another person acting on behalf of the principal at the principal's direction. (2) Is acknowledged before a notarial officer within this state as provided in chapter 9B. 2. The following individuals shall not be witnesses for a durable power of attorney for health care: a. A health care provider attending the principal on the date of execution. b. An employee of a health care provider attending the principal on the date of execution. c. The individual designated in the durable power of attorney for health care as the attorney in fact. d. An individual who is less than eighteen years of age. 3. At least one of the witnesses for a durable power of attorney for health care shall be an individual who is not a relative of the principal by blood, marriage, or adoption within the third degree of consanguinity. 4. A durable power of attorney for health care or similar document executed in another state or jurisdiction in compliance with the law of that state or jurisdiction shall be deemed valid and enforceable in this state, to the extent the document is consistent with the laws of this state. A durable power of attorney or similar document executed by a veteran of the armed forces which is in compliance with the federal department of veterans affairs advance directive requirements shall be deemed valid and enforceable. 91 Acts, ch 140, §3; 98 Acts, ch 1083, §2; 2012 Acts, ch 1050, §38, 60

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 144B - DURABLE POWER OF ATTORNEY FOR HEALTH CARESection 144B.4 - Individuals ineligible to be attorney in fact.

144B.4 Individuals ineligible to be attorney in fact. The following individuals shall not be designated as the attorney in fact to make health care decisions under a durable power of attorney for health care: 1. A health care provider attending the principal on the date of execution. 2. An employee of a health care provider attending the principal on the date of execution unless the individual to be designated is related to the principal by blood, marriage, or adoption within the third degree of consanguinity. 91 Acts, ch 140, §4

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 144B - DURABLE POWER OF ATTORNEY FOR HEALTH CARESection 144B.5 - Durable power of attorney for health care — form.

144B.5 Durable power of attorney for health care — form. 1. A durable power of attorney for health care executed pursuant to this chapter may, but need not, be in the following form: I hereby designate as my attorney in fact (my agent) and give to my agent the power to make health care decisions for me. This power exists only when I am unable, in the judgment of my attending physician or attending physician assistant, to make those health care decisions. The attorney in fact must act consistently with my desires as stated in this document or otherwise made known. Except as otherwise specified in this document, this document gives my agent the power, where otherwise consistent with the law of this state, to consent to my physician or physician assistant not giving health care or stopping health care which is necessary to keep me alive. This document gives my agent power to make health care decisions on my behalf, including to consent, to refuse to consent, or to withdraw consent to the provision of any care, treatment, service, or procedure to maintain, diagnose, or treat a physical or mental condition. This power is subject to any statement of my desires and any limitations included in this document. My agent has the right to examine my medical records and to consent to disclosure of such records. 2. In addition to the foregoing, the principal may provide specific instructions in the document conferring the durable power of attorney for health care, consistent with the provisions of this chapter. 3. The principal may include

a statement indicating that the designated attorney in fact has been notified of and consented to the designation. 4. A durable power of attorney for health care may designate one or more alternative attorneys in fact. 5. A durable power of attorney for health care may include a declaration under chapter 144C that names a designee and alternate designees who may be different persons than the attorney in fact or alternate attorneys in fact who are designated in the durable power of attorney for health care. 91 Acts, ch 140, §5; 2008 Acts, ch 1051, §5, 22; 2022 Acts, ch 1066, §17

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144B - DURABLE POWER OF ATTORNEY FOR HEALTH CARE Section 144B.6 - Attorney in fact — priority to make decisions.

144B.6 Attorney in fact — priority to make decisions. 1. Unless the district court sitting in equity specifically finds that the attorney in fact is acting in a manner contrary to the wishes of the principal or the durable power of attorney for health care provides otherwise, an attorney in fact who is known to the health care provider to be available and willing to make health care decisions has priority over any other person, including a guardian appointed pursuant to chapter 633, to act for the principal in all matters of health care decisions. The attorney in fact has authority to make a particular health care decision only if the principal is unable, in the judgment of the attending physician or attending physician assistant, to make the health care decision. If the principal objects to a decision to withhold or withdraw health care, the principal shall be presumed to be able to make a decision. 2. In exercising the authority under the durable power of attorney for health care, the attorney in fact has a duty to act in accordance with the desires of the principal as expressed in the durable power of attorney for health care or otherwise made known to the attorney in fact at any time. A declaration executed by the principal pursuant to the life-sustaining procedures Act, chapter 144A, shall not be interpreted as expressing an intent to prohibit the withdrawal of hydration or nutrition when required to be provided parenterally or through intubation and shall not otherwise restrict the authority of the attorney in fact unless either the declaration or the durable power of attorney for health care expressly provides otherwise. If the principal's desires are unknown, the attorney in fact has a duty to act in the best interests of the principal, taking into account the principal's overall medical condition and prognosis. 91 Acts, ch 140, §6; 2022 Acts, ch 1066, §18

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144B - DURABLE POWER OF ATTORNEY FOR HEALTH CARE Section 144B.7 - Authority to review medical records.

144B.7 Authority to review medical records. Except as limited by the durable power of attorney for health care, an attorney in fact has the same right as the principal to receive and review medical records of the principal, and to consent to the disclosure of medical records of the principal when acting pursuant to the durable power of attorney for health care. 91 Acts, ch 140, §7

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144B - DURABLE POWER OF ATTORNEY FOR HEALTH CARE Section 144B.8 - Revocation of durable power of attorney.

144B.8 Revocation of durable power of attorney. 1. A durable power of attorney for health care may be revoked at any time and in any manner by which the principal is able to communicate the intent to revoke, without regard to mental or physical condition. Revocation may be by notifying the attorney in fact orally or in writing. Revocation may also be made by notifying a health care provider orally or in writing while that provider is engaged in providing health care to the principal. A revocation is only effective as to a health care provider upon its communication to the provider by the principal or by another to whom the principal has communicated revocation. The health care provider shall document the revocation in the treatment records of the principal. 2. The principal is presumed to have the capacity to revoke a durable power of attorney for health care. 3. Unless it provides otherwise, a valid durable power of attorney for health care revokes any prior durable power of attorney for health care. 4. If authority granted by a durable power of attorney for health care is revoked under this section, an individual is not subject to criminal prosecution or civil liability for acting in good faith reliance upon the durable power of attorney for health care unless the individual has actual knowledge of the revocation. 5. The fact of execution and subsequent revocation of a durable power of attorney shall have no effect upon subsequent health care decisions made in accordance with accepted principles of law and standards of medical care governing those decisions. 91 Acts, ch 140, §8

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144B - DURABLE POWER OF ATTORNEY FOR HEALTH CARE Section 144B.9 - Immunities and responsibilities.

144B.9 Immunities and responsibilities. 1. A health care provider is not subject to criminal prosecution, civil liability, or professional disciplinary action if the health care provider relies on a health care decision and both of the following requirements are satisfied: a. The decision is made by an attorney in fact who the health care provider believes in good faith is authorized to make the decision. b. The health care provider believes in good faith that the decision is not inconsistent with the desires of the principal as expressed in the durable power of attorney for health care or otherwise made known to the health care provider, and, if the decision is to withhold or withdraw health care necessary to keep the principal alive, the health care provider has provided an opportunity for the principal to object to the decision. 2. Notwithstanding a contrary health care decision of the attorney in fact, the health care provider is not subject to criminal prosecution, civil liability, or professional disciplinary action for failing to withhold or withdraw health care necessary to keep the principal alive. However, the attorney in fact may make provisions to transfer the responsibility for the care of the principal to another health care provider. 3. An attorney in fact is not subject to criminal prosecution or civil liability

for any health care decision made in good faith pursuant to a durable power of attorney for health care. 4. It shall be presumed that an attorney in fact, and a health care provider acting pursuant to the direction of an attorney in fact, are acting in good faith and in the best interests of the principal absent clear and convincing evidence to the contrary. 5. For purposes of this section, acting in “good faith” means acting consistent with the desires of the principal as expressed in the durable power of attorney for health care or otherwise made known to the attorney in fact, or where those desires are unknown, acting in the best interests of the principal, taking into account the principal’s overall medical condition and prognosis. 6. A health care provider or attorney in fact may presume that a durable power of attorney for health care is valid absent actual knowledge to the contrary. 91 Acts, ch 140, §9

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144C - FINAL DISPOSITION ACT Section 144C.1 - Short title.

144C.1 Short title. This chapter may be cited as the “Final Disposition Act”. 2008 Acts, ch 1051, §6, 22

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144C - FINAL DISPOSITION ACT Section 144C.10 - Effect of declaration.

144C.10 Effect of declaration. 1. The designee designated in a declaration shall have the sole discretion pursuant to the declaration to determine what final disposition of the declarant’s remains and ceremonies to be performed after the declarant’s death are reasonable under the circumstances. 2. The most recent declaration executed by a declarant shall control. 3. This chapter does not prohibit a person from conducting a separate ceremony to commemorate a declarant, at the person’s expense, to assist in the bereavement process. 4. The rights of a donee created by an anatomical gift pursuant to chapter 142C are superior to the authority of a designee under a declaration executed pursuant to this chapter. 2008 Acts, ch 1051, §15, 22; 2010 Acts, ch 1032, §1

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144C - FINAL DISPOSITION ACT Section 144C.11 - Practice of mortuary science.

144C.11 Practice of mortuary science. This chapter shall not be construed to authorize the unlicensed practice of mortuary science as provided in chapter 156. 2008 Acts, ch 1051, §16, 22

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144C - FINAL DISPOSITION ACT Section 144C.2 - Definitions.

144C.2 Definitions. As used in this chapter, unless the context otherwise requires: 1. “Adult” means a person who is married or who is eighteen years of age or older. 2. “Adult day services program” means adult day services program as defined in section 231D.1. 3. “Assisted living program” means an assisted living program under chapter 231C. 4. “Ceremony” means a formal act or set of formal acts established by custom or authority to commemorate a decedent. 5. “Child” means a son or daughter of a person, whether by birth or adoption. 6. “Decedent” means a deceased adult. 7. “Declarant” means a competent adult who executes a declaration pursuant to this chapter. 8. “Declaration” means a written instrument that is executed by a declarant in accordance with the requirements of this chapter, and that names a designee who shall have the sole responsibility and discretion for making decisions concerning the final disposition of the declarant’s remains and the ceremonies planned after the declarant’s death. 9. “Designee” means a competent adult designated under a declaration who shall have the sole responsibility and discretion for making decisions concerning the final disposition of the declarant’s remains and the ceremonies planned after the declarant’s death. 10. “Elder group home” means elder group home as defined in section 231B.1. 11. “Final disposition” means the burial, interment, cremation, removal from the state, or other disposition of remains. 12. “Health care facility” means health care facility as defined in section 135C.1. 13. “Health care provider” means health care provider as defined in section 144A.2. 14. “Hospital” means hospital as defined in section 135B.1. 15. “Interested person” means a decedent’s spouse, parent, grandparent, adult child, adult sibling, adult grandchild, or a designee. 16. “Licensed hospice program” means a licensed hospice program as defined in section 135J.1. 17. “Reasonable under the circumstances” means consideration of what is appropriate in relation to the declarant’s finances, cultural or family customs, and religious or spiritual beliefs. “Reasonable under the circumstances” may include but is not limited to consideration of the declarant’s preneed funeral, burial, or cremation plan, and known or reasonably ascertainable creditors of the declarant. 18. “Remains” means the body or cremated remains of a decedent. 19. a. “Third party” means a person who is requested to dispose of remains by an adult with the right to dispose of a decedent’s remains under section 144C.5 or assist with arrangements for ceremonies planned after the declarant’s death. b. “Third party” includes but is not limited to a funeral director, funeral establishment, cremation establishment, cemetery, the state medical examiner, or a county medical examiner. 2008 Acts, ch 1051, §7, 22; 2009 Acts, ch 133, §45; 2017 Acts, ch 30, §2, 4 2017 amendment to subsection 8 applies to declarations executed on or after July 1, 2017; 2017 Acts, ch 30, §4

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144C - FINAL DISPOSITION ACT Section 144C.3 - Declaration — designee.

144C.3 Declaration — designee. 1. A declaration shall name a designee who shall have the sole responsibility and discretion for making decisions concerning the final disposition of the declarant’s remains and the ceremonies planned after the declarant’s death. A declaration may name one or more alternate designees and may include contact information for the designees and alternate designees. 2. A declaration shall not include directives for final disposition of the declarant’s remains and shall not include arrangements for ceremonies planned after the declarant’s death. 3. A designee, an alternate designee, and a third party shall act in

good faith and in a manner that is reasonable under the circumstances. 4. A funeral director, an attorney, or any agent, owner, or employee of a funeral establishment, cremation establishment, cemetery, elder group home, assisted living program, adult day services program, or licensed hospice program shall not serve as a designee unless married to the declarant or related to the declarant within the third degree of consanguinity. 5. This section shall not be construed to permit a person who is not licensed pursuant to chapter 156 to make funeral arrangements. 2008 Acts, ch 1051, §8, 22; 2008 Acts, ch 1191, §124; 2009 Acts, ch 133, §46; 2020 Acts, ch 1025, §3

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144C - FINAL DISPOSITION ACT Section 144C.4 - Reliance — immunities.

144C.4 Reliance — immunities. 1. A designee or third party who relies in good faith on a declaration is not subject to civil liability or to criminal prosecution or professional disciplinary action to any greater extent than if the designee or third party dealt directly with the declarant as a fully competent and living person. 2. A designee or third party who relies in good faith on a declaration may presume, in the absence of actual knowledge to the contrary, all of the following: a. That the declaration was validly executed. b. That the declarant was competent at the time the declaration was executed. 3. A third party who relies in good faith on a declaration is not subject to civil or criminal liability for the proper application of property delivered or surrendered in compliance with decisions made by the designee including but not limited to trust funds held pursuant to chapter 523A. 4. A third party who has reasonable cause to question the authenticity or validity of a declaration may promptly and reasonably seek additional information from the person proffering the declaration or from other persons to verify the declaration. 5. The state medical examiner or a county medical examiner shall not be subject to civil liability or to criminal prosecution or professional disciplinary action for releasing a decedent's remains to a person who is not a designee or alternate designee. 6. This section shall not be construed to impair any contractual obligations of a designee or third party incurred in fulfillment of a declaration. 2008 Acts, ch 1051, §9, 22

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144C - FINAL DISPOSITION ACT Section 144C.5 - Final disposition of remains — right to control.

144C.5 Final disposition of remains — right to control. 1. The right to control final disposition of a decedent's remains or to make arrangements for the ceremony after a decedent's death vests in and devolves upon the following persons who are competent adults at the time of the decedent's death, in the following order: a. A designee, or alternate designee, acting pursuant to the decedent's declaration. b. The surviving spouse of the decedent, if not legally separated from the decedent, whose whereabouts is reasonably ascertainable. c. A surviving child of the decedent, or, if there is more than one, a majority of the surviving children whose whereabouts are reasonably ascertainable. d. The surviving parents of the decedent whose whereabouts are reasonably ascertainable. e. A surviving grandchild of the decedent, or, if there is more than one, a majority of the surviving grandchildren whose whereabouts are reasonably ascertainable. f. A surviving sibling of the decedent, or, if there is more than one, a majority of the surviving siblings whose whereabouts are reasonably ascertainable. g. A surviving grandparent of the decedent, or, if there is more than one, a majority of the surviving grandparents whose whereabouts are reasonably ascertainable. h. A person in the next degree of kinship to the decedent in the order named by law to inherit the estate of the decedent under the rules of inheritance for intestate succession or, if there is more than one, a majority of such surviving persons whose whereabouts are reasonably ascertainable. i. A person who represents that the person knows the identity of the decedent and who signs an affidavit warranting the identity of the decedent and assuming the right to control final disposition of the decedent's remains and the responsibility to pay any expense attendant to such final disposition. A person who warrants the identity of the decedent pursuant to this paragraph is liable for all damages that result, directly or indirectly, from that warrant. j. The county medical examiner, if responsible for the decedent's remains. 2. A third party may rely upon the directives of a person who represents that the person is a member of a class of persons described in subsection 1, paragraph "c", "e", "f", "g", or "h", and who signs an affidavit stating that all other members of the class, whose whereabouts are reasonably ascertainable, have been notified of the decedent's death and the person has received the assent of a majority of those members of that class of persons to control final disposition of the decedent's remains and to make arrangements for the performance of a ceremony for the decedent. 3. A third party may await a court order before proceeding with final disposition of a decedent's remains or arrangements for the performance of a ceremony for a decedent if the third party is aware of a dispute among persons who are members of the same class of persons described in subsection 1, or of a dispute between persons who are authorized under subsection 1 and the executor named in a decedent's will or a personal representative appointed by the court. 2008 Acts, ch 1051, §10, 22 Referred to in §142.1, 144.27, 144.34, 144.56, 144C.2, 144C.8, 331.802, 331.804, 331.805, 523I.309 Section applies to all deaths occurring on or after July 1, 2008, except that subsection 1, paragraph a, applies only to a designee or alternate designee designated in a declaration that is executed on or after July 1, 2008; 2008 Acts, ch 1051, §22

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144C - FINAL DISPOSITION ACT Section 144C.6 - Declaration of designee — form — requirements.

144C.6 Declaration of designee — form — requirements. 1. A declaration executed pursuant to this chapter may but need not be in the following form: I hereby designate as my designee. My designee shall have the sole responsibility for making decisions concerning the final disposition of my remains and the ceremonies to be performed after my death. This declaration hereby revokes all prior declarations. This designation becomes effective upon my death. My designee shall act in a manner that is reasonable under the circumstances. I may revoke or amend this declaration at any time. I agree that a third party

(such as a funeral or cremation establishment, funeral director, or cemetery) who receives a copy of this declaration may act in reliance on it. Revocation of this declaration is not effective as to a third party until the third party receives notice of the revocation. My estate shall indemnify my designee and any third party for costs incurred by them or claims arising against them as a result of their good faith reliance on this declaration. I execute this declaration as my free and voluntary act. 2. A declaration executed pursuant to this chapter shall be in a written form that substantially complies with the form in subsection 1, is properly completed, and is dated and signed by the declarant or another person acting on the declarant's behalf at the direction of and in the presence of the declarant. In addition, a declaration shall be either of the following: a. Signed by at least two individuals who are not named therein and who, in the presence of each other and the declarant, witnessed the signing of the declaration by the declarant, or another person acting on the declarant's behalf at the direction of and in the presence of the declarant, and witnessed the signing of the declaration by each other. b. Acknowledged before a notarial officer as provided in chapter 9B. 3. A declaration may include the location of an agreement for prearranged funeral services or funeral merchandise as defined in and executed under chapter 523A, cemetery lots owned by or reserved for the declarant, and special instructions regarding organ donation consistent with chapter 142C. 4. A declaration for disposition of remains made by a service member who died while performing military duty as defined in section 29A.1, subsection 3, 8, or 12, on forms provided and authorized by the department of defense for service members for this purpose shall constitute a valid declaration of designee for purposes of this chapter. 2008 Acts, ch 1051, §11, 22; 2010 Acts, ch 1170, §3; 2011 Acts, ch 47, §8; 2012 Acts, ch 1050, §39, 60; 2012 Acts, ch 1072, §33; 2017 Acts, ch 30, §3, 4 2017 amendment to subsection 2, unnumbered paragraph 1, applies to declarations executed on or after July 1, 2017; 2017 Acts, ch 30, §4

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144C - FINAL DISPOSITION ACT Section 144C.7 - Revocation of declaration.

144C.7 Revocation of declaration. 1. A declaration is revocable by a declarant in a writing signed and dated by the declarant. 2. Unless otherwise expressly provided in a declaration: a. A dissolution of marriage, annulment of marriage, or legal separation between the declarant and the declarant's spouse that occurs subsequent to the execution of the declaration constitutes an automatic revocation of the spouse as a designee. b. A designation of a person as a designee pursuant to a declaration is ineffective if the designation is revoked by the declarant in writing subsequent to the execution of the declaration or if the designee is unable or unwilling to serve as the designee. 2008 Acts, ch 1051, §12, 22

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144C - FINAL DISPOSITION ACT Section 144C.8 - Forfeiture of designee's authority.

144C.8 Forfeiture of designee's authority. A designee shall forfeit all rights and authority under a declaration and all rights and authority under the declaration shall vest in and devolve upon an alternate designee, or if there is none, vest in and devolve pursuant to section 144C.5, under either of the following circumstances: 1. The designee is charged with murder in the first or second degree or voluntary manslaughter in connection with the declarant's death and those charges are known to a third party. 2. The designee does not exercise the designee's authority under the declaration within twenty-four hours of receiving notification of the death of the declarant or within forty hours of the declarant's death, whichever is earlier. 2008 Acts, ch 1051, §13, 22

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144C - FINAL DISPOSITION ACT Section 144C.9 - Interstate effect of declaration.

144C.9 Interstate effect of declaration. Unless otherwise expressly provided in a declaration: 1. It is presumed that the declarant intended to have a declaration executed pursuant to this chapter have the full force and effect of law in any state of the United States, the District of Columbia, and any other territorial possessions of the United States. 2. A declaration or similar instrument executed in another state that complies with the requirements of this chapter may be relied upon, in good faith, by the designee, an alternate designee, and a third party in this state so long as the declaration is not invalid, illegal, or unconstitutional in this state. 2008 Acts, ch 1051, §14, 22

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144D - PHYSICIAN ORDERS FOR SCOPE OF TREATMENT Section 144D.1 - Definitions.

144D.1 Definitions. As used in this chapter, unless the context otherwise requires: 1. "Advanced registered nurse practitioner" means an advanced registered nurse practitioner licensed pursuant to chapter 152 or 152E. 2. "Department" means the department of health and human services. 3. "Emergency medical care provider" means emergency medical care provider as defined in section 147A.1. 4. "Health care facility" means health care facility as defined in section 135C.1, a hospice program as defined in section 135J.1, an elder group home as defined in section 231B.1, and an assisted living program as defined in section 231C.2. 5. "Health care provider" means an individual, including an emergency medical care provider and an individual providing home and community-based services, and including a home health agency, licensed, certified, or otherwise authorized or permitted by the law of this state to administer health care in the ordinary course of business or in the practice of a profession. 6. "Home health agency" means home health agency as defined in 42 C.F.R. pt. 484. 7. "Hospital" means hospital as defined in section 135B.1. 8. "Legal representative" means an individual authorized to execute a POST form on behalf of a patient who is not competent to do so, in the order of priority set out in section 144A.7, subsection 1, and guided by the express or implied intentions of the patient or, if such

intentions are unknown, by the patient's best interests given the patient's overall medical condition and prognosis. 9. "Patient" means an individual who is frail and elderly or who has a chronic, critical medical condition or a terminal illness and for which a physician orders for scope of treatment form is consistent with the individual's goals of care. 10. "Physician" means a person licensed to practice medicine and surgery or osteopathic medicine and surgery in this state. 11. "Physician assistant" means a person licensed as a physician assistant under chapter 148C. 12. "Physician orders for scope of treatment form" or "POST form" means a document containing medical orders which may be relied upon across medical settings that consolidates and summarizes a patient's preferences for life-sustaining treatments and interventions and acts as a complement to and does not supersede any valid advance directive. 2012 Acts, ch 1008, §2; 2016 Acts, ch 1073, §60; 2023 Acts, ch 19, §259 Referred to in §135P.1 Subsection 2 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144D - PHYSICIAN ORDERS FOR SCOPE OF TREATMENT Section 144D.2 - Physician orders for scope of treatment (POST) form.

144D.2 Physician orders for scope of treatment (POST) form. 1. The POST form shall be a uniform form based upon the national physician orders for life-sustaining treatment paradigm form. The form shall have all of the following characteristics: a. The form shall include the patient's name and date of birth. b. The form shall be signed and dated by the patient or the patient's legal representative. c. The form shall be signed and dated by the patient's physician, advanced registered nurse practitioner, or physician assistant. d. If preparation of the form was facilitated by an individual other than the patient's physician, advanced registered nurse practitioner, or physician assistant, the facilitator shall also sign and date the form. e. The form shall include the patient's wishes regarding the care of the patient, including but not limited to all of the following: (1) The administration of cardiopulmonary resuscitation. (2) The level of medical interventions in the event of a medical emergency. (3) The use of medically administered nutrition by tube. f. The form shall be easily distinguishable to facilitate recognition by health care providers, hospitals, and health care facilities. g. An incomplete section on the form shall imply the patient's wishes for full treatment for the type of treatment addressed in that section. 2. The department shall prescribe the uniform POST form and shall post the form on the department's internet site for public availability. 2012 Acts, ch 1008, §3; 2013 Acts, ch 90, §257; 2021 Acts, ch 182, §66

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144D - PHYSICIAN ORDERS FOR SCOPE OF TREATMENT Section 144D.3 - Compliance with POST form.

144D.3 Compliance with POST form. 1. A POST form executed in this state or another state or jurisdiction in compliance with the law of that state or jurisdiction shall be deemed valid and enforceable in this state to the extent the form is consistent with the laws of this state, and may be accepted by a health care provider, hospital, or health care facility. 2. A health care provider, hospital, or health care facility may comply with an executed POST form, notwithstanding that the physician, advanced registered nurse practitioner, or physician assistant who signed the POST form does not have admitting privileges at the hospital or health care facility providing health care or treatment. 3. A POST form may be revoked at any time and in any manner by which the patient or a patient's legal representative is able to communicate the patient's intent to revoke, without regard to the patient's mental or physical condition. A revocation is only effective as to the health care provider, hospital, or health care facility upon communication to the health care provider, hospital, or health care facility by the patient, the patient's legal representative, or by another to whom the revocation was communicated. 4. In the absence of actual notice of the revocation of a POST form, a health care provider, hospital, health care facility, or any other person who complies with a POST form shall not be subject to civil or criminal liability or professional disciplinary action for actions taken under this chapter which are in accordance with reasonable medical standards. A health care provider, hospital, health care facility, or other person against whom criminal or civil liability or professional disciplinary action is asserted because of conduct in compliance with this chapter may interpose the restriction on liability in this subsection as an absolute defense. 5. A health care provider, hospital, or health care facility that is unwilling to comply with an executed POST form based on policy, religious beliefs, or moral convictions shall take all reasonable steps to transfer the patient to another health care provider, hospital, or health care facility. 2012 Acts, ch 1008, §4; 2012 Acts, ch 1138, §50

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144D - PHYSICIAN ORDERS FOR SCOPE OF TREATMENT Section 144D.4 - General provisions.

144D.4 General provisions. 1. If an individual is a qualified patient as defined in section 144A.2, the individual's declaration executed under chapter 144A shall control health care decision making for the individual in accordance with chapter 144A. If an individual has not executed a declaration pursuant to chapter 144A, health care decision making relating to life-sustaining procedures for the individual shall be governed by section 144A.7. A POST form shall not supersede a declaration executed pursuant to chapter 144A. 2. If an individual has executed a durable power of attorney for health care pursuant to chapter 144B, the individual's durable power of attorney for health care shall control health care decision making for the individual in accordance with chapter 144B. A POST form shall not supersede a durable power of attorney for health care executed pursuant to chapter 144B. 3. If the individual's physician or physician assistant has issued an out-of-hospital do-not-resuscitate order pursuant to section 144A.7A, the POST form shall not supersede the out-of-hospital do-not-resuscitate order. 4. Death resulting from the withholding or withdrawal of life-sustaining procedures pursuant to an executed POST form and in accordance with this chapter does not, for any purpose, constitute a suicide, homicide, or dependent adult abuse. 5. The executing of a POST form does not affect in any manner the sale, procurement, or issuance of any policy of life insurance, nor shall it be deemed to modify the terms of an existing policy of life insurance. A policy of life insurance is not legally impaired or invalidated in any manner by the withholding or withdrawal of

life-sustaining procedures pursuant to this chapter notwithstanding any term of the policy to the contrary. 6. A health care provider, hospital, health care facility, health care service plan, insurer issuing disability insurance, self-insured employee welfare benefit plan, or nonprofit hospital plan shall not require any person to execute a POST form as a condition of being insured for, or receiving, health care services. 7. This chapter does not create a presumption concerning the intention of an individual who has not executed a POST form with respect to the use, withholding, or withdrawal of life-sustaining procedures in the event of a terminal condition. 8. This chapter shall not be interpreted to affect the right of an individual to make decisions regarding use of life-sustaining procedures as long as the individual is able to do so, nor to impair or supersede any right or responsibility that any person has to effect the withholding or withdrawal of medical care in any lawful manner. In that respect, the provisions of this chapter are cumulative. 9. This chapter shall not be construed to condone, authorize, or approve mercy killing or euthanasia, or to permit any affirmative or deliberate act or omission to end life other than to permit the natural process of dying. 10. A POST form executed between July 1, 2008, and June 30, 2012, as part of the patient autonomy in health care decisions pilot project created pursuant to 2008 Iowa Acts, ch. 1188, §36, as amended by 2010 Iowa Acts, ch. 1192, §58, shall remain effective until revoked or until a new POST form is executed pursuant to this chapter. 2012 Acts, ch 1008, §5; 2012 Acts, ch 1133, §95; 2014 Acts, ch 1026, §143; 2022 Acts, ch 1066, §19

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144E - EXPERIMENTAL TREATMENTS FOR TERMINALLY ILL PERSONS Section 144E.1 - Title.

144E.1 Title. This chapter shall be known and may be cited as the “Right to Try Act”. 2017 Acts, ch 130, §1

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144E - EXPERIMENTAL TREATMENTS FOR TERMINALLY ILL PERSONS Section 144E.2 - Definitions.

144E.2 Definitions. As used in this chapter: 1. “Eligible patient” means an individual who meets all of the following conditions: a. Has a terminal illness, attested to by the patient’s treating physician. b. Has considered and rejected or has tried and failed to respond to all other treatment options approved by the United States food and drug administration. c. Has received a recommendation from the individual’s physician for an investigational drug, biological product, or device. d. Has given written informed consent for the use of the investigational drug, biological product, or device. e. Has documentation from the individual’s physician that the individual meets the requirements of this subsection. 2. “Investigational drug, biological product, or device” means a drug, biological product, or device that has successfully completed phase 1 of a United States food and drug administration-approved clinical trial but has not yet been approved for general use by the United States food and drug administration and remains under investigation in a United States food and drug administration-approved clinical trial. 3. “Terminal illness” means a progressive disease or medical or surgical condition that entails significant functional impairment, that is not considered by a treating physician to be reversible even with administration of treatments approved by the United States food and drug administration, and that, without life-sustaining procedures, will result in death. 4. “Written informed consent” means a written document that is signed by the patient, a parent of a minor patient, or a legal guardian or other legal representative of the patient and attested to by the patient’s treating physician and a witness and that includes all of the following: a. An explanation of the products and treatments approved by the United States food and drug administration for the disease or condition from which the patient suffers. b. An attestation that the patient concurs with the patient’s treating physician in believing that all products and treatments approved by the United States food and drug administration are unlikely to prolong the patient’s life. c. Clear identification of the specific proposed investigational drug, biological product, or device that the patient is seeking to use. d. A description of the best and worst potential outcomes of using the investigational drug, biological product, or device and a realistic description of the most likely outcome. The description shall include the possibility that new, unanticipated, different, or worse symptoms might result and that death could be hastened by use of the proposed investigational drug, biological product, or device. The description shall be based on the treating physician’s knowledge of the proposed investigational drug, biological product, or device in conjunction with an awareness of the patient’s condition. e. A statement that the patient’s health plan or third-party administrator and provider are not obligated to pay for any care or treatments consequent to the use of the investigational drug, biological product, or device, unless they are specifically required to do so by law or contract. f. A statement that the patient’s eligibility for hospice care may be withdrawn if the patient begins curative treatment with the investigational drug, biological product, or device and that care may be reinstated if this treatment ends and the patient meets hospice eligibility requirements. g. A statement that the patient understands that the patient is liable for all expenses consequent to the use of the investigational drug, biological product, or device and that this liability extends to the patient’s estate unless a contract between the patient and the manufacturer of the investigational drug, biological product, or device states otherwise. 2017 Acts, ch 130, §2

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144E - EXPERIMENTAL TREATMENTS FOR TERMINALLY ILL PERSONS Section 144E.3 - Manufacturer rights.

144E.3 Manufacturer rights. 1. A manufacturer of an investigational drug, biological product, or device may make available and an eligible patient may request the manufacturer’s investigational drug, biological product, or device under this chapter. This chapter does not require a manufacturer of an investigational drug, biological product, or device to provide or otherwise make available the investigational drug, biological product, or device to an eligible patient. 2. A manufacturer described in subsection 1 may do any of the following: a. Provide an investigational drug, biological product, or device to an eligible patient without receiving compensation.

b. Require an eligible patient to pay the costs of, or the costs associated with, the manufacture of the investigational drug, biological product, or device. 2017 Acts, ch 130, §3

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144E - EXPERIMENTAL TREATMENTS FOR TERMINALLY ILL PERSONS Section 144E.4 - Treatment coverage.

144E.4 Treatment coverage. 1. This chapter does not expand the coverage required of an insurer under Title XIII, subtitle 1. 2. A health plan, third-party administrator, or governmental agency may provide coverage for the cost of an investigational drug, biological product, or device, or the cost of services related to the use of an investigational drug, biological product, or device under this chapter. 3. This chapter does not require any governmental agency to pay costs associated with the use, care, or treatment of a patient with an investigational drug, biological product, or device. 4. This chapter does not require a hospital licensed under chapter 135B or other health care facility to provide new or additional services. 2017 Acts, ch 130, §4

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144E - EXPERIMENTAL TREATMENTS FOR TERMINALLY ILL PERSONS Section 144E.5 - Heirs not liable for treatment debts.

144E.5 Heirs not liable for treatment debts. If a patient dies while being treated by an investigational drug, biological product, or device, the patient's heirs are not liable for any outstanding debt related to the treatment or lack of insurance due to the treatment, unless otherwise required by law. 2017 Acts, ch 130, §5

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144E - EXPERIMENTAL TREATMENTS FOR TERMINALLY ILL PERSONS Section 144E.6 - Provider recourse.

144E.6 Provider recourse. 1. To the extent consistent with state law, the board of medicine created under chapter 147 shall not revoke, fail to renew, suspend, or take any action against a physician's license based solely on the physician's recommendations to an eligible patient regarding access to or treatment with an investigational drug, biological product, or device. 2. To the extent consistent with federal law, an entity responsible for Medicare certification shall not take action against a physician's Medicare certification based solely on the physician's recommendation that a patient have access to an investigational drug, biological product, or device. 2017 Acts, ch 130, §6

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144E - EXPERIMENTAL TREATMENTS FOR TERMINALLY ILL PERSONS Section 144E.7 - State interference.

144E.7 State interference. An official, employee, or agent of this state shall not block or attempt to block an eligible patient's access to an investigational drug, biological product, or device. Counseling, advice, or a recommendation consistent with medical standards of care from a licensed physician is not a violation of this section. 2017 Acts, ch 130, §7

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144E - EXPERIMENTAL TREATMENTS FOR TERMINALLY ILL PERSONS Section 144E.8 - Private cause of action.

144E.8 Private cause of action. 1. This chapter shall not create a private cause of action against a manufacturer of an investigational drug, biological product, or device or against any other person or entity involved in the care of an eligible patient using the investigational drug, biological product, or device for any harm done to the eligible patient resulting from the investigational drug, biological product, or device, if the manufacturer or other person or entity is complying in good faith with the terms of this chapter and has exercised reasonable care. 2. This chapter shall not affect any mandatory health care coverage for participation in clinical trials under Title XIII, subtitle 1. 2017 Acts, ch 130, §8

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144E - EXPERIMENTAL TREATMENTS FOR TERMINALLY ILL PERSONS Section 144E.9 - Assisting suicide.

144E.9 Assisting suicide. This chapter shall not be construed to allow a patient's treating physician to assist the patient in committing or attempting to commit suicide as prohibited in section 707A.2. 2017 Acts, ch 130, §9

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144F - CAREGIVER ADVISE, RECORD, ENABLE (CARE) ACT Section 144F.1 - Definitions.

144F.1 Definitions. As used in this chapter, unless the context otherwise requires: 1. "Aftercare assistance" means any assistance provided by a lay caregiver to a patient following discharge of the patient that involves tasks directly related to the patient's condition at the time of discharge, does not require a licensed professional, and is determined to be appropriate by the patient's discharging physician or other licensed health care professional. 2. "Discharge" means the exit or release of a patient from inpatient care in a hospital to the residence of the patient. 3. "Facility" means a health care facility as defined in section 135C.1, an elder group home as defined in section 231B.1, or an assisted living program as defined in section 231C.2. 4. "Hospital" means a licensed hospital as defined in section 135B.1. 5. "Lay caregiver" means an individual, eighteen years of age or older, who is designated as a lay caregiver under this chapter by a patient or the patient's legal representative, and who is willing and able to perform aftercare assistance for the patient at the patient's residence following discharge. 6. "Legal representative" means, in order of priority, an

attorney in fact under a durable power of attorney for health care pursuant to chapter 144B or, if no durable power of attorney for health care has been executed pursuant to chapter 144B or if the attorney in fact is unavailable, a legal guardian appointed pursuant to chapter 232D or 633. 7. “Patient” means an individual who is receiving or who has received inpatient medical care in a hospital. 8. “Residence” means the dwelling that a patient considers to be the patient’s home. “Residence” does not include any rehabilitation facility, hospital, or facility. 2019 Acts, ch 18, §1; 2020 Acts, ch 1062, §25; 2020 Acts, ch 1063, §62

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144F - CAREGIVER ADVISE, RECORD, ENABLE (CARE)
ACT Section 144F.2 - Discharge policies — opportunity to designate lay caregiver.

144F.2 Discharge policies — opportunity to designate lay caregiver. 1. a. A hospital shall adopt and maintain evidence-based discharge policies and procedures. At a minimum, the policies and procedures shall provide for an assessment of the patient’s ability for self-care after discharge and, as part of the assessment, shall provide a patient, or if applicable the patient’s legal representative, with an opportunity to designate one lay caregiver prior to discharge of the patient. b. A legal representative who is an agent under a durable power of attorney for health care pursuant to chapter 144B shall be given the opportunity to designate a lay caregiver in lieu of the patient’s designation of a lay caregiver only if, consistent with chapter 144B, in the judgment of the attending physician or attending physician assistant, the patient is unable to make the health care decision. A legal representative who is a guardian shall be given the opportunity to designate a lay caregiver in lieu of the patient’s designation of a lay caregiver to the extent consistent with the powers and duties granted the guardian pursuant to sections 232D.401 and 232D.402 or section 633.635. 2. If a patient or the patient’s legal representative declines to designate a lay caregiver, the hospital shall document the declination in the patient’s medical record and the hospital shall be deemed to be in compliance with this section. 3. If a patient or the patient’s legal representative designates a lay caregiver, the hospital shall do all of the following: a. Record in the patient’s medical record the designation of the lay caregiver, in accordance with the hospital’s policies and procedures, which may include information such as the relationship of the lay caregiver to the patient, and the name, telephone number, and address of the lay caregiver. b. (1) Request written consent from the patient or the patient’s legal representative to release medical information to the lay caregiver in accordance with the hospital’s established procedures for releasing a patient’s personal health information and in compliance with all applicable state and federal laws. (2) If a patient or the patient’s legal representative declines to consent to the release of medical information to the lay caregiver, the hospital is not required to provide notice to the lay caregiver under section 144F.3 or to consult with or provide information contained in the patient’s discharge plan to the lay caregiver under section 144F.4. 4. A patient or the patient’s legal representative may change the designation of a lay caregiver if the lay caregiver becomes incapacitated. 5. The designation of an individual as a lay caregiver under this section does not obligate the individual to perform any aftercare assistance for the patient. 6. This section shall not be construed to require a patient or the patient’s legal representative to designate a lay caregiver. 2019 Acts, ch 18, §2; 2021 Acts, ch 80, §77; 2022 Acts, ch 1066, §20 Referred to in §144F.3, 144F.4

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144F - CAREGIVER ADVISE, RECORD, ENABLE (CARE)
ACT Section 144F.3 - Notification of lay caregiver of discharge.

144F.3 Notification of lay caregiver of discharge. If a lay caregiver is designated under section 144F.2, the hospital shall, in accordance with the hospital’s established policies and procedures, attempt to notify the lay caregiver of the discharge of the patient as soon as practicable. 2019 Acts, ch 18, §3 Referred to in §144F.2

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144F - CAREGIVER ADVISE, RECORD, ENABLE (CARE)
ACT Section 144F.4 - Aftercare assistance instructions to lay caregiver.

144F.4 Aftercare assistance instructions to lay caregiver. 1. If a lay caregiver is designated under section 144F.2, as soon as practicable prior to discharge of a patient, a hospital shall attempt to do all of the following: a. Consult with the patient’s lay caregiver to prepare the lay caregiver for the aftercare assistance the lay caregiver may provide. b. Issue a discharge plan that describes the aftercare assistance needs of the patient and offer to provide the lay caregiver with instructions for the aftercare assistance tasks described in the discharge plan and the opportunity for the lay caregiver to ask questions regarding such tasks. 2. The inability of a hospital to consult with a patient’s lay caregiver shall not interfere with, delay, or otherwise affect the medical care provided to the patient or the patient’s discharge. 2019 Acts, ch 18, §4 Referred to in §144F.2

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144F - CAREGIVER ADVISE, RECORD, ENABLE (CARE)
ACT Section 144F.5 - Hospital discharge process — evidence-based practices.

144F.5 Hospital discharge process — evidence-based practices. A hospital’s discharge process may incorporate established evidence-based practices, including but not limited to any of the following: 1. The standards for accreditation adopted by the joint commission on the accreditation of health care organizations or any other nationally recognized hospital accreditation organization. 2. The conditions of participation for hospitals adopted by the centers for Medicare and Medicaid services of the United States department of health and human services. 2019 Acts, ch 18, §5

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144F - CAREGIVER ADVISE, RECORD, ENABLE (CARE)
ACT Section 144F.6 - Construction of chapter relative to other health care directives.

144F.6 Construction of chapter relative to other health care directives. Nothing in this chapter shall be construed to interfere with the authority or responsibilities of an agent operating under a valid durable power of attorney for health care pursuant to chapter 144B or of the powers and duties granted to a guardian pursuant to section 232D.401, 232D.402, or 633.635. 2019 Acts, ch 18, §6; 2020 Acts, ch 1063, §63; 2021 Acts, ch 80, §78

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144F - CAREGIVER ADVISE, RECORD, ENABLE (CARE) ACT Section 144F.7 - Limitations.

144F.7 Limitations. 1. Nothing in this chapter shall be construed to create a private right of action against a hospital, a hospital employee, or any consultant or contractor with whom a hospital has a contractual relationship, or to limit or otherwise supersede or replace existing rights or remedies under any other provision of law. 2. Nothing in this chapter shall delay the appropriate discharge or transfer of a patient. 3. Nothing in this chapter shall be construed to interfere with or supersede a health care provider's instructions regarding a Medicare-certified home health agency or any other post-acute care provider. 4. Nothing in this chapter shall be construed to grant decision-making authority to a lay caregiver to determine the type of provider or provider of the patient's post-hospital care as specified in the patient's discharge plan. 2019 Acts, ch 18, §7

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 144G - WITHDRAWAL OF LIFE-SUSTAINING PROCEDURES — MINORS Section 144G.1 - Withdrawal of life-sustaining procedures from minor child — court intervention.

144G.1 Withdrawal of life-sustaining procedures from minor child — court intervention. 1. A court of law or equity shall not have the authority to require the withdrawal of life-sustaining procedures from a minor child over the objection of the minor child's parent or guardian, unless there is conclusive medical evidence that the minor child has died and any electronic brain, heart, or respiratory monitoring activity exhibited to the contrary is a false artifact. 2. For the purposes of this section: a. "Life-sustaining procedure" means the same as defined in section 144A.2. b. "Minor" means the same as specified in section 599.1. 2020 Acts, ch 1110, §1

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 145A - AREA HOSPITALS Section 145A.1 - Consolidation for purpose.

145A.1 Consolidation for purpose. Any of the political subdivisions of this state may consolidate to acquire and operate an area hospital for the purpose of providing hospital service for all residents of such area. [C71, 73, 75, 77, 79, 81, §145A.1]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 145A - AREA HOSPITALS Section 145A.10 - Board of hospital trustees.

145A.10 Board of hospital trustees. Upon acceptance of a plan, the officials of the merged area acting as a committee of the whole shall appoint a board of hospital trustees. The board of trustees shall then meet, elect a chairperson and adopt such rules for the organization of the board as may be necessary. The number and composition of the board shall be determined by the committee appointing the board; but as a matter of public policy the committee is directed to apportion the board into area districts in such a way that the residents of all of the merged area will be represented as nearly equally as possible on the board. [C71, 73, 75, 77, 79, 81, §145A.10]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 145A - AREA HOSPITALS Section 145A.11 - Terms of members.

145A.11 Terms of members. The terms of members of the board shall be four years, except that members of the initial board shall determine their respective terms by lot so that the terms of one-half of the members, as nearly as may be, shall expire at the next general election. The remaining initial terms shall expire at the following general election. The successors of the initial board shall be chosen from area districts at regular elections, and shall be nominated and elected in the same manner as county hospital trustees as provided in section 347.25, except that nomination papers on behalf of a candidate shall be signed by not less than twenty-five eligible electors from the area district. [C71, 73, 75, 77, 79, 81, §145A.11]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 145A - AREA HOSPITALS Section 145A.12 - Operation and management.

145A.12 Operation and management. The board shall govern the operation and management of the area hospital and may do all things necessary to establish and operate the hospital. The board has all the general powers, duties, and responsibilities of the trustees of county public hospitals as set out in sections 347.13 and 347.14 and may enter into contracts for the operation and management of area hospital facilities. [C71, 73, 75, 77, 79, 81, §145A.12] 85 Acts, ch 123, §5

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 145A - AREA HOSPITALS Section 145A.13 - Political status.

145A.13 Political status. A merged area as a public corporation formed under this chapter may exercise the powers granted under this chapter, and may sue and be sued, purchase and sell property, incur indebtedness in accordance with constitutional limitations, and exercise all the powers granted by law and other powers incident to public corporations of like character and not inconsistent with the laws of this state. [C71, 73, 75, 77, 79, 81, §145A.13] 85 Acts, ch 123, §6

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 145A - AREA HOSPITALS Section 145A.14 - Budget for operation.

145A.14 Budget for operation. The board shall prepare an annual budget designating the proposed expenditures for operation of the area hospital and payment of bonded indebtedness, and the amount to be raised by taxation, following the requirements of chapter 24. The board shall prorate the amount to be raised for operations by local taxation among the respective political subdivisions forming a part of the merged area in the proportion that the product of the value of taxable property and the maximum tax levy rate in each political subdivision bears to the total product of the value of taxable property and the maximum tax levy rate in the entire merged area, as set out in the published order of merger. The board of hospital trustees shall certify the amount so determined to the respective levying officials of the affected counties, and the officials shall levy a tax sufficient to raise the annual budget. Taxes collected pursuant to the levy shall be paid by the respective county treasurers to the treasurer of the area hospital in the same manner that school taxes are paid to local school districts. [C71, 73, 75, 77, 79, 81, §145A.14] 85 Acts, ch 123, §7 Referred to in §145A.18, 347A.3

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 145A - AREA HOSPITALS Section 145A.15 - Treasurer of hospital.

145A.15 Treasurer of hospital. If the area hospital is located within the corporate limits of any city, the city treasurer shall act as treasurer of the area hospital; and if the area hospital is located outside the limits of any city, the county treasurer shall act as the treasurer of the area hospital; provided, however, the board may appoint some other person to serve as treasurer. The board may require that the treasurer furnish appropriate bond for faithful performance of the treasurer's duties. [C71, 73, 75, 77, 79, 81, §145A.15] Referred to in §331.552

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 145A - AREA HOSPITALS Section 145A.16 - Funds to aid hospital.

145A.16 Funds to aid hospital. In addition to revenue derived by tax levy, the board of hospital trustees of a merged area shall be authorized to receive and expend: 1. Federal funds which may be available by federal laws, rules and regulations. 2. State aid which may be available by state laws and rules. 3. Fees and expenses charged to persons using the facilities of the hospital. 4. Donations and gifts which may be accepted by the hospital trustees and expended in accordance with the terms of the gift without compliance with the local budget law, chapter 24. [C71, 73, 75, 77, 79, 81, §145A.16] 2004 Acts, ch 1086, §41

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 145A - AREA HOSPITALS Section 145A.17 - Indebtedness and bonds.

145A.17 Indebtedness and bonds. Boards of hospital trustees may by resolution acquire sites and buildings by purchase, lease, construction, or otherwise, for use by area hospitals and may by resolution contract indebtedness on behalf of the merged area and issue bonds bearing interest at a rate not exceeding the rate of interest permitted by chapter 74A, to raise funds in accordance with chapter 75 for the purpose of acquiring the sites and buildings. [C71, 73, 75, 77, 79, 81, §145A.17] 85 Acts, ch 123, §8 Referred to in §145A.18

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 145A - AREA HOSPITALS Section 145A.18 - Taxes.

145A.18 Taxes. Taxes for the payment of bonds issued under section 145A.17 shall be levied in accordance with chapter 76 and in the same proportion as provided in section 145A.14. Any indebtedness incurred shall not be considered an indebtedness incurred for general and ordinary purposes. [C71, 73, 75, 77, 79, 81, §145A.18] 85 Acts, ch 123, §9

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 145A - AREA HOSPITALS Section 145A.19 - Special tax.

145A.19 Special tax. In addition to the tax authorized in connection with the annual budget and with the issuance of bonds, the voters in any merged area may at any regular election vote a special tax for a period not to exceed five years for the purchase of grounds, purchase or construction of buildings, purchase of equipment, and for the purpose of maintaining, remodeling, improving, or expanding the hospital area. Such a tax shall not exceed one-fourth of the maximum levy of each political subdivision as set out in the published order of merger, but the total tax levy for annual budget, bonds, and special purposes shall not exceed the maximum levy as proposed in the published order of merger. [C71, 73, 75, 77, 79, 81, §145A.19]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 145A - AREA HOSPITALS Section 145A.2 - Definitions.

145A.2 Definitions. As used in this chapter, unless the context indicates otherwise: 1. "Area hospital" means a hospital established and operated by a merged area. 2. "Board" means the board of trustees of an area hospital. 3. "Merged area" means a public corporation formed by the residents of two or more contiguous or noncontiguous political subdivisions which have merged resources to establish and operate an area hospital. 4. "Officials" means the respective governing bodies of political subdivisions. 5. "Political subdivision" means any county, township, school district or city. [C71, 73, 75, 77, 79, 81, §145A.2] 85 Acts, ch 123, §1, 2 Referred to in §476.95

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 145A - AREA HOSPITALS Section 145A.20 - Revenue bonds.

145A.20 Revenue bonds. In addition to any other provisions of this chapter and for the purpose of acquiring, constructing, equipping, enlarging, or improving a hospital building or any part of a hospital building, merged areas may issue revenue bonds and the board has all the powers and duties of a county board of supervisors as provided in chapter 331, subchapter IV, part 4, and

section 347A.3. [C71, 73, 75, 77, 79, 81, §145A.20] 83 Acts, ch 101, §25; 85 Acts, ch 123, §10; 2018 Acts, ch 1041, §127 Referred to in §347A.3

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 145A - AREA HOSPITALS Section 145A.21 - Amendment of plan of merger — procedures — qualifications.

145A.21 Amendment of plan of merger — procedures — qualifications. A plan of merger once approved may be amended. An amendment shall be formulated and approved in the same manner and subject to the same limitations as provided in sections 145A.3 through 145A.9 for the formulation and approval of an original plan of merger. However, an amendment to a plan of merger shall not in any way impair the obligation of or source of payment for bonds or other indebtedness duly contracted prior to the effective date of the amendment to the plan of merger. 85 Acts, ch 123, §11

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 145A - AREA HOSPITALS Section 145A.22 - Actions subject to contest of elections — filing actions — limitation.

145A.22 Actions subject to contest of elections — filing actions — limitation. A special election called to approve or reject an original plan of merger or an amendment to an approved plan of merger is subject to the provisions for contest of elections for public measures set forth in chapter 57. Except as provided with respect to election contests, after one hundred twenty days following the third and final publication of the order of approval of the plan or amendment to the plan of merger, an action shall not be filed to contest the regularity of the proceedings with respect to a plan of merger or amendment to a plan of merger. After one hundred twenty days the organization of the merged area is conclusively presumed to have been lawful. 85 Acts, ch 123, §12

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 145A - AREA HOSPITALS Section 145A.3 - Official planning — maximum levy.

145A.3 Official planning — maximum levy. The officials of a political subdivision may plan the formation of a public corporation as a merged area to establish and operate an area hospital. In planning for an area hospital, a county board of supervisors may exclude from the merged area any township of the county which the board of supervisors determines would not sufficiently benefit by the merger and the portion of the county not so excluded shall constitute one public corporation for the purposes of this chapter. Plans for an area hospital shall include the maximum amount to be levied for debt service and operation and maintenance of the area hospital in the portion of the merged area within each political subdivision taking part in the merger. However, the maximum tax rates for the various political subdivisions may vary as the officials determine, based upon the need for hospital service of the residents of each political subdivision, the proximity of the residents to the proposed location of the hospital, the property values within the subdivision, and the expected service benefits to the residents of each subdivision by the proposed area hospital. [C71, 73, 75, 77, 79, 81, §145A.3] 85 Acts, ch 123, §3 Referred to in §145A.21, 347A.3

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 145A - AREA HOSPITALS Section 145A.4 - Plans.

145A.4 Plans. Officials of the various subdivisions may expend public funds for the purpose of formulating plans and in carrying out plans for a merged area and may arrive at an equitable distribution of costs to be paid by each participating political subdivision. [C71, 73, 75, 77, 79, 81, §145A.4] Referred to in §145A.21, 347A.3

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 145A - AREA HOSPITALS Section 145A.5 - Order of approval.

145A.5 Order of approval. When a plan is approved, the officials approving the plan shall jointly issue an order of approval. The order shall specify the area to be merged, the maximum rate of tax to be levied for debt service and operation and maintenance of the proposed area hospital in the portion of the merged area within each political subdivision, the proposed location of the hospital building, the estimated cost of the establishment of the hospital, and any other details concerning the establishment and operation of the hospital the officials deem pertinent. The order shall be published in one or more newspapers which have general circulation within the merged area once each week for three consecutive weeks, but the newspapers selected need not be published in the merged area. The published order shall contain a notice to the residents of each subdivision of the proposed merged area that if the residents fail to protest as provided in this chapter, the order shall be deemed approved upon the expiration of a sixty-day period following the date of the last published notice. [C71, 73, 75, 77, 79, 81, §145A.5] 85 Acts, ch 123, §4 Referred to in §145A.21, 347A.3

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 145A - AREA HOSPITALS Section 145A.6 - Petition of protest.

145A.6 Petition of protest. The plans formulated for the area hospital shall be deemed approved unless, within sixty days after the third and final publication of the order, a petition protesting the proposed plan containing the signatures of at least five percent of the registered voters of any political subdivision within the proposed merged area is filed with the respective officials of the protesting petitioners. [C71, 73, 75, 77, 79, 81, §145A.6] 2001 Acts, ch 56, §8 Referred to in §145A.21

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 145A - AREA HOSPITALS Section 145A.7 - Special election.

145A.7 Special election. When a protesting petition is received, the officials receiving the petition shall call a special election of all

registered voters of that political subdivision upon the question of approving or rejecting the order setting out the proposed merger plan. The election shall be held on a date specified in section 39.2, subsection 4, paragraph “a” or “b”, as applicable. The vote will be taken by ballot in the form provided by sections 49.43 through 49.47, and the election shall be initiated and held as provided in chapter 49. A majority vote of those registered voters voting at the special election shall be sufficient to approve the order and thus include the political subdivision within the merged area. [C71, 73, 75, 77, 79, 81, §145A.7] 2001 Acts, ch 56, §9; 2008 Acts, ch 1115, §31, 71; 2021 Acts, ch 80, §79 Referred to in §145A.21

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 145A - AREA HOSPITALS Section 145A.8 - Effect on other subdivisions.

145A.8 Effect on other subdivisions. A protest petition filed in one political subdivision shall have no effect upon the other political subdivisions of the proposed merged area; and in the portion of the proposed area where no protest petition is filed within sixty days after the last published notice, the residents of that portion of the area shall be deemed to have approved the proposed plan, and shall not take part in any special election. [C71, 73, 75, 77, 79, 81, §145A.8] Referred to in §145A.21

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 145A - AREA HOSPITALS Section 145A.9 - Continuance or abandonment.

145A.9 Continuance or abandonment. If the voters at the special election approve by a majority vote the proposed plan, then the plan may be carried out as originally proposed. However, if the voters of any political subdivision within the proposed area reject the plan as set out in the original order, then said original order shall be wholly nullified. [C71, 73, 75, 77, 79, 81, §145A.9] Referred to in §145A.21

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 146 - ABORTIONS — REFUSAL TO PERFORM Section 146.1 - Liability of persons relating to performance of abortions.

146.1 Liability of persons relating to performance of abortions. An individual who may lawfully perform, assist, or participate in medical procedures which will result in an abortion shall not be required against that individual’s religious beliefs or moral convictions to perform, assist, or participate in such procedures. A person shall not discriminate against any individual in any way, including but not limited to employment, promotion, advancement, transfer, licensing, education, training or the granting of hospital privileges or staff appointments, because of the individual’s participation in or refusal to participate in recommending, performing, or assisting in an abortion procedure. For the purposes of this chapter, “abortion” means the termination of a human pregnancy with the intent other than to produce a live birth or to remove a dead fetus. Abortion does not include medical care which has as its primary purpose the treatment of a serious physical condition requiring emergency medical treatment necessary to save the life of a mother. [C77, 79, 81, §146.1] Referred to in §146D.1, 707.8A

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 146 - ABORTIONS — REFUSAL TO PERFORM Section 146.2 - Liability of hospitals refusing to perform abortions.

146.2 Liability of hospitals refusing to perform abortions. A hospital, which is not controlled, maintained and supported by a public authority, shall not be required to permit the performance of an abortion. The refusal to permit such procedures shall not be grounds for civil liability to any person nor a basis for any disciplinary or other recriminatory action against the hospital. [C77, 79, 81, §146.2]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 146A - ABORTION PREREQUISITES Section 146A.1 - Prerequisites for abortion — licensee discipline.

146A.1 Prerequisites for abortion — licensee discipline. 1. A physician performing an abortion shall obtain written certification from the pregnant woman of all of the following at least twenty-four hours prior to performing an abortion: a. That the woman has undergone an ultrasound imaging of the unborn child that displays the approximate age of the unborn child. b. That the woman was given the opportunity to see the unborn child by viewing the ultrasound image of the unborn child. c. That the woman was given the option of hearing a description of the unborn child based on the ultrasound image and hearing the heartbeat of the unborn child. d. (1) That the woman has been provided information regarding all of the following, based upon the materials developed by the department of health and human services pursuant to subparagraph (2): (a) The options relative to a pregnancy, including continuing the pregnancy to term and retaining parental rights following the child’s birth, continuing the pregnancy to term and placing the child for adoption, and terminating the pregnancy. (b) The indicators, contra-indicators, and risk factors including any physical, psychological, or situational factors related to the abortion in light of the woman’s medical history and medical condition. (2) The department of health and human services shall make available to physicians, upon request, all of the following information: (a) Geographically indexed materials designed to inform the woman about public and private agencies and services available to assist a woman through pregnancy, at the time of childbirth, and while the child is dependent. The materials shall include a comprehensive list of the agencies available, categorized by the type of services offered, and a description of the manner by which the agency may be contacted. (b) Materials that encourage consideration of placement for adoption. The materials shall inform the woman of the benefits of adoption, including the requirements of confidentiality in the adoption process, the importance of adoption to individuals

and society, and the state's interest in promoting adoption by preferring adoption over abortion. (c) Materials that contain objective information describing the methods of abortion procedures commonly used, the medical risks commonly associated with each such procedure, and the possible detrimental physical and psychological effects of abortion. 2. Compliance with the prerequisites of this section shall not apply to an abortion performed in a medical emergency. 3. A physician who violates this section is subject to licensee discipline pursuant to section 148.6. 4. This section shall not be construed to impose civil or criminal liability on a woman upon whom an abortion is performed, or to prohibit the sale, use, prescription, or administration of a measure, drug, or chemical designed for the purposes of contraception. 5. The board of medicine shall adopt rules pursuant to chapter 17A to administer this section. 6. As used in this section: a. "Medical emergency" means a situation in which an abortion is performed to preserve the life of the pregnant woman whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy, but not including psychological conditions, emotional conditions, familial conditions, or the woman's age; or when continuation of the pregnancy will create a serious risk of substantial and irreversible impairment of a major bodily function of the pregnant woman. b. "Unborn child" means an individual organism of the species homo sapiens from fertilization to live birth. 2015 Acts, ch 137, §75, 162, 163; 2017 Acts, ch 108, §1, 7; 2018 Acts, ch 1132, §2; 2020 Acts, ch 1110, §2; 2023 Acts, ch 19, §260, 261 Referred to in §146C.1, 146E.1 Legislative intent; 2017 Acts, ch 108, §5 Subsection 1, paragraph d, subparagraph (1), unnumbered paragraph 1 amended Subsection 1, paragraph d, subparagraph (2), unnumbered paragraph 1 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 146B - ABORTION — POSTFERTILIZATION AGE Section 146B.1 - Definitions.

146B.1 Definitions. As used in this chapter, unless the context otherwise requires: 1. "Abortion" means the termination of a human pregnancy with the intent other than to produce a live birth or to remove a dead fetus. 2. "Attempt to perform an abortion" means an act, or an omission of a statutorily required act, that, under the circumstances as the actor believes them to be, constitutes a substantial step in a course of conduct planned to culminate in the performing of an abortion. 3. "Department" means the department of health and human services. 4. "Fertilization" means the fusion of a human spermatozoon with a human ovum. 5. "Major bodily function" includes but is not limited to functions of the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. 6. "Medical emergency" means a situation in which an abortion is performed to preserve the life of the pregnant woman whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy, or when continuation of the pregnancy will create a serious risk of substantial and irreversible impairment of a major bodily function of the pregnant woman. 7. "Medical facility" means any public or private hospital, clinic, center, medical school, medical training institution, health care facility, physician's office, infirmary, dispensary, ambulatory surgical center, or other institution or location where medical care is provided to any person. 8. "Perform", "performed", or "performing", relative to an abortion, means the use of any means, including medical or surgical, to terminate the pregnancy of a woman known to be pregnant with the intent other than to produce a live birth or to remove a dead fetus. 9. "Physician" means a person licensed under chapter 148. 10. "Postfertilization age" means the age of the unborn child as calculated from fertilization. 11. "Probable postfertilization age" means what, in reasonable medical judgment, will with reasonable probability be the postfertilization age of the unborn child at the time the abortion is to be performed. 12. "Reasonable medical judgment" means a medical judgment made by a reasonably prudent physician who is knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved. 13. "Unborn child" means an individual organism of the species homo sapiens from fertilization until live birth. 2017 Acts, ch 108, §2, 7; 2023 Acts, ch 19, §262 Referred to in §146C.2, 146E.2 Subsection 3 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 146B - ABORTION — POSTFERTILIZATION AGE Section 146B.2 - Determination of postfertilization age — certain abortions prohibited — exceptions — reporting requirements — penalties.

146B.2 Determination of postfertilization age — certain abortions prohibited — exceptions — reporting requirements — penalties. 1. Except in the case of a medical emergency, in addition to compliance with the prerequisites of chapter 146A, an abortion shall not be performed or be attempted to be performed unless the physician performing the abortion has first made a determination of the probable postfertilization age of the unborn child or relied upon such a determination made by another physician. In making such a determination, a physician shall make such inquiries of the pregnant woman and perform or cause to be performed such medical examinations and tests the physician considers necessary in making a reasonable medical judgment to accurately determine the postfertilization age of the unborn child. 2. a. A physician shall not perform or attempt to perform an abortion upon a pregnant woman when it has been determined, by the physician performing the abortion or by another physician upon whose determination that physician relies, that the probable postfertilization age of the unborn child is twenty or more weeks unless, in the physician's reasonable medical judgment, any of the following applies: (1) The pregnant woman has a condition which the physician deems a medical emergency. (2) The abortion is necessary to preserve the life of an unborn child. b. If an abortion is performed under this subsection, the physician shall terminate the human pregnancy in the manner which, in the physician's reasonable medical judgment, provides the best opportunity for an unborn child to survive, unless, in the physician's reasonable medical judgment, termination of the human pregnancy in that manner would pose a greater risk than any other available method of the death of the pregnant woman or of the substantial and irreversible physical impairment of a major bodily function. A greater risk shall not be deemed to exist if it is based on a claim or diagnosis that the pregnant woman will engage in conduct which would result in the

pregnant woman's death or in substantial and irreversible physical impairment of a major bodily function. 3. A physician who performs or attempts to perform an abortion shall report to the department, on a schedule and in accordance with forms and rules adopted by the department, all of the following: a. If a determination of probable postfertilization age of the unborn child was made, the probable postfertilization age determined and the method and basis of the determination. b. If a determination of probable postfertilization age of the unborn child was not made, the basis of the determination that a medical emergency existed. c. If the probable postfertilization age of the unborn child was determined to be twenty or more weeks, the basis of the determination of a medical emergency, or the basis of the determination that the abortion was necessary to preserve the life of an unborn child. d. The method used for the abortion and, in the case of an abortion performed when the probable postfertilization age was determined to be twenty or more weeks, whether the method of abortion used was one that, in the physician's reasonable medical judgment, provided the best opportunity for an unborn child to survive or, if such a method was not used, the basis of the determination that termination of the human pregnancy in that manner would pose a greater risk than would any other available method of the death of the pregnant woman or of the substantial and irreversible physical impairment of a major bodily function. 4. a. By June 30, annually, the department shall issue a public report providing statistics for the previous calendar year, compiled from the reports for that year submitted in accordance with subsection 3. The department shall ensure that none of the information included in the public reports could reasonably lead to the identification of any woman upon whom an abortion was performed. b. (1) A physician who fails to submit a report by the end of thirty days following the due date shall be subject to a late fee of five hundred dollars for each additional thirty-day period or portion of a thirty-day period the report is overdue. (2) A physician required to report in accordance with subsection 3 who has not submitted a report or who has submitted only an incomplete report more than one year following the due date, may, in an action brought in the manner in which actions are brought to enforce chapter 148, be directed by a court of competent jurisdiction to submit a complete report within a time period stated by court order or be subject to contempt of court. (3) A physician who intentionally or recklessly falsifies a report required under this section is subject to a civil penalty of one hundred dollars. 5. Any medical facility in which a physician is authorized to perform an abortion shall implement written medical policies and procedures consistent with the requirements and prohibitions of this chapter. 6. The department shall adopt rules to implement this section. 2017 Acts, ch 108, §3, 7 Referred to in §146B.3

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 146B - ABORTION — POSTFERTILIZATION AGE Section 146B.3 - Civil actions and penalties.

146B.3 Civil actions and penalties. 1. Failure of a physician to comply with any provision of section 146B.2, with the exception of the late filing of a report or failure to submit a complete report in compliance with a court order, is grounds for licensee discipline under chapter 148. 2. A woman upon whom an abortion has been performed in violation of this chapter may maintain an action against the physician who performed the abortion in intentional or reckless violation of this chapter for actual damages. 3. A woman upon whom an abortion has been attempted in violation of this chapter may maintain an action against the physician who attempted the abortion in intentional or reckless violation of this chapter for actual damages. 4. A cause of action for injunctive relief to prevent a physician from performing abortions may be maintained against a physician who has intentionally violated this chapter by the woman upon whom the abortion was performed or attempted, by a parent or guardian of the woman if the woman is less than eighteen years of age at the time the abortion was performed or attempted, by a current or former licensed health care provider of the woman, by a county attorney with appropriate jurisdiction, or by the attorney general. 5. If the plaintiff prevails in an action brought under this section, the plaintiff shall be entitled to an award for reasonable attorney fees. 6. If the defendant prevails in an action brought under this section and the court finds that the plaintiff's suit was frivolous and brought in bad faith, the defendant shall be entitled to an award for reasonable attorney fees. 7. Damages and attorney fees shall not be assessed against the woman upon whom an abortion was performed or attempted except as provided in subsection 6. 8. In a civil proceeding or action brought under this chapter, the court shall rule whether the anonymity of any woman upon whom an abortion has been performed or attempted shall be preserved from public disclosure if the woman does not provide consent to such disclosure. The court, upon motion or on its own motion, shall make such a ruling and, upon determining that the woman's anonymity should be preserved, shall issue orders to the parties, witnesses, and counsel and shall direct the sealing of the record and exclusion of individuals from courtrooms or hearing rooms to the extent necessary to safeguard the woman's identity from public disclosure. Each such order shall be accompanied by specific written findings explaining why the anonymity of the woman should be preserved from public disclosure, why the order is essential to that end, how the order is narrowly tailored to serve that interest, and why no reasonable less restrictive alternative exists. In the absence of written consent of the woman upon whom an abortion has been performed or attempted, anyone, other than a public official, who brings an action under this section shall do so under a pseudonym. This subsection shall not be construed to conceal the identity of the plaintiff or of witnesses from the defendant or from attorneys for the defendant. 9. This chapter shall not be construed to impose civil or criminal liability on a woman upon whom an abortion is performed or attempted. 2017 Acts, ch 108, §4, 7

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 146C - ABORTION — DETECTABLE FETAL HEARTBEAT Section 146C.1 - Definitions.

146C.1 Definitions. As used in this chapter, unless the context otherwise requires: 1. "Abortion" means the termination of a human pregnancy with the intent other than to produce a live birth or to remove a dead fetus. 2. "Fetal heartbeat" means cardiac activity, the steady and repetitive rhythmic contraction of the fetal heart within the gestational sac. 3. "Medical emergency" means the same as

defined in section 146A.1. 4. “Medically necessary” means any of the following: a. The pregnancy is the result of a rape which is reported within forty-five days of the incident to a law enforcement agency or to a public or private health agency which may include a family physician. b. The pregnancy is the result of incest which is reported within one hundred forty days of the incident to a law enforcement agency or to a public or private health agency which may include a family physician. c. Any spontaneous abortion, commonly known as a miscarriage, if not all of the products of conception are expelled. d. The attending physician certifies that the fetus has a fetal abnormality that in the physician’s reasonable medical judgment is incompatible with life. 5. “Physician” means a person licensed under chapter 148. 6. “Reasonable medical judgment” means a medical judgment made by a reasonably prudent physician who is knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved. 7. “Unborn child” means the same as defined in section 146A.1. 2018 Acts, ch 1132, §3

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 146C - ABORTION — DETECTABLE FETAL HEARTBEAT Section 146C.2 - Abortion prohibited — detectable fetal heartbeat.

146C.2 Abortion prohibited — detectable fetal heartbeat. 1. Except in the case of a medical emergency or when the abortion is medically necessary, a physician shall not perform an abortion unless the physician has first complied with the prerequisites of chapter 146A and has tested the pregnant woman as specified in this subsection, to determine if a fetal heartbeat is detectable. a. In testing for a detectable fetal heartbeat, the physician shall perform an abdominal ultrasound, necessary to detect a fetal heartbeat according to standard medical practice and including the use of medical devices, as determined by standard medical practice and specified by rule of the board of medicine. b. Following the testing of the pregnant woman for a detectable fetal heartbeat, the physician shall inform the pregnant woman, in writing, of all of the following: (1) Whether a fetal heartbeat was detected. (2) That if a fetal heartbeat was detected, an abortion is prohibited. c. Upon receipt of the written information, the pregnant woman shall sign a form acknowledging that the pregnant woman has received the information as required under this subsection. 2. a. A physician shall not perform an abortion upon a pregnant woman when it has been determined that the unborn child has a detectable fetal heartbeat, unless, in the physician’s reasonable medical judgment, a medical emergency exists, or when the abortion is medically necessary. b. Notwithstanding paragraph “a”, if a physician determines that the probable postfertilization age, as defined in section 146B.1, of the unborn child is twenty or more weeks, the physician shall not perform an abortion upon a pregnant woman when it has been determined that the unborn child has a detectable fetal heartbeat, unless in the physician’s reasonable medical judgment the pregnant woman has a condition which the physician deems a medical emergency, as defined in section 146B.1, or the abortion is necessary to preserve the life of an unborn child. 3. A physician shall retain in the woman’s medical record all of the following: a. Documentation of the testing for a fetal heartbeat as specified in subsection 1 and the results of the fetal heartbeat test. b. The pregnant woman’s signed form acknowledging that the pregnant woman received the information as required under subsection 1. 4. This section shall not be construed to impose civil or criminal liability on a woman upon whom an abortion is performed in violation of this section. 5. The board of medicine shall adopt rules pursuant to chapter 17A to administer this section. 2018 Acts, ch 1132, §4

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 146D - FETAL BODY PARTS Section 146D.1 - Fetal body parts — actions prohibited — penalties.

146D.1 Fetal body parts — actions prohibited — penalties. 1. A person shall not knowingly acquire, provide, receive, otherwise transfer, or use a fetal body part in this state, regardless of whether the acquisition, provision, receipt, transfer, or use is for valuable consideration. 2. Subsection 1 shall not apply to any of the following: a. Diagnostic or remedial tests, procedures, or observations which have the sole purpose of determining the life or health of the fetus in order to provide that information to the pregnant woman or to preserve the life or health of the fetus or pregnant woman. b. The actions of a person taken in furtherance of the final disposition of a fetal body part. c. The pathological study of body tissue, including genetic testing, for diagnostic or forensic purposes. d. A fetal body part if the fetal body part results from a spontaneous termination of pregnancy or stillbirth and is willingly donated for the purpose of medical research. 3. A person who violates this section is guilty of a class “C” felony. 4. For the purposes of this section: a. “Abortion” means as defined in section 146.1. b. “Fetal body part” means a cell, tissue, organ, or other part of a fetus that is terminated by an abortion. “Fetal body part” does not include any of the following: (1) Cultured cells or cell lines derived from a spontaneous termination of pregnancy or stillbirth and willingly donated for the purposes of medical research. (2) A cell, tissue, organ, or other part of a fetus that is terminated by an abortion that occurred prior to July 1, 2018. (3) All cells and tissues external to the fetal body proper. c. “Final disposition” means the disposition of fetal body parts by burial, interment, entombment, cremation, or incineration. d. “Valuable consideration” means any payment including but not limited to payment associated with the transportation, processing, preservation, quality control, or storage of fetal body parts. 2018 Acts, ch 1132, §1

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 146E - ABORTION — FETAL HEARTBEAT Section 146E.1 - Definitions.

146E.1 Definitions. As used in this chapter, unless the context otherwise requires: 1. “Abortion” means the termination of a human pregnancy with the intent other than to produce a live birth or to remove a dead fetus. 2. “Fetal heartbeat” means cardiac activity, the steady and repetitive rhythmic contraction of the fetal heart within the gestational sac. 3. “Fetal heartbeat exception” means any of the following: a. The pregnancy is the result of a rape which is reported within forty-five days of the incident to a law enforcement agency or to a public or private health agency which may include a family physician. b. The pregnancy is the result of incest which is reported within one hundred forty days of the incident to a law enforcement agency or to a public or private health agency which

may include a family physician. c. Any spontaneous abortion, commonly known as a miscarriage, if not all of the products of conception are expelled. d. The attending physician certifies that the fetus has a fetal abnormality that in the physician's reasonable medical judgment is incompatible with life. 4. "Medical emergency" means the same as defined in section 146A.1. 5. "Physician" means a person licensed under chapter 148. 6. "Reasonable medical judgment" means a medical judgment made by a reasonably prudent physician who is knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved. 7. "Unborn child" means the same as defined in section 146A.1. 2023 Acts, 1st Ex, ch 1, §1, 3 NEW section

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 146E - ABORTION — FETAL HEARTBEAT Section 146E.2 - Abortion — fetal heartbeat — exceptions.

146E.2 Abortion — fetal heartbeat — exceptions. 1. Except in the case of a medical emergency or fetal heartbeat exception, a physician shall not perform an abortion unless the physician has first complied with the prerequisites of chapter 146A and has tested the pregnant woman as specified in this subsection, to determine if a fetal heartbeat is detectable. a. In testing for a detectable fetal heartbeat, the physician shall perform an abdominal ultrasound, necessary to detect a fetal heartbeat according to standard medical practice and including the use of medical devices, as determined by standard medical practice and specified by rule of the board of medicine. b. Following the testing of the pregnant woman for a detectable fetal heartbeat, the physician shall inform the pregnant woman, in writing, of all of the following: (1) Whether a fetal heartbeat was detected. (2) That if a fetal heartbeat was detected, an abortion is prohibited. c. Upon receipt of the written information, the pregnant woman shall sign a form acknowledging that the pregnant woman has received the information as required under this subsection. 2. a. A physician shall not perform an abortion upon a pregnant woman when it has been determined that the unborn child has a detectable fetal heartbeat, unless, in the physician's reasonable medical judgment, a medical emergency or fetal heartbeat exception exists. b. Notwithstanding paragraph "a", if a physician determines that the probable postfertilization age, as defined in section 146B.1, of the unborn child is twenty or more weeks, the physician shall not perform an abortion upon a pregnant woman when it has been determined that the unborn child has a detectable fetal heartbeat, unless in the physician's reasonable medical judgment the pregnant woman has a condition which the physician deems a medical emergency, as defined in section 146B.1, or the abortion is necessary to preserve the life of an unborn child. 3. A physician shall retain in the woman's medical record all of the following: a. Documentation of the testing for a fetal heartbeat as specified in subsection 1 and the results of the fetal heartbeat test. b. The pregnant woman's signed form acknowledging that the pregnant woman received the information as required under subsection 1. 4. This section shall not be construed to impose civil or criminal liability on a woman upon whom an abortion is performed in violation of this section. 5. The board of medicine shall adopt rules pursuant to chapter 17A to administer this section. 2023 Acts, 1st Ex, ch 1, §2, 3 NEW section

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.1 - Definitions.

147.1 Definitions. For the purpose of this subtitle: 1. "Board" means one of the boards enumerated in section 147.13 or any other board established in this subtitle whose members are appointed by the governor to license applicants and impose licensee discipline as authorized by law. 2. "Department" means the department of inspections, appeals, and licensing. 3. "Licensed" or "certified", when applied to a physician and surgeon, podiatric physician, osteopathic physician and surgeon, genetic counselor, physician assistant, psychologist, chiropractor, nurse, dentist, dental hygienist, dental assistant, optometrist, speech pathologist, audiologist, pharmacist, physical therapist, physical therapist assistant, occupational therapist, occupational therapy assistant, orthotist, prosthetist, pedorthist, respiratory care practitioner, practitioner of cosmetology arts and sciences, practitioner of barbering, funeral director, dietitian, behavior analyst, assistant behavior analyst, marital and family therapist, mental health counselor, midwife, respiratory care and polysomnography practitioner, polysomnographic technologist, social worker, massage therapist, athletic trainer, acupuncturist, nursing home administrator, hearing aid specialist, or sign language interpreter or transliterator means a person licensed under this subtitle. 4. "Peer review" means evaluation of professional services rendered by a person licensed to practice a profession. 5. "Peer review committee" means one or more persons acting in a peer review capacity who also serve as an officer, director, trustee, agent, or member of any of the following: a. A state or local professional society of a profession for which there is peer review. b. Any organization approved to conduct peer review by a society as designated in paragraph "a" of this subsection. c. The medical staff of any licensed hospital. d. A board enumerated in section 147.13 or any other board established in this subtitle which is appointed by the governor to license applicants and impose licensee discipline as authorized by law. e. The board of trustees of a licensed hospital when performing a function relating to the reporting required by section 147.135, subsection 3. f. A health care entity, including but not limited to a group medical practice, that provides health care services and follows a formal peer review process for the purpose of furthering quality health care. 6. "Profession" means medicine and surgery, podiatry, osteopathic medicine and surgery, genetic counseling, practice as a physician assistant, psychology, chiropractic, nursing, dentistry, dental hygiene, dental assisting, optometry, speech pathology, audiology, pharmacy, physical therapy, physical therapist assisting, occupational therapy, occupational therapy assisting, respiratory care, cosmetology arts and sciences, barbering, mortuary science, applied behavior analysis, marital and family therapy, mental health counseling, midwifery, polysomnography, social work, dietetics, massage therapy, athletic training, acupuncture, nursing home administration, practice as a hearing aid specialist, sign language interpreting or transliterating, orthotics, prosthetics, or pedorthics. [C24, 27, 31, 35, 39, §2438; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.1] 84 Acts, ch 1075, §6; 85 Acts, ch 168, §1; 86 Acts, ch 1211, §13; 87 Acts, ch 91, §6; 88 Acts, ch 1225, §2; 89 Acts, ch 89, §4, 5; 91 Acts, ch 229, §1; 92 Acts, ch 1205, §13; 94 Acts, ch 1132, §10; 95 Acts, ch 41, §8; 95 Acts, ch 108, §3;

96 Acts, ch 1036, §3, 4; 96 Acts, ch 1109, §1; 96 Acts, ch 1219, §20; 98 Acts, ch 1053, §2, 3; 2000 Acts, ch 1053, §1; 2000 Acts, ch 1148, §1; 2004 Acts, ch 1175, §419, 420, 433; 2007 Acts, ch 10, §26, 27; 2008 Acts, ch 1088, §1; 2012 Acts, ch 1101, §1; 2015 Acts, ch 30, §60; 2015 Acts, ch 57, §1; 2015 Acts, ch 70, §2; 2018 Acts, ch 1052, §1, 12; 2018 Acts, ch 1106, §2, 14; 2023 Acts, ch 19, §1623; 2023 Acts, ch 127, §1 Referred to in §148F.4 Subsections 2, 3, and 6 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.10 - Renewal.

147.10 Renewal. 1. Every license to practice a profession shall expire in multiyear intervals and be renewed as determined by the board upon application by the licensee. Each board shall establish rules for license renewal and concomitant fees. Application for renewal shall be made to the board accompanied by the required fee at least thirty days prior to the expiration of such license. 2. Each board may by rule establish a grace period following expiration of a license in which the license is not invalidated. Each board may assess a reasonable penalty for renewal of a license during the grace period. Failure of a licensee to renew a license within the grace period shall cause the license to become inactive or lapsed. A licensee whose license is inactive or lapsed shall not engage in the practice of the profession until the license is reactivated or reinstated. [C97, §2590; S13, §2575-a39, 2589-d; C24, 27, 31, §2447; C35, §2447, 2573-g2 – 2573-g4; C39, §2447, 2573.02 – 2573.04; C46, 50, 54, 58, 62, 66, §147.10, 153.11 – 153.12; C71, 73, §147.10, 153.9, 153.10; C75, 77, 79, 81, §147.10] 2002 Acts, ch 1108, §12; 2008 Acts, ch 1088, §9 Referred to in §147.11, 148.6

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.106 - Anatomic pathology services — billing.

147.106 Anatomic pathology services — billing. 1. A physician or a clinical laboratory located in this state or in another state that provides anatomic pathology services to a patient in this state shall present or cause to be presented a claim, bill, or demand for payment for such services only to the following persons: a. The patient who is the recipient of the services. b. The insurer or other third-party payor responsible for payment of the services. c. The hospital that ordered the services. d. The public health clinic or nonprofit clinic that ordered the services. e. The referring clinical laboratory, other than the laboratory of a physician's office or group practice, that ordered the services. A laboratory of a physician's office or group practice that ordered the services may be presented a claim, bill, or demand for payment if a physician in the physician's office or group practice is performing the professional component of the anatomic pathology services. f. A governmental agency or a specified public or private agent, agency, or organization that is responsible for payment of the services on behalf of the recipient of the services. 2. Except as provided under subsections 5 and 6, a clinical laboratory or a physician providing anatomic pathology services to patients in this state shall not, directly or indirectly, charge, bill, or otherwise solicit payment for such services unless the services were personally rendered by the clinical laboratory or the physician or under the direct supervision of the clinical laboratory or the physician in accordance with section 353 of the federal Public Health Service Act, 42 U.S.C. §263a. 3. A person to whom a claim, bill, or demand for payment for anatomic pathology services is submitted is not required to pay the claim, bill, or demand for payment if the claim, bill, or demand for payment is submitted in violation of this section. 4. This section shall not be construed to mandate the assignment of benefits for anatomic pathology services as defined in this section. 5. This section does not prohibit claims or charges presented to a referring clinical laboratory, other than a laboratory of a physician's office or group practice unless in accordance with subsection 1, paragraph "e", by another clinical laboratory when samples are transferred between laboratories for the provision of anatomic pathology services. 6. This section does not prohibit claims or charges for anatomic pathology services presented on behalf of a public health clinic or nonprofit clinic that ordered the services provided that the clinic is identified on the claim or charge presented. 7. A violation of this section by a physician shall subject the physician to the disciplinary provisions of section 272C.3, subsection 2. 8. As used in this section: a. "Anatomic pathology services" includes all of the following: (1) Histopathology or surgical pathology, meaning the gross and microscopic examination and histologic processing of organ tissue performed by a physician or under the supervision of a physician. (2) Cytopathology, meaning the examination of cells from fluids, aspirates, washings, brushings, or smears, including the Pap test examination, performed by a physician or under the supervision of a physician. (3) Hematology, meaning the microscopic evaluation of bone marrow aspirates and biopsies performed by a physician or under the supervision of a physician, and the examination of peripheral blood smears performed by a physician or under the supervision of a physician upon the request of an attending or treating physician or technologist that a blood smear be reviewed by a physician. (4) Subcellular pathology and molecular pathology services performed by a physician or under the supervision of a physician. (5) Bloodbanking services performed by a physician or under the supervision of a physician. b. "Physician" means any person licensed to practice medicine and surgery or osteopathic medicine and surgery in this state or in another state. 2005 Acts, ch 10, §1; 2005 Acts, ch 179, §120; 2006 Acts, ch 1185, §73, 74; 2008 Acts, ch 1088, §95

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.107 - Drug dispensing, supplying, and prescribing — limitations.

147.107 Drug dispensing, supplying, and prescribing — limitations. 1. A person, other than a pharmacist, physician, dentist, podiatric physician, prescribing psychologist, or veterinarian who dispenses as an incident to the practice of the practitioner's profession, shall not dispense prescription drugs or controlled substances. 2. a. A prescriber who dispenses prescription drugs, including but not limited to controlled substances, for human use, may delegate nonjudgmental dispensing functions to staff assistants only when verification of the accuracy and completeness of the dispensing is determined by the practitioner in the

practitioner's physical presence. However, the physical presence requirement does not apply when a practitioner is utilizing an automated dispensing system. When using an automated dispensing system, the practitioner shall utilize an internal quality control assurance plan that ensures accuracy for dispensing. Verification of automated dispensing accuracy and completeness remains the responsibility of the practitioner and shall be determined in accordance with rules adopted by the board of medicine, the dental board, the board of podiatry, and the board of psychology for their respective licensees. b. A prescriber who dispenses prescription drugs, other than drug samples, pursuant to this subsection, shall report the fact that they dispense prescription drugs with the practitioner's respective board at least biennially. c. A prescriber who dispenses prescription drugs, other than drug samples, pursuant to this subsection, shall provide the patient with a prescription, if requested, that may be dispensed from a pharmacy of the patient's choice or offer to transmit the prescription orally, electronically, or by facsimile in accordance with section 155A.27 to a pharmacy of the patient's choice. d. A pharmacist who dispenses prescription drugs, including but not limited to controlled substances, for human use, may delegate nonjudgmental dispensing functions only when verification of the accuracy and completeness of the dispensing is determined by the pharmacist in the pharmacist's physical presence. The pharmacist's verification of the accuracy of the prescription drug dispensed shall not be required when verified by a certified pharmacy technician in a technician product verification program as defined in section 155A.3. The pharmacist's physical presence shall not be required when the pharmacist is remotely supervising pharmacy personnel operating in a licensed telepharmacy site or when utilizing an automated dispensing system that utilizes an internal quality control assurance plan. When utilizing a technician product verification program, or when remotely supervising pharmacy personnel operating at a licensed telepharmacy site, the pharmacist shall utilize an internal quality control assurance plan, in accordance with rules adopted by the board of pharmacy, that ensures accuracy for dispensing. Automated dispensing verification, technician product verification, and telepharmacy practice accuracy and completeness remains the responsibility of the pharmacist and shall be determined in accordance with rules adopted by the board of pharmacy. 3. A registered nurse may supply, when pharmacist services are not reasonably available or when it is in the best interests of the patient, on the direct order of the supervising physician, a quantity of properly packaged and labeled prescription drugs, controlled substances, or contraceptive devices necessary to complete a course of therapy. However, a remote clinic, staffed by a registered nurse, where pharmacy services are not reasonably available, shall secure the regular advice and consultation of a pharmacist regarding the distribution, storage, and appropriate use of such drugs, substances, and devices. 4. Notwithstanding subsection 1 and any other provision of this section to the contrary, a physician assistant may prescribe, dispense, order, administer, or procure prescription drugs, controlled substances, or medical devices necessary to complete a course of therapy pursuant to section 148C.4. Rules relating to the authority of physician assistants to prescribe drugs, controlled substances, and medical devices pursuant to this subsection shall be adopted by the board of physician assistants after consultation with the board of medicine and board of pharmacy. 5. Notwithstanding subsection 1, a family planning clinic may dispense birth control drugs and devices upon the order of a physician. Subsections 2 and 3 do not apply to a family planning clinic under this subsection. 6. Notwithstanding subsection 1, but subject to the limitations contained in subsections 2 and 3, a registered nurse who is licensed as an advanced registered nurse practitioner may prescribe substances or devices, including controlled substances or devices, if the nurse is engaged in the practice of a nursing specialty regulated under rules adopted by the board of nursing in consultation with the board of medicine and the board of pharmacy. 7. Notwithstanding section 147.86, a person, including a pharmacist, who violates this section is guilty of a simple misdemeanor. 84 Acts, ch 1006, §1; 88 Acts, ch 1232, §1; 91 Acts, ch 238, §1; 91 Acts, ch 239, §1; 92 Acts, ch 1163, §37; 92 Acts, ch 1183, §10; 94 Acts, ch 1134, §1; 95 Acts, ch 108, §5; 2002 Acts, ch 1108, §13; 2003 Acts, ch 93, §3, 14; 2003 Acts, ch 108, §39; 2004 Acts, ch 1036, §8; 2004 Acts, ch 1101, §22; 2006 Acts, ch 1094, §1; 2007 Acts, ch 10, §78; 2007 Acts, ch 218, §202; 2008 Acts, ch 1016, §1; 2008 Acts, ch 1088, §43; 2015 Acts, ch 56, §3; 2016 Acts, ch 1093, §1; 2016 Acts, ch 1112, §3; 2018 Acts, ch 1142, §1; 2020 Acts, ch 1020, §1, 12; 2021 Acts, ch 68, §1; 2023 Acts, ch 73, §5, 6 Referred to in §148G.1, 152B.1, 154.1, 155A.2, 155A.4, 155A.47 Subsection 4 amended Subsections 5 and 6 stricken and former subsections 7 – 9 renumbered as 5 – 7

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.108 - Contact lens prescribing and dispensing.

147.108 Contact lens prescribing and dispensing. 1. A person shall not dispense or adapt contact lenses without first receiving authorization to do so by a written, electronic, or facsimile prescription, except when authorized orally under subsection 2, from a person licensed under chapter 148 or 154. The board of optometry shall adopt rules relating to electronic or facsimile transmission of a prescription under this section. 2. After contact lenses have been adequately adapted and the patient released from initial follow-up care by a person licensed under chapter 148 or 154, the patient may request a copy, at no cost, of the contact lens prescription from that licensed person. A person licensed under chapter 148 or 154 shall not withhold a contact lens prescription after the requirements of this section have been met. The prescription, at the option of the prescriber, may be given orally only to a person who is actively practicing and licensed under chapter 148, 154, or 155A. The contact lens prescription shall contain an expiration date, at the discretion of the prescriber, but not to exceed eighteen months. The contact lens prescription shall contain the necessary requirements of the ophthalmic lens, and the prescription validation requirements as defined by rules adopted pursuant to this section. The prescription may contain adapting and material guidelines and may also contain specific instructions for use by the patient. For the purpose of this section, "ophthalmic lens" means one which has been fabricated to fill the requirements of a particular contact lens prescription, including pharmaceutical-delivering contact lenses as defined in section 154.1, subsection 3. 3. A person who fills a contact lens prescription shall maintain a file of a valid prescription for a period of two years. 4. Notwithstanding section 147.86, a person who violates this section is guilty of a simple misdemeanor for a first violation.

Subsequent violations are governed by section 147.86. 94 Acts, ch 1098, §1; 2004 Acts, ch 1036, §9; 2007 Acts, ch 10, §79; 2008 Acts, ch 1088, §96; 2010 Acts, ch 1010, §1; 2012 Acts, ch 1004, §1

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.109 - Ophthalmic spectacle lens prescribing and dispensing.

147.109 Ophthalmic spectacle lens prescribing and dispensing. 1. A person shall not dispense or adapt an ophthalmic spectacle lens or lenses without first receiving authorization to do so by a written, electronic, or facsimile prescription from a person licensed under chapter 148 or 154. For the purpose of this section, “ophthalmic spectacle lens” means one which has been fabricated to fill the requirements of a particular spectacle lens prescription. The board of optometry shall adopt rules relating to electronic or facsimile transmission of a prescription under this section. 2. Upon completion of an eye examination, a person licensed under chapter 148 or 154 shall furnish the patient a copy of their ophthalmic spectacle lens prescription at no cost. The ophthalmic spectacle lens prescription shall contain an expiration date. The ophthalmic spectacle lens prescription shall contain the requirements of the ophthalmic spectacle lens and the prescription validation requirements as defined by rules adopted pursuant to this section. The prescription, at the option of the prescriber, may contain adapting and material guidelines and may also contain specific instructions for use by the patient. 3. Upon request of a patient, a person licensed under chapter 148 or 154 shall provide the prescription of the patient, if the prescription has not expired, at no cost to another person licensed under chapter 148 or 154. The person licensed under chapter 148 or 154 shall accept the prescription and shall not require the patient to undergo an eye examination unless, due to observation or patient history, the licensee has reason to require an examination. 4. A dispenser shall maintain a file of a valid prescription for a period of two years. 5. Notwithstanding section 147.86, a person who violates this section is guilty of a simple misdemeanor for a first violation. Subsequent violations are governed by section 147.86. 94 Acts, ch 1098, §2; 2004 Acts, ch 1036, §10; 2007 Acts, ch 10, §80; 2008 Acts, ch 1088, §97

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.11 - Reactivation and reinstatement.

147.11 Reactivation and reinstatement. 1. A licensee who allows the license to become inactive or lapsed by failing to renew the license, as provided in section 147.10, may reactivate the license upon payment of a reactivation fee and compliance with other terms established by board rule. 2. A licensee whose license has been revoked, suspended, or voluntarily surrendered must apply for and receive reinstatement of the license in accordance with board rule and must apply for and be granted reactivation of the license in accordance with board rule prior to practicing the profession. [C24, 27, 31, 35, 39, §2448; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.11] 2007 Acts, ch 10, §30; 2008 Acts, ch 1088, §10; 2009 Acts, ch 41, §51

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.111 - Report of treatment of wounds and other injuries.

147.111 Report of treatment of wounds and other injuries. 1. A person licensed under the provisions of this subtitle who administers any treatment to any person suffering a gunshot or stab wound or other serious injury, as defined in section 702.18, which appears to have been received in connection with the commission of a criminal offense, or a motor vehicle accident or crash, or to whom an application is made for treatment of any nature because of any such gunshot or stab wound or other serious injury, as defined in section 702.18, shall at once but not later than twelve hours thereafter, report that fact to the law enforcement agency within whose jurisdiction the treatment was administered or an application for treatment was made, or if ascertainable, to the law enforcement agency in whose jurisdiction the gunshot or stab wound or other serious injury occurred, stating the name of such person, the person’s residence if ascertainable, and giving a brief description of the gunshot or stab wound or other serious injury. 2. A person certified under the provisions of chapter 147A who administers any treatment to any person suffering a gunshot or stab wound or other serious injury, as defined in section 702.18, which appears to have been received in connection with the commission of a criminal offense, or a motor vehicle accident or crash, or to whom an application is made for treatment of any nature because of any such gunshot or stab wound or other serious injury, may report that fact to the law enforcement agency within whose jurisdiction the treatment was administered or application for treatment was made, or if ascertainable, to the law enforcement agency in whose jurisdiction the gunshot or stab wound or other serious injury occurred, stating the name of the person, the person’s residence if ascertainable, and giving a brief description of the gunshot or stab wound or other serious injury. 3. Any provision of law or rule of evidence relating to a confidential communication is suspended for communications under this section. [C31, 35, §2537-d1; C39, §2537.7; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.111] 93 Acts, ch 100, §2; 94 Acts, ch 1132, §31; 96 Acts, ch 1036, §30; 98 Acts, ch 1053, §28; 99 Acts, ch 114, §8; 2010 Acts, ch 1127, §1 Referred to in §147.112, 331.653

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.112 - Investigation and report by law enforcement agency.

147.112 Investigation and report by law enforcement agency. The law enforcement agency who has received any report required by this chapter and who has any reason to believe that the person injured was involved in the commission of any crime, either as perpetrator or victim, shall at once commence an investigation into the circumstances of the gunshot or stab wound or other serious injury and make a report of the investigation to the county attorney in whose jurisdiction the gunshot or stab wound or other serious

injury occurred. Law enforcement personnel shall not divulge any information received under the provisions of this section and section 147.111 to any person other than a law enforcing officer, and then only in connection with the investigation of the alleged commission of a crime. [C31, 35, §2537-d2; C39, §2537.8; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.112] 93 Acts, ch 100, §3; 99 Acts, ch 114, §9 Referred to in §331.653 “Serious injury” definition, see §702.18

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.113 - Violations.

147.113 Violations. Any person failing to make the report required herein shall be guilty of a simple misdemeanor. [C31, 35, §2537-d3; C39, §2537.9; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.113]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.113A - Report of burn injuries.

147.113A Report of burn injuries. Any person licensed under the provisions of this subtitle who administers any treatment to a person suffering a burn which appears to be of a suspicious nature on the body, a burn to the upper respiratory tract, a laryngeal edema due to the inhalation of super-heated air, or a burn injury that is likely to result in death, which appears to have been received in connection with the commission of a criminal offense, or to whom an application is made for treatment of any nature because of any such burn or burn injury shall at once but not later than twelve hours after treatment was administered or application was made report the fact to law enforcement. The report shall be made to the law enforcement agency within whose jurisdiction the treatment was administered or application was made, or if ascertainable, to the law enforcement agency in whose jurisdiction the burn or burn injury occurred, stating the name of such person, the person’s residence if ascertainable, and giving a brief description of the burn or burn injury. Any provision of law or rule of evidence relative to confidential communications is suspended insofar as the provisions of this section are concerned. 2003 Acts, ch 134, §1

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.114 - Prior informed consent relative to pelvic examinations — patient under anesthesia or unconscious — penalties.

147.114 Prior informed consent relative to pelvic examinations — patient under anesthesia or unconscious — penalties. 1. A person licensed or certified to practice a profession, or a student undertaking a course of instruction or participating in a clinical training or residency program for a profession, shall not perform a pelvic examination on an anesthetized or unconscious patient unless one of the following conditions is met: a. The patient or the patient’s authorized representative provides prior written informed consent to the pelvic examination, and the pelvic examination is necessary for preventive, diagnostic, or treatment purposes. b. The patient or the patient’s authorized representative has provided prior written informed consent to a surgical procedure or diagnostic examination to be performed on the patient, and the performance of a pelvic examination is within the scope of care ordered for that surgical procedure or diagnostic examination. c. The patient is unconscious and incapable of providing prior informed consent, and the pelvic examination is necessary for diagnostic or treatment purposes. d. A court has ordered the performance of the pelvic examination for the purposes of collection of evidence. 2. A person who violates this section is subject to the penalty specified under section 147.86, and any professional disciplinary provisions, as applicable. 2017 Acts, ch 174, §111

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.12 - Health profession boards.

147.12 Health profession boards. 1. The governor shall appoint, subject to confirmation by the senate, a board for each of the professions. The board members shall not be required to be members of professional societies or associations composed of members of their professions. 2. If a person who has been appointed by the governor to serve on a board has ever been disciplined in a contested case by the board to which the person has been appointed, all board statements of charges, settlement agreements, findings of fact, and orders pertaining to the disciplinary action shall be made available to the senate committee to which the appointment is referred at the committee’s request before the full senate votes on the person’s appointment. [C97, §2576, 2584; S13, §2575-a29, -a37, 2576, 2583-a, -h, 2600-b; SS15, §2584; C24, 27, 31, 35, 39, §2449; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.12] 88 Acts, ch 1128, §2; 94 Acts, ch 1132, §15; 96 Acts, ch 1036, §10; 98 Acts, ch 1053, §8; 2007 Acts, ch 10, §31; 2008 Acts, ch 1088, §11 Referred to in §147.13, 148.2A, 155A.2A Confirmation, see §2.32 Board of medicine alternate members, see §148.2A Board of pharmacy alternate members, see §155A.2A

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.13 - Designation of boards.

147.13 Designation of boards. The boards provided in section 147.12 shall be designated as follows: 1. For medicine and surgery, osteopathic medicine and surgery, acupuncture, and genetic counseling, the board of medicine. 2. For physician assistants, the board of physician assistants. 3. For psychology, the board of psychology. 4. For podiatry, the board of podiatry. 5. For chiropractic, the board of chiropractic. 6. For physical therapy and occupational therapy, the board of physical and occupational therapy. 7. For nursing and midwifery, the board of nursing. 8. For dentistry, dental hygiene, and dental assisting, the dental board. 9. For

optometry, the board of optometry. 10. For speech pathology and audiology, the board of speech pathology and audiology. 11. For cosmetology arts and sciences, the board of barbering and cosmetology arts and sciences. 12. For pharmacy, the board of pharmacy. 13. For mortuary science, the board of mortuary science. 14. For social work, the board of social work. 15. For applied behavior analysis, marital and family therapy, and mental health counseling, the board of behavioral science. 16. For dietetics, the board of dietetics. 17. For respiratory care and polysomnography, the board of respiratory care and polysomnography. 18. For massage therapy, the board of massage therapy. 19. For athletic training, the board of athletic training. 20. For interpreting, the board of sign language interpreters and transliterators. 21. For hearing aid specialists, the board of hearing aid specialists. 22. For nursing home administration, the board of nursing home administrators. 23. For orthotics, prosthetics, and pedorthics, the board of podiatry. [C24, 27, 31, 35, 39, §2450; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.13] 84 Acts, ch 1075, §8; 85 Acts, ch 168, §4; 88 Acts, ch 1225, §5; 91 Acts, ch 229, §2; 92 Acts, ch 1205, §14; 93 Acts, ch 86, §12; 96 Acts, ch 1036, §11; 98 Acts, ch 1053, §9; 2000 Acts, ch 1002, §1; 2004 Acts, ch 1175, §422, 433; 2006 Acts, ch 1155, §3, 15; 2007 Acts, ch 10, §32; 2007 Acts, ch 218, §197; 2008 Acts, ch 1088, §12, 141; 2009 Acts, ch 41, §52; 2012 Acts, ch 1101, §3; 2015 Acts, ch 57, §3; 2015 Acts, ch 70, §4; 2018 Acts, ch 1052, §3, 12; 2018 Acts, ch 1106, §4, 14; 2023 Acts, ch 99, §2, 3; 2023 Acts, ch 127, §2 Referred to in §147.1, 147.82, 232.69, 235B.16, 280.13C, 422.7(16) Subsections 7 and 11 amended Subsection 12 stricken and subsections 13 – 24 renumbered as 12 – 23

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.135 - Peer review committees — nonliability — records and reports privileged and confidential.

147.135 Peer review committees — nonliability — records and reports privileged and confidential. 1. A person shall not be civilly liable as a result of acts, omissions, or decisions made in connection with the person's service on a peer review committee. However, such immunity from civil liability shall not apply if an act, omission, or decision is made with malice. 2. As used in this subsection, "peer review records" means all complaint files, investigation files, reports, and other investigative information relating to licensee discipline or professional competence in the possession of a peer review committee or an employee of a peer review committee. As used in this subsection, "peer review committee" does not include licensing boards. Peer review records are privileged and confidential, are not subject to discovery, subpoena, or other means of legal compulsion for release to a person other than an affected licensee or a peer review committee, and are not admissible in evidence in a judicial or administrative proceeding other than a proceeding involving licensee discipline or a proceeding brought by a licensee who is the subject of a peer review record and whose competence is at issue. A person shall not be liable as a result of filing a report or complaint with a peer review committee or providing information to such a committee, or for disclosure of privileged matter to a peer review committee. A person present at a meeting of a peer review committee shall not be permitted to testify as to the findings, recommendations, evaluations, or opinions of the peer review committee in any judicial or administrative proceeding other than a proceeding involving licensee discipline or a proceeding brought by a licensee who is the subject of a peer review committee meeting and whose competence is at issue. Information or documents discoverable from sources other than the peer review committee do not become nondiscoverable from the other sources merely because they are made available to or are in the possession of a peer review committee. However, such information relating to licensee discipline may be disclosed to an appropriate licensing authority in any jurisdiction in which the licensee is licensed or has applied for a license. If such information indicates a crime has been committed, the information shall be reported to the proper law enforcement agency. This subsection shall not preclude the discovery of the identification of witnesses or documents known to a peer review committee. Any final written decision and finding of fact by a licensing board in a disciplinary proceeding is a public record. Upon appeal by a licensee of a decision of a board, the entire case record shall be submitted to the reviewing court. In all cases where privileged and confidential information under this subsection becomes discoverable, admissible, or part of a court record the identity of an individual whose privilege has been involuntarily waived shall be withheld. 3. a. A full and confidential report concerning any final hospital disciplinary action approved by a hospital board of trustees that results in a limitation, suspension, or revocation of a physician's privilege to practice for reasons relating to the physician's professional competence or concerning any voluntary surrender or limitation of privileges for reasons relating to professional competence shall be made to the board of medicine by the hospital administrator or chief of medical staff within ten days of such action. The board of medicine shall investigate the report and take appropriate action. These reports shall be privileged and confidential as though included in and subject to the requirements for peer review committee information in subsection 2. Persons making these reports and persons participating in resulting proceedings related to these reports shall be immune from civil liability with respect to the making of the report or participation in resulting proceedings. As used in this subsection, "physician" means a person licensed pursuant to chapter 148. b. Notwithstanding subsection 2, if the board of medicine conducts an investigation based on a complaint received or upon its own motion, a hospital pursuant to subpoena shall make available information and documents requested by the board, specifically including reports or descriptions of any complaints or incidents concerning an individual who is the subject of the board's investigation, even though the information and documents are also kept for, are the subject of, or are being used in peer review by the hospital. However, the deliberations, testimony, decisions, conclusions, findings, recommendations, evaluations, work product, or opinions of a peer review committee or its members and those portions of any documents or records containing or revealing information relating thereto shall not be subject to the board's request for information, subpoena, or other legal compulsion. All information and documents received by the board from a hospital under this section shall be confidential pursuant to section 272C.6, subsection 4. [C77, 79, 81, §147.135] 86 Acts, ch 1211, §14; 90 Acts, ch 1086, §7; 2007 Acts, ch 10, §82; 2009 Acts, ch 133, §51 Referred to in §139A.22, 147.1, 147A.24

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.136 - Scope of recovery.

147.136 Scope of recovery. 1. Except as otherwise provided in subsection 2, in an action for damages for personal injury against a physician and surgeon, osteopathic physician and surgeon, dentist, podiatric physician, optometrist, pharmacist, chiropractor, physician assistant, or nurse licensed to practice that profession in this state, or against a hospital licensed for operation in this state, based on the alleged negligence of the practitioner in the practice of the profession or occupation, or upon the alleged negligence of the hospital in patient care, in which liability is admitted or established, the damages awarded shall not include actual economic losses incurred or to be incurred in the future by the claimant by reason of the personal injury, including but not limited to the cost of reasonable and necessary medical care, rehabilitation services, and custodial care, and the loss of services and loss of earned income, to the extent that those losses are replaced or are indemnified by insurance, or by governmental, employment, or service benefit programs or from any other source. 2. This section shall not bar recovery of economic losses replaced or indemnified by any of the following: a. Benefits received under the medical assistance program under chapter 249A. b. The assets of the claimant or of the members of the claimant's immediate family. [C77, 79, 81, §147.136] 95 Acts, ch 108, §6; 2008 Acts, ch 1088, §141; 2011 Acts, ch 129, §85, 156; 2020 Acts, ch 1020, §2, 12 Referred to in §668.14, 668.14A

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.136A - Noneconomic damage awards against health care providers.

147.136A Noneconomic damage awards against health care providers. 1. For purposes of this section: a. "Health care provider" means a hospital as defined in section 135B.1, a health care facility as defined in section 135C.1, a health facility as defined in section 135P.1, a physician or an osteopathic physician licensed under chapter 148, a physician assistant licensed under chapter 148C, a podiatrist licensed under chapter 149, a chiropractor licensed under chapter 151, a licensed practical nurse, a registered nurse, or an advanced registered nurse practitioner licensed under chapter 152 or 152E, a dentist licensed under chapter 153, an optometrist licensed under chapter 154, a pharmacist licensed under chapter 155A, a professional corporation under chapter 496C that is owned by persons licensed to practice a profession listed in this paragraph, or any other person or entity who is licensed, certified, or otherwise authorized or permitted by the law of this state to administer health care in the ordinary course of business or in the practice of a profession. b. (1) "Noneconomic damages" means damages arising from pain, suffering, inconvenience, physical impairment, mental anguish, emotional pain and suffering, loss of chance, loss of consortium, or any other nonpecuniary damages. (2) "Noneconomic damages" does not include the loss of dependent care, including the loss of child care, due to the death of or severe injury to a spouse or parent who is the primary caregiver of a child under the age of eighteen or a disabled adult. Such damages shall be considered economic damages. c. "Occurrence" means the event, incident, or happening, and the acts or omissions incident thereto, which proximately caused injuries or damages for which recovery is claimed by the patient or the patient's representative. 2. Subject to subsection 4, the total amount recoverable in any civil action for noneconomic damages for personal injury or death, whether in tort, contract, or otherwise, against a health care provider for any occurrence resulting in injury or death of a patient regardless of the number of plaintiffs, derivative claims, theories of liability, or defendants in the civil action, shall not exceed two hundred fifty thousand dollars unless the jury determines that there is a substantial or permanent loss or impairment of a bodily function, substantial disfigurement, loss of pregnancy, or death, which warrants a finding that imposition of such a limitation would deprive the plaintiff of just compensation for the injuries sustained, in which case the amount recoverable shall not exceed one million dollars, or two million dollars if the civil action includes a hospital as defined in section 135B.1. 3. The limitation on damages contained in this section shall not apply as to a defendant if that defendant's actions constituted actual malice. 4. The limitations on damages contained in subsection 2 shall increase by two and one-tenth percent on January 1, 2028, and each January 1 thereafter. In any civil action described in this section, such limitations on damages shall be the amount effective at the time of the occurrence. The commissioner of insurance shall publish the amount of the limitations on damages contained in this section on the insurance division's internet site and shall update the published amount annually. 2017 Acts, ch 107, §2, 5; 2018 Acts, ch 1041, §46; 2023 Acts, ch 4, §1 – 3, 5, 6; 2023 Acts, ch 73, §7 Referred to in §147.139, 147.140 Section applies to causes of action that accrue on or after July 1, 2017; 2017 Acts, ch 107, §5 2023 amendments to subsection 1, paragraph b, subsection 2, and new subsection 4, by 2023 Acts, ch 4, apply to causes of action accrued on or after February 16, 2023; 2023 Acts, ch 4, §6 Subsection 1, paragraphs a and b amended Subsection 2 amended NEW subsection 4

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.137 - Consent in writing.

147.137 Consent in writing. A consent in writing to any medical or surgical procedure or course of procedures in patient care which meets the requirements of this section shall create a presumption that informed consent was given. A consent in writing meets the requirements of this section if it: 1. Sets forth in general terms the nature and purpose of the procedure or procedures, together with the known risks, if any, of death, brain damage, quadriplegia, paraplegia, the loss or loss of function of any organ or limb, or disfiguring scars associated with such procedure or procedures, with the probability of each such risk if reasonably determinable. 2. Acknowledges that the disclosure of that information has been made and that all questions asked about the procedure or procedures have been answered in a satisfactory manner. 3. Is signed by the patient for whom the procedure is to be performed, or if the patient for any reason lacks legal capacity to consent, is signed by a person who has legal authority to consent on behalf of that patient in

those circumstances. [C77, 79, 81, §147.137]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.138 - Contingent fee of attorney reviewed by court.

147.138 Contingent fee of attorney reviewed by court. In any action for personal injury or wrongful death against any physician and surgeon, osteopathic physician and surgeon, dentist, podiatric physician, optometrist, pharmacist, chiropractor, physician assistant, or nurse licensed under this chapter or against any hospital licensed under chapter 135B, based upon the alleged negligence of the licensee in the practice of that profession or occupation, or upon the alleged negligence of the hospital in patient care, the court shall determine the reasonableness of any contingent fee arrangement between the plaintiff and the plaintiff's attorney. [C77, 79, 81, §147.138] 95 Acts, ch 108, §7; 2008 Acts, ch 1088, §141; 2020 Acts, ch 1020, §3, 12

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.139 - Expert witness standards.

147.139 Expert witness standards. If the standard of care given by a health care provider, as defined in section 147.136A, is at issue, the court shall only allow a person the plaintiff designates as an expert witness to qualify as an expert witness and to testify on the issue of the appropriate standard of care or breach of the standard of care if all of the following are established by the evidence: 1. The person is licensed to practice in the same or a substantially similar field as the defendant, is in good standing in each state of licensure, and in the five years preceding the act or omission alleged to be negligent, has not had a license in any state revoked or suspended. 2. In the five years preceding the act or omission alleged to be negligent, the person actively practiced in the same or a substantially similar field as the defendant or was a qualified instructor at an accredited university in the same field as the defendant. 3. If the defendant is board-certified in a specialty, the person is certified in the same or a substantially similar specialty by a board recognized by the American board of medical specialties, the American osteopathic association, or the council on podiatric medical education. 4. a. If the defendant is a licensed physician or osteopathic physician under chapter 148, the person is a physician or osteopathic physician licensed in this state or another state. b. If the defendant is a licensed podiatric physician under chapter 149, the person is a physician, osteopathic physician, or a podiatric physician licensed in this state or another state. 86 Acts, ch 1211, §16; 2008 Acts, ch 1088, §98; 2017 Acts, ch 107, §3, 5; 2018 Acts, ch 1172, §46 Referred to in §147.140 2017 amendment applies to causes of action that accrue on or after July 1, 2017; 2017 Acts, ch 107, §5

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.14 - Composition of boards — quorum.

147.14 Composition of boards — quorum. 1. The board members shall consist of the following: a. For medicine, five members licensed to practice medicine and surgery, two members licensed to practice osteopathic medicine and surgery, and three members not licensed to practice either medicine and surgery or osteopathic medicine and surgery, and who shall represent the general public. b. For nursing, four registered nurses, two of whom shall be actively engaged in practice, two of whom shall be nurse educators from nursing education programs; of these, one in higher education and one in area community and vocational-technical registered nurse education; one licensed practical nurse actively engaged in practice; and two members not registered nurses or licensed practical nurses and who shall represent the general public. The representatives of the general public shall not be members of health care delivery systems. c. For dentistry, five members licensed to practice dentistry, two members licensed to practice dental hygiene, and two members not licensed to practice dentistry or dental hygiene and who shall represent the general public. The two dental hygienist board members and one dentist board member shall constitute a dental hygiene committee of the board as provided in section 153.33A. d. For pharmacy, five members licensed to practice pharmacy, one member registered as a certified pharmacy technician as defined by the board by rule, and two members who are not licensed to practice pharmacy or registered as a certified pharmacy technician and who shall represent the general public. e. For optometry, five members licensed to practice optometry and two members who are not licensed to practice optometry and who shall represent the general public. f. For psychology, five members who are licensed to practice psychology and two members not licensed to practice psychology and who shall represent the general public. Of the five members who are licensed to practice psychology, one member shall be primarily engaged in graduate teaching in psychology or primarily engaged in research psychology, three members shall be persons who render services in psychology, and one member shall represent areas of applied psychology and may be affiliated with training institutions and shall devote a major part of the member's time to rendering service in psychology. g. For chiropractic, five members licensed to practice chiropractic and two members who are not licensed to practice chiropractic and who shall represent the general public. h. For speech pathology and audiology, five members licensed to practice speech pathology or audiology at least two of whom shall be licensed to practice speech pathology and at least two of whom shall be licensed to practice audiology, and two members who are not licensed to practice speech pathology or audiology and who shall represent the general public. i. For physical therapy and occupational therapy, three members licensed to practice physical therapy, two members licensed to practice occupational therapy, and two members who are not licensed to practice physical therapy or occupational therapy and who shall represent the general public. j. For dietetics, one licensed dietitian representing the approved or accredited dietetic education programs, one licensed dietitian representing clinical dietetics, one licensed dietitian representing community nutrition services, and two members who are not licensed dietitians and who shall represent the general public. k. For the board of physician assistants, five members licensed to practice as physician assistants, at least two of whom practice in counties with a population of less than fifty thousand, one member

licensed to practice medicine and surgery who supervises a physician assistant engaged in independent practice or collaborates with a physician assistant, one member licensed to practice osteopathic medicine and surgery who supervises a physician assistant engaged in independent practice or collaborates with a physician assistant, and two members who are not licensed to practice either medicine and surgery or osteopathic medicine and surgery or licensed as a physician assistant and who shall represent the general public. At least one of the physician or osteopathic physician members shall be in practice in a county with a population of less than fifty thousand. l. For behavioral science, three members licensed to practice marital and family therapy, all of whom shall be practicing marital and family therapists; three members licensed to practice mental health counseling, one of whom shall be employed in graduate teaching, training, or research in mental health counseling and two of whom shall be practicing mental health counselors; two licensed behavior analysts; one licensed assistant behavior analyst; and three members who are not licensed to practice marital and family therapy, applied behavior analysis, or mental health counseling and who shall represent the general public. m. For respiratory care and polysomnography, one licensed physician with training in respiratory care, two respiratory care practitioners who have practiced respiratory care for a minimum of six years immediately preceding their appointment to the board and who are recommended by the society for respiratory care, one polysomnographic technologist who has practiced polysomnography for a minimum of six years immediately preceding appointment to the board and who is recommended by the Iowa sleep society, and one member not licensed to practice medicine, osteopathic medicine, polysomnography, or respiratory care who shall represent the general public. n. For mortuary science, four members licensed to practice mortuary science, one member owning, operating, or employed by a crematory, and two members not licensed to practice mortuary science and not a crematory owner, operator, or employee who shall represent the general public. o. For massage therapists, four members licensed to practice massage therapy and three members who are not licensed to practice massage therapy and who shall represent the general public. p. For athletic trainers, three members licensed to practice athletic training, three members licensed to practice medicine and surgery, and one member not licensed to practice athletic training or medicine and surgery and who shall represent the general public. q. For podiatry, five members licensed to practice podiatry, two members licensed to practice orthotics, prosthetics, or pedorthics, and two members who are not so licensed and who shall represent the general public. r. For social work, a total of seven members, five who are licensed to practice social work, with at least one from each of three levels of licensure described in section 154C.3, subsection 1, and one employed in the area of children's social work, and two who are not licensed social workers and who shall represent the general public. s. For sign language interpreting and transliterating, four members licensed to practice interpreting and transliterating, three of whom shall be practicing interpreters and transliterators at the time of appointment to the board and at least one of whom is employed in an educational setting; and three members who are consumers of interpreting or transliterating services as defined in section 154E.1, each of whom shall be deaf or hard of hearing. t. For hearing aid specialists, three licensed hearing aid specialists and two members who are not licensed hearing aid specialists who shall represent the general public. No more than two members of the board shall be employees of, or specialists principally for, the same hearing aid manufacturer. u. For nursing home administrators, a total of nine members, four who are licensed nursing home administrators, one of whom is the administrator of a nonproprietary nursing home; three licensed members of any profession concerned with the care and treatment of chronically ill or elderly patients who are not nursing home administrators or nursing home owners; and two members of the general public who are not licensed under chapter 155, have no financial interest in any nursing home, and who shall represent the general public. v. For barbering and cosmetology arts and sciences, three members who are licensed barbers or cosmetologists; one member who is a licensed instructor of barbering and cosmetology arts and sciences; one member who is a licensed electrologist, esthetician, or nail technologist; one member who owns a school of barbering and cosmetology arts and sciences; and one member who is not licensed in the practice of barbering and cosmetology arts and sciences and who shall represent the general public. 2. A majority of the members of a board constitutes a quorum. [C97, §2564, 2576, 2584; S13, §2564, 2575-a29, -a30, -a37, -a38, 2576, 2583-a, -h, -i, 2600-b, -c; SS15, §2584; C24, 27, 31, 35, 39, §2451, 2452, 2475; C46, 50, 54, 58, 62, 66, §147.14, 147.15, 147.38; C71, 73, §147.14, 147.15, 147.38, 153.1; C75, 77, 79, 81, §147.14] 84 Acts, ch 1075, §9; 85 Acts, ch 168, §5; 86 Acts, ch 1003, §1; 86 Acts, ch 1022, §1; 88 Acts, ch 1134, §29; 88 Acts, ch 1225, §6, 7; 91 Acts, ch 229, §3; 92 Acts, ch 1183, §2; 92 Acts, ch 1205, §15, 16; 96 Acts, ch 1035, §2, 3, 13; 96 Acts, ch 1036, §12; 96 Acts, ch 1148, §1, 2; 98 Acts, ch 1002, §1, 2; 98 Acts, ch 1010, §1; 98 Acts, ch 1053, §10; 99 Acts, ch 19, §1; 99 Acts, ch 96, §14; 2004 Acts, ch 1175, §423, 433; 2005 Acts, ch 3, §36; 2007 Acts, ch 10, §33; 2007 Acts, ch 218, §188; 2008 Acts, ch 1032, §26; 2008 Acts, ch 1088, §13; 2009 Acts, ch 56, §2; 2009 Acts, ch 133, §47; 2010 Acts, ch 1069, §18; 2012 Acts, ch 1101, §4; 2015 Acts, ch 57, §4; 2015 Acts, ch 70, §5; 2018 Acts, ch 1106, §5, 14; 2018 Acts, ch 1141, §1; 2020 Acts, ch 1102, §6; 2023 Acts, ch 73, §4; 2023 Acts, ch 99, §4, 5 Referred to in §148.2A, 154F.1, 155A.2A Board of medicine alternate members, see §148.2A Board of pharmacy alternate members, see §155A.2A Subsection 1 amended and editorially internally redesignated

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.140 - Expert witness — certificate of merit affidavit.

147.140 Expert witness — certificate of merit affidavit. 1. a. In any action for personal injury or wrongful death against a health care provider based upon the alleged negligence in the practice of that profession or occupation or in patient care, which includes a cause of action for which expert testimony is necessary to establish a prima facie case, the plaintiff shall, prior to the commencement of discovery in the case and within sixty days of the defendant's answer, serve upon the defendant a certificate of merit affidavit signed by an expert witness with respect to the issue of standard of care and an alleged breach of the standard of care. The expert witness must meet the qualifying standards of section 147.139. b. A certificate of merit affidavit must be signed by the expert witness and

certify the purpose for calling the expert witness by providing under the oath of the expert witness all of the following: (1) The expert witness's statement of familiarity with the applicable standard of care. (2) The expert witness's statement that the standard of care was breached by the health care provider named in the petition. c. A plaintiff shall serve a separate certificate of merit affidavit on each defendant named in the petition. 2. An expert witness's certificate of merit affidavit does not preclude additional discovery and supplementation of the expert witness's opinions in accordance with the rules of civil procedure. 3. The parties shall comply with the requirements of section 668.11 and all other applicable law governing certification and disclosure of expert witnesses. 4. The parties by agreement or the court for good cause shown and in response to a motion filed prior to the expiration of the time limits specified in subsection 1 may provide for extensions of the time limits. Good cause shall include but not be limited to the inability to timely obtain the plaintiff's medical records from health care providers when requested prior to filing the petition. 5. If the plaintiff is acting pro se, the plaintiff shall have the expert witness sign the certificate of merit affidavit or answers to interrogatories referred to in this section and the plaintiff shall be bound by those provisions as if represented by an attorney. 6. Failure to substantially comply with subsection 1 shall result, upon motion, in dismissal with prejudice of each cause of action as to which expert witness testimony is necessary to establish a prima facie case. 7. For purposes of this section, "health care provider" means the same as defined in section 147.136A. 2017 Acts, ch 107, §4, 5 Section applies to causes of action that accrue on or after July 1, 2017; 2017 Acts, ch 107, §5

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.16 - Board members.

147.16 Board members. 1. Each licensed board member shall be actively engaged in the practice or the instruction of the board member's profession and shall have been so engaged for a period of five years just preceding the board member's appointment, the last two of which shall be in this state. 2. However, each licensed physician assistant member of the board of physician assistants shall be actively engaged in practice as a physician assistant and shall have been so engaged for a period of three years just preceding the member's appointment, the last year of which shall be in this state. [C97, §2584; S13, §2583-a, -h, 2600-b; SS15, §2584; C24, 27, 31, 35, 39, §2453; C46, 50, 54, 58, 62, 66, §147.16; C71, 73, §147.16, 153.1; C75, 77, 79, 81, §147.16; 81 Acts, ch 65, §1] 88 Acts, ch 1225, §8; 2007 Acts, ch 10, §34

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.161 - Mental health professionals — limitations on competition prohibited.

147.161 Mental health professionals — limitations on competition prohibited. 1. As used in this section: a. "Employer" means a person, as defined in chapter 4, who in this state employs for wages an employee. b. "Mental health professional" means the same as defined in section 228.1, and includes all of the following: (1) Individuals who are completing their supervisory requirement under a temporary license. (2) Licensed master social workers with a current and active supervision plan on file with the board of social work. 2. An employer shall not enter into an agreement with a licensed mental health professional that limits the location at which the licensee may practice, prohibits the licensee from contacting for professional services a person previously treated by the licensee, or imposes a time restriction on the practice of the licensee. 3. A provision of an agreement entered into between an employer and a licensed mental health professional prior to, on, or after June 1, 2023, that is contrary to this section shall be void and unenforceable. 2023 Acts, ch 120, §1, 2 NEW section

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.162 - Rules and directives relating to opioids.

147.162 Rules and directives relating to opioids. 1. Any board created under this chapter that licenses a prescribing practitioner shall adopt rules under chapter 17A establishing penalties for prescribing practitioners that prescribe opioids in dosage amounts exceeding what would be prescribed by a reasonably prudent prescribing practitioner engaged in the same practice. 2. For the purposes of this section, "prescribing practitioner" means a licensed health care professional with the authority to prescribe prescription drugs including opioids. 2018 Acts, ch 1138, §21

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.163 - Provision of information — referral to ambulatory surgical center — licensee discipline.

147.163 Provision of information — referral to ambulatory surgical center — licensee discipline. 1. A health care provider who determines that a patient is a candidate for outpatient surgery based on the patient's medical status and surgical service needs, and refers the patient to an ambulatory surgical center as an option for the surgery, shall provide the patient with a written document listing the factors the patient should consider to make a fully informed decision about the patient's recommended course of care. The considerations shall include all of the following: a. The differences in ownership; licensure, certification, or accreditation; and payment alternatives between the ambulatory surgical center and a hospital. b. The types of medical personnel generally involved in the patient's surgical service and the capacity of the ambulatory surgical center and a hospital to comply with the personnel requirements. c. The capacity of the ambulatory surgical center and a hospital to respond to medical complications and emergencies that may arise from the surgical service. d. The proximity of the ambulatory surgical center to a hospital and the protocols in place for transfer of a patient from the ambulatory surgical center to the hospital for emergency care. e. The type of anesthesia generally

used for the patient's surgical service and the capacity of the ambulatory surgical center and a hospital to comply with requirements relative to the use of anesthesia. 2. For the purposes of this section: a. "Ambulatory surgical center" means a distinct facility that operates exclusively for the purpose of providing surgical services to patients not requiring hospitalization and in which the expected duration of services does not exceed twenty-four hours following an admission. "Ambulatory surgical center" includes a facility that otherwise meets the definition of ambulatory surgical center whether or not licensed, certified, or accredited as an ambulatory surgical center and which may or may not operate on a partially cash-only or completely cash-only basis. "Ambulatory surgical center" does not include individual or group practice offices of private physicians or podiatrists that do not contain a distinct area used for outpatient surgical treatment on a regular basis, or that only provide surgery routinely provided in a physician's or podiatrist's office using local anesthesia or conscious sedation; individual or group practice offices of private dentists; or a portion of a licensed hospital designated for outpatient surgical treatment. b. "Health care provider" means a person who is licensed, certified, or otherwise authorized or permitted by the laws of this state to administer health care in the ordinary course of business or in the practice of a profession. c. "Hospital" means the same as defined in section 135B.1. 3. A health care provider who violates this section is subject to licensee discipline by the appropriate licensing or disciplinary authority. 2022 Acts, ch 1153, §48

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.164 - Gender transition procedure-related activities — minors — prohibitions.

147.164 Gender transition procedure-related activities — minors — prohibitions. 1. As used in this section: a. "Gender" means the psychological, behavioral, social, and cultural aspects of being male or female. b. "Health care professional" means a person who is licensed, certified, or otherwise authorized or permitted by the law of this state to administer health care in the ordinary course of business or in the practice of a profession. c. "Minor" means an unemancipated person under eighteen years of age. d. "Sex" means the biological indication of male and female, including sex chromosomes, naturally occurring sex hormones, gonads, and nonambiguous internal and external genitalia present at birth without regard to an individual's psychological, chosen, or subjective experience of gender. 2. a. Except as otherwise provided in paragraph "c", a health care professional shall not knowingly engage in or cause any of the following practices to be performed on a minor if the practice is performed for the purpose of attempting to alter the appearance of, or affirm the minor's perception of, the minor's gender or sex, if that appearance or perception is inconsistent with the minor's sex: (1) Prescribing or administering gonadotropin-releasing hormone analogues or other synthetic drugs used to stop luteinizing hormone and follicle-stimulating hormone secretion, synthetic antiandrogen drugs used to block the androgen receptor, or any drug to suppress or delay normal puberty. (2) Prescribing or administering testosterone, estrogen, or progesterone to a minor in an amount greater than would normally be produced endogenously in a healthy individual of that individual's age and sex. (3) Performing surgeries that sterilize, including castration, vasectomy, hysterectomy, oophorectomy, orchiectomy, and penectomy. (4) Performing surgeries that artificially construct tissue with the appearance of genitalia that differs from the individual's sex, including metoidioplasty, phalloplasty, and vaginoplasty. (5) Removing any healthy or nondiseased body part or tissue. b. A health care professional shall not knowingly engage in conduct that aids or abets the practices described in paragraph "a". This paragraph shall not be construed to impose liability on any speech protected by federal or state law. c. Paragraphs "a" and "b" do not apply to any of the following: (1) Services provided to a minor born with a medically verifiable disorder of sex development, including a minor with external biological sex characteristics that are irresolvably ambiguous, such as a minor born with forty-six XX chromosomes with virilization, forty-six XY chromosomes with undervirilization, or having both ovarian and testicular tissue. (2) Services provided to a minor who has otherwise been diagnosed with a disorder of sexual development by a physician, when the physician has determined through genetic or biochemical testing that the minor does not have a normal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action for a biological male or biological female. (3) The treatment of any infection, injury, disease, or disorder that has been caused or exacerbated by the performance of gender transition procedures, whether or not the procedures were performed in accordance with state and federal law. (4) Any procedure undertaken because a minor suffers from a physical disorder, physical injury, or physical illness that is certified by a physician and that would place the minor in imminent danger of death or impairment of a major bodily function unless surgery is performed. d. A violation of the prohibitions under paragraph "a" or "b" by a health care professional is considered unprofessional conduct and subject to licensee discipline by the appropriate licensing board or entity. 3. a. A person may assert an actual or threatened violation of this section as a claim or defense in a judicial or administrative proceeding and may obtain compensatory damages, injunctive relief, declaratory relief, or any other appropriate relief. b. An action brought for a violation of this section shall be brought within two years after the cause of action accrues. However, a minor may bring an action during the minor's minority through a parent or legal guardian, and may bring an action in the minor's own name upon reaching majority and for twenty years after reaching majority. c. Notwithstanding any other law to the contrary, an action under this section may be commenced, and relief may be granted, in a judicial proceeding without regard to whether the person commencing the action has sought or exhausted available administrative remedies. In an action or proceeding to enforce this section, a prevailing party may recover reasonable attorney fees. d. The attorney general may bring an action to enforce this section. e. Nothing in this section shall be construed to deny, impair, or otherwise affect any right or authority of the attorney general, the state, or any agency, officer, or employee of the state to institute or intervene in any proceeding. f. Compliance with, or enforcement or implementation of, this section shall not constitute a violation of any provision of chapter 216. 2023 Acts, ch 9, §1 – 3; 2023 Acts, ch 119, §39, 47, 49 Referred to in §601.1 Section applies one hundred eighty days after March 22, 2023; 2023 Acts, ch 9, §3 NEW section

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.19 - Terms of office.

147.19 Terms of office. The board members shall serve three-year terms, which shall commence and end as provided by section 69.19. Any vacancy in the membership of a board shall be filled by appointment of the governor subject to senate confirmation. A member shall serve no more than nine years in total on the same board. [C97, §2564, 2576, 2584; S13, §2564, 2575-a29, -a37, 2576, 2583-a, -h, 2600-b; SS15, §2584; C24, 27, 31, 35, 39, §2456, 2458; C46, 50, 54, 58, 62, 66, §147.19, 147.21; C71, 73, §147.19, 147.21, 153.1; C75, 77, 79, 81, §147.19] 2007 Acts, ch 10, §36; 2008 Acts, ch 1088, §14 Referred to in §148.2A, 155A.2A Confirmation, see §2.32 Board of medicine alternate members, see §148.2A Board of pharmacy alternate members, see §155A.2A

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.2 - License required.

147.2 License required. 1. A person shall not engage in the practice of medicine and surgery, podiatry, osteopathic medicine and surgery, genetic counseling, psychology, chiropractic, physical therapy, physical therapist assisting, nursing, dentistry, dental hygiene, dental assisting, optometry, speech pathology, audiology, occupational therapy, occupational therapy assisting, orthotics, prosthetics, pedorthics, respiratory care, pharmacy, cosmetology arts and sciences, barbering, social work, dietetics, applied behavior analysis, marital and family therapy or mental health counseling, massage therapy, mortuary science, polysomnography, athletic training, acupuncture, nursing home administration, or sign language interpreting or transliterating, or shall not practice as a physician assistant or a hearing aid specialist, unless the person has obtained a license for that purpose from the board for the profession. 2. For purposes of this section, a person who is licensed in another state and recognized for licensure in this state pursuant to the nurse licensure compact contained in section 152E.1 or pursuant to the advanced practice registered nurse compact contained in section 152E.3 shall be considered to have obtained a license to practice nursing. [C97, §2582, 2588; S13, §2575-a28, -a31, -a36, 2582, 2583-a, -d, -r, 2600-o4; SS15, §2588; C24, 27, 31, 35, 39, §2439; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.2] 85 Acts, ch 168, §2; 88 Acts, ch 1225, §3; 96 Acts, ch 1035, §1; 96 Acts, ch 1036, §5; 98 Acts, ch 1050, §1, 5; 2000 Acts, ch 1008, §1; 2000 Acts, ch 1053, §2; 2000 Acts, ch 1185, §1; 2004 Acts, ch 1045, §1; 2004 Acts, ch 1175, §421, 433; 2005 Acts, ch 53, §1; 2007 Acts, ch 10, §28; 2008 Acts, ch 1009, §1, 5; 2008 Acts, ch 1088, §2; 2012 Acts, ch 1101, §2; 2015 Acts, ch 57, §2; 2015 Acts, ch 70, §3, 18; 2018 Acts, ch 1052, §2, 12; 2018 Acts, ch 1106, §3, 14 Referred to in §148.6, 148G.1, 148G.6

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.20 - Nomination of board members.

147.20 Nomination of board members. The regular state association or society for each profession may recommend the names of potential board members to the governor, but the governor shall not be bound by the recommendations. [S13, §2583-a, -h, 2600-b; C24, 27, 31, 35, 39, §2457; C46, 50, 54, 58, 62, 66, §147.20; C71, 73, §147.20, 153.1; C75, 77, 79, 81, §147.20] 2007 Acts, ch 10, §37

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.21 - Examination information.

147.21 Examination information. 1. The public members of a board shall be allowed to participate in administrative, clerical, or ministerial functions incident to giving the examination, but shall not determine the content of the examination or determine the correctness of the answers. 2. A member of the board shall not disclose information relating to any of the following: a. The contents of the examination. b. The examination results other than final score except for information about the results of an examination which is given to the person who took the examination. 3. A member of the board who willfully communicates or seeks to communicate such information, and any person who willfully requests, obtains, or seeks to obtain such information, is guilty of a simple misdemeanor. [C75, 77, 79, 81, §147.21] 83 Acts, ch 101, §26; 2008 Acts, ch 1088, §15 Referred to in §152.12, 157.3B

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.22 - Officers.

147.22 Officers. Each board shall annually select a chairperson and a vice chairperson from its own membership. [C97, §2576, 2585; S13, §2576, 2583-i, 2585, 2600-c; C24, 27, 31, 35, 39, §2459; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.22] 2007 Acts, ch 10, §38; 2008 Acts, ch 1088, §16

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.24 - Compensation.

147.24 Compensation. Members of a board shall receive actual expenses for their duties as a member of the board. Each member of each board shall also be eligible to receive compensation as provided in section 7E.6, within the limits of funds available. [C97, §2574; S13, §2574, 2575-a34, -a44, 2583-a, -p, 2600-g; C24, 27, 31, 35, 39, §2461; C46, 50, 54, 58, 62, 66, §147.24; C71, 73, §147.24, 153.3; C75, 77, 79, 81, §147.24] 86 Acts, ch 1245, §1141; 2007 Acts, ch 10, §39; 2008 Acts, ch 1088, §17

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED

PROFESSIONSSection 147.25 - System of health personnel statistics — fee.

147.25 System of health personnel statistics — fee. 1. A board may establish a system to collect, maintain, and disseminate health personnel statistical data regarding board licensees, including but not limited to number of licensees, employment status, location of practice or place of employment, areas of professional specialization and ages of licensees, and other pertinent information bearing on the availability of trained and licensed personnel to provide services in this state. 2. In addition to any other fee provided by law, a fee may be set by the respective boards for each license and renewal of a license to practice a profession, which fee shall be based on the annual cost of collecting information for use by the board in the administration of the system of health personnel statistics established by this section. The fee shall be retained by the respective board in the manner in which license and renewal fees are retained in section 147.82. [C75, 77, 79, 81, §147.25] 84 Acts, ch 1075, §10; 85 Acts, ch 168, §6; 88 Acts, ch 1225, §9; 2006 Acts, ch 1155, §4, 15; 2007 Acts, ch 10, §40, 184; 2008 Acts, ch 1088, §18

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 147 - GENERAL PROVISIONS, HEALTH-RELATED
PROFESSIONSSection 147.28 - National organization.

147.28 National organization. Each board may maintain a membership in the national organization of the regulatory boards of its profession to be paid from board funds. [C27, 31, 35, §2465-b1; C39, §2465.1; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.28] 2007 Acts, ch 10, §42; 2008 Acts, ch 1088, §19

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 147 - GENERAL PROVISIONS, HEALTH-RELATED
PROFESSIONSSection 147.3 - Qualifications.

147.3 Qualifications. An applicant for a license to practice a profession under this subtitle is not ineligible because of age, citizenship, sex, race, religion, marital status, or national origin, although the application form may require citizenship information. [S13, §2575-a29, -a37, 2583-a, -1, 2600-d; C24, 27, 31, 35, 39, §2440, 2567; C46, 50, 54, 58, 62, 66, §147.3, 153.3; C71, 73, §147.3, 153.5; C75, 77, 79, 81, §147.3] 84 Acts, ch 1075, §7; 85 Acts, ch 168, §3; 88 Acts, ch 1225, §4; 94 Acts, ch 1132, §11; 96 Acts, ch 1036, §6; 98 Acts, ch 1053, §4; 2008 Acts, ch 1088, §3; 2020 Acts, ch 1103, §11, 31 Referred to in §152.7

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 147 - GENERAL PROVISIONS, HEALTH-RELATED
PROFESSIONSSection 147.33 - Professional schools.

147.33 Professional schools. A dean of a college or university which provides instruction or training in a profession shall supply information or data related to the college or university upon request of a board. [C24, 27, 31, 35, 39, §2470; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.33] 2007 Acts, ch 10, §44; 2008 Acts, ch 1088, §20

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 147 - GENERAL PROVISIONS, HEALTH-RELATED
PROFESSIONSSection 147.34 - Examinations.

147.34 Examinations. 1. Each board shall by rule prescribe the examination or examinations required for licensure for the profession and the manner in which an applicant shall complete the examination process. A board may develop and administer the examination, may designate a national, uniform, or other examination as the prescribed examination, or may contract for such services. Dentists shall pass an examination approved by a majority of the dentist members of the dental board. 2. When a board administers an examination, the board shall provide adequate public notice of the time and place of the examination to allow candidates to comply with the provisions of this subtitle. Administration of examinations, including location, frequency, and reexamination, may be determined by the board. 3. Applicants who fail the examination once shall be allowed to take the examination at the next authorized time. Thereafter, applicants shall be allowed to take the examination at the discretion of the board. An applicant who has failed an examination may request in writing information from the board concerning the examination grade and subject areas or questions which the applicant failed to answer correctly, except that if the board prescribes a national or uniform examination, the board shall only be required to provide the examination grade and such other information concerning the applicant's examination results which are available to the board. [C97, §2576, 2582, 2589, 2597; S13, §2575-a29, -a37, 2576, 2582, 2583-a, -i, -k, 2589-a, 2600-c, -d; SS15, §2589-a; C24, 27, 31, 35, 39, §2471, 2567, 2572, 2573; C46, 50, 54, 58, 62, 66, §147.34, 153.3, 153.8, 153.9; C71, 73, §147.34, 153.2, 153.6, 153.8; C75, 77, 79, 81, §147.34] 94 Acts, ch 1132, §17; 96 Acts, ch 1036, §14; 98 Acts, ch 1053, §12; 2007 Acts, ch 10, §45; 2008 Acts, ch 1088, §21 Referred to in §153.21, 155.3, 156.4

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 147 - GENERAL PROVISIONS, HEALTH-RELATED
PROFESSIONSSection 147.36 - Rules.

147.36 Rules. Each board may establish rules for any of the following: 1. The qualifications required for applicants seeking to take examinations. 2. The denial of applicants seeking to take examinations. 3. The conducting of examinations. 4. The grading of examinations and passing upon the technical qualifications of applicants, as shown by such examinations. 5. The minimum scores required for passing standardized examinations. [C97, §2584; S13, §2575-a38, 2583-a, -i, 2600-e; SS15, §2584; C24, 27, 31, 35, 39, §2473; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.36] 92 Acts, ch 1183, §3; 2007 Acts, ch 10, §47; 2008 Acts, ch 1088, §22

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.37 - Identity of candidate concealed.

147.37 Identity of candidate concealed. The identity of the person taking an examination shall not be disclosed during the examination process and in practice the identity of the candidate shall be concealed to the extent possible. [C97, §2576; S13, §2576, 2583-a; C24, 27, 31, 35, 39, §2474; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.37] 2007 Acts, ch 10, §48; 2008 Acts, ch 1088, §23

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.4 - Grounds for refusing.

147.4 Grounds for refusing. A board may refuse to grant a license to practice a profession to any person otherwise qualified upon any of the grounds for which a license may be revoked or suspended. [C97, §2578; S13, §2575-a33, -a41, 2578, 2583-c; C24, 27, 31, 35, 39, §2441; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.4] 90 Acts, ch 1086, §1; 2008 Acts, ch 1088, §4 Grounds for revocation, see §147.55

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.44 - Reciprocal agreements.

147.44 Reciprocal agreements. A board may enter into a reciprocal agreement with a licensing authority of another state for the purpose of recognizing licenses issued by the other state, provided that such licensing authority imposes licensure requirements substantially equivalent to those imposed in this state. The board may establish by rule the conditions for the recognition of such licenses and the process for licensing such individuals to practice in this state. [C97, §2582; S13, §2582; C24, 27, 31, 35, 39, §2481; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.44] 94 Acts, ch 1132, §19; 96 Acts, ch 1036, §16; 98 Acts, ch 1053, §14; 2007 Acts, ch 10, §53; 2008 Acts, ch 1088, §24 Referred to in §148.3, 152.8, 153.36, 155.11, 157.3

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.48 - Termination of reciprocal agreements.

147.48 Termination of reciprocal agreements. If the requirements for a license in any state with which this state has a reciprocal agreement are changed by any law or rule of the authorities in that state so that such requirements are no longer substantially equivalent to those existing in this state, the agreement shall be deemed terminated and licenses issued in that state shall not be recognized as a basis of granting a license in this state until a new agreement has been negotiated. [C24, 27, 31, 35, 39, §2485; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.48] 2007 Acts, ch 10, §57; 2008 Acts, ch 1088, §25 Referred to in §152.8, 153.36, 155.11, 157.3

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.49 - License of another state.

147.49 License of another state. A board shall, upon presentation of a license to practice a profession issued by the duly constituted authority of another state with which this state has established reciprocal relations, and subject to the rules of the board for such profession, license the applicant to practice in this state, unless under the rules of the board a practical or jurisprudence examination is required. The board of medicine may accept in lieu of the examination prescribed in section 148.3 a license to practice medicine and surgery or osteopathic medicine and surgery, issued by the duly constituted authority of another state, territory, or foreign country. Endorsement may be accepted in lieu of further written examination without regard to the existence or nonexistence of a reciprocal agreement, but shall not be in lieu of the standards and qualifications prescribed by section 148.3. [C97, §2582; S13, §2575-a30, -a39, 2582, 2583-l, 2589-b, 2600-m; C24, 27, 31, 35, 39, §2486; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.49] 2007 Acts, ch 10, §58; 2008 Acts, ch 1088, §26 Referred to in §152.8, 153.36, 155.11, 157.3

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.5 - Certificate of license.

147.5 Certificate of license. 1. Every license to practice a profession shall be in the form of a certificate under the seal of the board. Such license shall be issued in the name of the board. 2. This section shall not apply to a person who is licensed in another state and recognized for licensure in this state pursuant to the nurse licensure compact contained in section 152E.1 or pursuant to the advanced practice registered nurse compact contained in section 152E.3. [C97, §2576, 2577, 2591; S13, §2575-a30, -a38, 2576, 2583-k, 2600-d; C24, 27, 31, 35, 39, §2442; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.5] 2000 Acts, ch 1008, §2; 2000 Acts, ch 1140, §30; 2005 Acts, ch 53, §2; 2007 Acts, ch 10, §29; 2008 Acts, ch 1088, §5

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.53 - Power to adopt rules.

147.53 Power to adopt rules. Each board entering into a reciprocal agreement shall adopt necessary rules, not inconsistent with law, for carrying out the reciprocal relations with other states which are authorized by this chapter. [C24, 27, 31, 35, 39, §2490; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.53] 2007 Acts, ch 10, §60; 2008 Acts, ch 1088, §27 Referred to in §152.8, 153.36,

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.55 - Grounds.

147.55 Grounds. A licensee's license to practice a profession shall be revoked or suspended, or the licensee otherwise disciplined by the board for that profession, when the licensee is guilty of any of the following acts or offenses: 1. Fraud in procuring a license. 2. Professional incompetence. 3. Knowingly making misleading, deceptive, untrue, or fraudulent representations in the practice of a profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established. 4. Habitual intoxication or addiction to the use of drugs. 5. Fraud in representations as to skill or ability. 6. Use of untruthful or improbable statements in advertisements. 7. Willful or repeated violations of the provisions of this chapter, chapter 272C, or a board's enabling statute. 8. Sexual abuse in the fourth degree in violation of section 709.4A. 9. Fraud in assisted reproduction in violation of section 714I.3. 10. Other acts or offenses as specified by board rule. 1. [C97, §2578; S13, §2575-a33, -a41, 2578, 2583-c, 2600-o5; C24, 27, 31, 35, 39, §2492; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.55(1)] 2. [C97, §2578; S13, §2578, 2583-c, -m; C24, 27, 31, 35, 39, §2492; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.55(2)] 3. [C97, §2578; S13, §2575-a33, -a41, 2578, 2583-m, 2600-o5; C24, 27, 31, 35, 39, §2492; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.55(3)] 4. [C97, §2578; S13, §2575-a41, 2578, 2583-c, -m, 2600-o5; C24, 27, 31, 35, 39, §2492; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.55(4)] 5. [C97, §2578; S13, §2578, 2583-c; C24, 27, 31, 35, 39, §2492; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.55(6)] 6. [C97, §2578; S13, §2578, 2583-c, 2600-o5; C24, 27, 31, 35, 39, §2492; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.55(7)] 7. [C97, §2596; S13, §2575-a33, -a41; C24, 27, 31, 35, 39, §2492; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §147.55(9); C79, 81, §147.55(8)] 2008 Acts, ch 1088, §28; 2009 Acts, ch 133, §48; 2020 Acts, ch 1103, §12, 31; 2022 Acts, ch 1123, §5 Referred to in §148.6, 148.7, 148A.7, 148E.8, 148H.7, 152.10, 152D.6, 153.36, 155.4, 155A.12, 156.9, 272C.3, 272C.4

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.56 - Lyme disease treatment — exemption from discipline.

147.56 Lyme disease treatment — exemption from discipline. A person licensed by a board under this subtitle shall not be subject to discipline under this chapter or the board's enabling statute based solely on the licensee's recommendation or provision of a treatment method for Lyme disease or other tick-borne disease if the recommendation or provision of such treatment meets all the following criteria: 1. The treatment is provided after an examination is performed and informed consent is received from the patient. 2. The licensee identifies a medical reason for recommending or providing the treatment. 3. The treatment is provided after the licensee informs the patient about other recognized treatment options and describes to the patient the licensee's education, experience, and credentials regarding the treatment of Lyme disease or other tick-borne disease. 4. The licensee uses the licensee's own medical judgment based on a thorough review of all available clinical information and Lyme disease or other tick-borne disease literature to determine the best course of treatment for the individual patient. 5. The treatment will not, in the opinion of the licensee, result in the direct and proximate death of or serious bodily injury to the patient. 2017 Acts, ch 16, §1, 2

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.6 - Certificate presumptive evidence.

147.6 Certificate presumptive evidence. Every license issued under this subtitle shall be presumptive evidence of the right of the holder to practice in this state the profession therein specified. [C97, §2576; S13, §2575-a30, -a38, 2576, 2583-k, 2600-d; C24, 27, 31, 35, 39, §2443; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.6] 94 Acts, ch 1132, §12; 96 Acts, ch 1036, §7; 98 Acts, ch 1053, §5

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.7 - Display of license.

147.7 Display of license. 1. A board may require every person licensed by the board to display the license and evidence of current renewal publicly in a manner prescribed by the board. 2. This section shall not apply to a person who is licensed in another state and recognized for licensure in this state pursuant to the nurse licensure compact contained in section 152E.1 or pursuant to the advanced practice registered nurse compact contained in section 152E.3. A person licensed in another state and recognized for licensure in this state pursuant to either compact shall, however, maintain a copy of a license issued by the person's home state available for inspection when engaged in the practice of nursing in this state. [C97, §2591; S13, §2600-o1; C24, 27, 31, 35, 39, §2444; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.7] 90 Acts, ch 1086, §2; 94 Acts, ch 1132, §13; 96 Acts, ch 1036, §8; 98 Acts, ch 1053, §6; 2000 Acts, ch 1008, §3; 2005 Acts, ch 53, §3; 2006 Acts, ch 1010, §54; 2008 Acts, ch 1088, §6

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.72 - Professional titles and abbreviations.

147.72 Professional titles and abbreviations. Any person licensed to practice a profession under this subtitle may append to the person's name any recognized title or abbreviation, which the person is entitled to use, to designate the person's particular profession, but no other person shall assume or use such title or abbreviation, and no licensee shall advertise in such a manner as to

lead the public to believe that the licensee is engaged in the practice of any other profession than the one which the licensee is licensed to practice. [S13, §2575-a28, -a31, 2583-q; C24, 27, 31, 35, 39, §2509; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.72] 94 Acts, ch 1132, §22; 96 Acts, ch 1036, §19; 98 Acts, ch 1053, §17 Referred to in §147.73

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.73 - Titles used by holder of degree.

147.73 Titles used by holder of degree. Nothing in section 147.72 shall be construed: 1. As authorizing any person licensed to practice a profession under this subtitle to use or assume any degree or abbreviation of the degree unless such degree has been conferred upon the person by an institution of learning accredited by the appropriate board, or by some recognized state or national accredited agency. 2. As prohibiting any holder of a degree conferred by an institution of learning accredited by the appropriate board created in this chapter, or by some recognized state or national accrediting agency, from using the title which such degree authorizes the holder to use, but the holder shall not use such degree or abbreviation in any manner which might mislead the public as to the holder's qualifications to treat human ailments. [C24, 27, 31, 35, 39, §2510; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.73] 94 Acts, ch 1132, §23; 96 Acts, ch 1036, §20; 98 Acts, ch 1053, §18; 2008 Acts, ch 1088, §30

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.74 - Professional titles or abbreviations — false use prohibited.

147.74 Professional titles or abbreviations — false use prohibited. 1. Any person who falsely claims by the use of any professional title or abbreviation, either in writing, cards, signs, circulars, advertisements, the internet, or other written or electronic means, to be a practitioner of a profession other than the one under which the person holds a license or who fails to use the designations provided in this section shall be guilty of a simple misdemeanor. 2. A physician or surgeon may use the prefix "Dr." or "Doctor", and shall add after the person's name the letters, "M.D." 3. An osteopathic physician and surgeon may use the prefix "Dr." or "Doctor", and shall add after the person's name the letters, "D.O.", or the words "osteopathic physician and surgeon". 4. A chiropractor may use the prefix "Dr." or "Doctor", but shall add after the person's name the letters, "D.C." or the word, "chiropractor". 5. A dentist may use the prefix "Dr." or "Doctor", but shall add after the person's name the letters "D.D.S.", or "D.M.D.", or the word "dentist" or "dental surgeon". A dental hygienist may use the words "registered dental hygienist" or the letters "R.D.H." after the person's name. A dental assistant may use the words "registered dental assistant" or the letters "R.D.A." after the person's name. 6. A podiatric physician may use the prefix "Dr." or "Doctor", but shall add after the person's name the letters "D.P.M." or the words "podiatric physician". 7. A graduate of a school accredited by the board of optometry may use the prefix "Dr." or "Doctor", but shall add after the person's name the letters "O.D." 8. A physical therapist registered or licensed under chapter 148A may use the words "physical therapist" after the person's name or signify the same by the use of the letters "P.T." after the person's name. A physical therapist with an earned doctoral degree from an accredited school, college, or university may use the suffix designating the degree, or the prefix "Doctor" or "Dr." and add after the person's name the words "physical therapist". An occupational therapist registered or licensed under chapter 148B may use the words "occupational therapist" after the person's name or signify the same by the use of the letters "O.T." after the person's name. An occupational therapist with an earned doctoral degree from an accredited school, college, or university may use the suffix designating the degree, or the prefix "Doctor" or "Dr." and add after the person's name the words "occupational therapist". 9. A physical therapist assistant licensed under chapter 148A may use the words "physical therapist assistant" after the person's name or signify the same by use of the letters "P.T.A." after the person's name. An occupational therapy assistant licensed under chapter 148B may use the words "occupational therapy assistant" after the person's name or signify the same by use of the letters "O.T.A." after the person's name. 10. A psychologist who possesses a doctoral degree may use the prefix "Dr." or "Doctor" but shall add after the person's name the word "psychologist". 11. A speech pathologist with an earned doctoral degree in speech pathology obtained beyond a bachelor's degree from an accredited school, college, or university, may use the suffix designating the degree, or the prefix "Doctor" or "Dr." and add after the person's name the words "speech pathologist". An audiologist with an earned doctoral degree in audiology obtained beyond a bachelor's degree from an accredited school, college, or university, may use the suffix designating the degree, or the prefix "Doctor" or "Dr." and add after the person's name the word "audiologist". 12. A bachelor social worker licensed under chapter 154C may use the words "licensed bachelor social worker" or the letters "L.B.S.W." after the person's name. A master social worker licensed under chapter 154C may use the words "licensed master social worker" or the letters "L.M.S.W." after the person's name. An independent social worker licensed under chapter 154C may use the words "licensed independent social worker", or the letters "L.I.S.W." after the person's name. 13. A marital and family therapist licensed under chapter 154D and this chapter may use the words "licensed marital and family therapist" after the person's name or signify the same by the use of the letters "L.M.F.T." after the person's name. A marital and family therapist licensed under chapter 154D and this chapter who possesses a doctoral degree may use the prefix "Doctor" or "Dr." in conjunction with the person's name, but shall add after the person's name the words "licensed marital and family therapist". 14. A mental health counselor licensed under chapter 154D and this chapter may use the words "licensed mental health counselor" after the person's name. A mental health counselor licensed under chapter 154D and this chapter who possesses a doctoral degree may use the prefix "Doctor" or "Dr." in conjunction with the person's name, but shall add after the person's name the words "licensed mental health counselor". 15. a. A behavior analyst licensed under chapter 154D may use the letters "LBA" after the person's name. b. An assistant behavior analyst licensed under chapter 154D may use the letters "LABA" after the person's name. 16. A pharmacist who possesses a doctoral degree recognized by the accreditation council for pharmacy education from a college of pharmacy approved

by the board of pharmacy or a doctor of philosophy degree in an area related to pharmacy may use the prefix “Doctor” or “Dr.” but shall add after the person’s name the word “pharmacist” or “Pharm. D.” 17. A physician assistant licensed under chapter 148C may use the words “physician assistant” after the person’s name or signify the same by the use of the letters “P.A.” after the person’s name. 18. A massage therapist licensed under chapter 152C may use the words “licensed massage therapist” or the initials “L.M.T.” after the person’s name. 19. An acupuncturist licensed under chapter 148E may use the words “licensed acupuncturist” or the abbreviation “L.Ac.” after the person’s name. 20. A respiratory care practitioner licensed under chapter 152B and this chapter may use the title “respiratory care practitioner” or the letters “R.C.P.” after the person’s name. 21. An athletic trainer licensed under chapter 152D and this chapter may use the words “licensed athletic trainer” or the letters “LAT” after the person’s name. 22. A registered nurse licensed under chapter 152 may use the words “registered nurse” or the letters “R.N.” after the person’s name. A licensed practical nurse licensed under chapter 152 may use the words “licensed practical nurse” or the letters “L.P.N.” after the person’s name. An advanced registered nurse practitioner licensed under chapter 152 or 152E may use the words “advanced registered nurse practitioner” or the letters “A.R.N.P.” after the person’s name. 23. A sign language interpreter or transliterator licensed under chapter 154E and this chapter may use the title “licensed sign language interpreter” or the letters “L.I.” after the person’s name. 24. a. An orthotist licensed under chapter 148F may use the words “licensed orthotist” after the person’s name or signify the same by the use of the letters “L.O.” after the person’s name. b. A pedorthist licensed under chapter 148F may use the words “licensed pedorthist” after the person’s name or signify the same by the use of the letters “L.ped.” after the person’s name. c. A prosthetist licensed under chapter 148F may use the words “licensed prosthetist” after the person’s name or signify the same by the use of the letters “L.P.” after the person’s name. 25. A genetic counselor licensed under chapter 148H may use the words “genetic counselor” or “licensed genetic counselor” or corresponding abbreviations after the person’s name. 26. A person who is licensed to engage in the practice of polysomnography shall have the right to use the title “polysomnographic technologist” or the letters “P.S.G.T.” after the person’s name. No other person may use that title or letters or any other words or letters indicating that the person is a polysomnographic technologist. 27. No other practitioner licensed to practice a profession under any of the provisions of this subtitle shall be entitled to use the prefix “Dr.” or “Doctor” unless the licensed practitioner possesses an earned doctoral degree. Such a practitioner shall reference the degree held after the person’s name. 28. A midwife licensed under chapter 148I may use the words “licensed midwife” or the initials “L.M.” after the person’s name. [C31, 35, §2510-d1; C39, §2510.1; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.74; 81 Acts, ch 66, §1] 84 Acts, ch 1075, §11; 87 Acts, ch 215, §40; 88 Acts, ch 1225, §10; 90 Acts, ch 1168, §27; 91 Acts, ch 228, §1; 91 Acts, ch 229, §4; 92 Acts, ch 1137, §7; 92 Acts, ch 1183, §4; 93 Acts, ch 86, §13; 95 Acts, ch 108, §4; 96 Acts, ch 1035, §4; 96 Acts, ch 1036, §21; 98 Acts, ch 1053, §19; 99 Acts, ch 101, §1; 2000 Acts, ch 1053, §3; 2001 Acts, ch 58, §7; 2003 Acts, ch 93, §1, 14; 2004 Acts, ch 1045, §2; 2004 Acts, ch 1175, §424, 433; 2007 Acts, ch 10, §61; 2007 Acts, ch 215, §246; 2008 Acts, ch 1088, §31; 2012 Acts, ch 1101, §5; 2014 Acts, ch 1019, §1; 2015 Acts, ch 70, §6; 2018 Acts, ch 1052, §4, 12; 2018 Acts, ch 1106, §6, 14; 2023 Acts, ch 127, §3 Referred to in §148A.7 NEW subsection 28

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.76 - Rules.

147.76 Rules. The boards for the various professions shall adopt all necessary and proper rules to administer and interpret this chapter and chapters 148 through 157, except chapter 148D. [C77, 79, 81, §147.76] 89 Acts, ch 83, §28; 92 Acts, ch 1097, §4; 2007 Acts, ch 10, §62; 2008 Acts, ch 1088, §32; 2023 Acts, ch 99, §6 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.77 - Powers, privileges, rights, or duties provided by rule — applicability to physician assistants.

147.77 Powers, privileges, rights, or duties provided by rule — applicability to physician assistants. 1. The following agencies that adopt rules pursuant to chapter 17A providing a power, privilege, right, or duty to a physician licensed under chapter 148 or other profession licensed under this subtitle relating to the following subjects shall, consistent with the scope of practice of physician assistants licensed under chapter 148C, and unless otherwise inconsistent with state or federal law, provide the same power, privilege, right, or duty by rule to a physician assistant licensed under chapter 148C: a. The department of administrative services, with respect to rules relating to the following: (1) Retroactive conversion of vacation time to sick leave for vacation time spent under the care of a physician. (2) Certification of a catastrophic illness by a physician for purposes of donation of leave and second medical opinions and updates sought from a physician relating to such certifications. b. The department of corrections, with respect to rules relating to the following: (1) That a parolee shall not use, purchase, possess, or transfer any drugs unless prescribed by a physician. (2) That a serious medical need is one that has been diagnosed by a physician as requiring treatment or is one so obvious that a lay person would easily recognize the necessity for a physician’s attention. (3) That each jail shall have a designated licensed physician, licensed osteopathic physician, or medical resource designated for the medical supervision, care, and treatment of prisoners as deemed necessary and appropriate. (4) That prescription medication, as ordered by a licensed physician, licensed osteopathic physician, or licensed dentist shall be provided in accordance with the directions of the prescribing physician or dentist. Prisoners with medication from a personal physician, osteopathic physician, or dentist may be evaluated by a physician, osteopathic physician, or dentist selected by the jail administrator to determine if the present medication is appropriate. (5) That expired drugs or drugs not in unit dose packaging, whose administration had been discontinued by the attending physician, shall be destroyed by the jail administrator or designee in the presence of a witness. (6) That special diets in jails prescribed by a physician shall be followed and documented, that the physician who prescribes the special diet shall specify a date on which the diet will be reviewed for

renewal or discontinuation, and that unless specified by the prescribing physician, a certified dietitian shall develop the menu. (7) That special diets prescribed by a physician for the care and treatment of juveniles in nonsecure hold shall be followed and documented. (8) For medical services in temporary holding facilities, that a serious medical need is one that has been diagnosed by a physician as requiring treatment or one that is so obvious that a lay person would easily recognize the necessity for a physician's attention. (9) For medical resources in temporary holding facilities, that each facility shall have a designated licensed physician, licensed osteopathic physician, or medical resource designated for the medical supervision, care, and treatment of detainees as deemed necessary and appropriate. (10) Medication procedures in temporary holding facilities, that prescription medication, as ordered by a licensed physician, licensed osteopathic physician, or licensed dentist shall be provided in accordance with the directions of the prescribing physician or dentist. Detainees with medication from a personal physician, osteopathic physician, or dentist may be evaluated by a physician, osteopathic physician, or dentist selected by the facility administrator to determine if the present medication is appropriate. (11) For medication storage in temporary holding facilities, that expired drugs or drugs not in unit dose packaging, whose administration had been discontinued by the attending physician, shall be destroyed by the facility administrator or designee in the presence of a witness. (12) For medical diets in temporary holding facilities, that special diets as prescribed by a physician shall be followed and documented. (13) For medical care and treatment for juveniles in nonsecure holds in temporary holding facilities, that special diets as prescribed by a physician shall be followed and documented.

c. The economic development authority, with respect to rules relating to the certification of a person with a disability for the purpose of the targeted small business program, that in order to be considered a person with a disability for the purpose of the targeted small business program, the person must qualify and receive certification as having a disability from a licensed medical physician or must have been found eligible for vocational rehabilitation services by the department of workforce development, division of vocational rehabilitation services, or by the department for the blind.

d. The department of education, with respect to rules relating to the following: (1) For statements relating to medication administration policies, that a statement that persons administering medication shall include authorized practitioners, such as licensed registered nurses and physicians, and persons to whom authorized practitioners have delegated the administration of prescription and nonprescription drugs. Individuals shall self-administer asthma or other airway constricting disease medication or possess and have use of an epinephrine auto-injector with parent and physician consent on file, without the necessity of demonstrating competency to self-administer these medications. (2) For medication administration courses relating to medication administration policies, that a medication administration course be conducted by a registered nurse or licensed pharmacist and include an annual medication administration procedural skills check completed with a registered nurse or pharmacist. (3) For school-based youth services programs, that preventive and primary health care services shall be delivered by specifically credentialed providers as specified.

e. The department of health and human services, with respect to rules relating to the following: (1) That an incident for purposes of accreditation of providers of services to persons with mental illness, intellectual disabilities, or developmental disabilities includes but is not limited to an occurrence involving the individual using the service that results in a physical injury to or by the individual that requires a physician's treatment or admission to a hospital. (2) That a mental health professional, for purposes of accreditation of providers of services to persons with mental illness, intellectual disabilities, or developmental disabilities, includes a medical professional licensed in this state, provided that the professional otherwise meets all of the conditions to qualify as a mental health professional. (3) That home health aide services for purposes of disability services management and regional services may include medications specifically ordered by a physician. (4) That payment relating to the state supplementary assistance program for residential care shall only be made when there is on file an order written by a physician certifying that the applicant or recipient being admitted requires residential care but does not require nursing services. (5) That a case folder for a facility participating in the state supplementary assistance program must include a physician's statement certifying that a resident does not require nursing services. (6) That personnel providing psychological evaluations and counseling or psychotherapy services for area education agencies under the medical assistance program include specified professions endorsed, licensed, or registered in this state, provided that the professional otherwise meets all of the conditions to qualify as a mental health professional. (7) That personnel providing psychological evaluations and counseling or psychotherapy services for providers of infant and toddler program services under the medical assistance program include specified professions endorsed, licensed, or registered in this state, provided that the professional otherwise meets all of the conditions to qualify as a mental health professional. (8) That personnel providing other services for providers of infant and toddler program services under the medical assistance program include specified professions recognized, endorsed, or licensed in this state, provided that the professional otherwise meets all of the conditions to qualify as a mental health professional. (9) That personnel providing psychological evaluations and counseling or psychotherapy services for providers of local education agency services under the medical assistance program include specified professions endorsed, licensed, or registered in this state, provided that the professional otherwise meets all of the conditions to qualify as a mental health professional. (10) That personnel providing other services for providers of local education agency services under the medical assistance program include specified professions recognized, endorsed, or licensed in this state, provided that the professional otherwise meets all of the conditions to qualify as a mental health professional. (11) For payment for medically necessary home health agency services under the medical assistance program, that payment shall be approved for medically necessary home health agency services prescribed by a physician in a plan of home health care provided by a Medicare-certified home health agency. (12) For authorization for medically necessary home health agency services under the medical assistance program, that services shall be authorized by a physician, evidenced by the physician's signature and date on a plan of treatment. (13) For treatment plans of home health agencies under the medical assistance program, that a member's medical condition shall be reflected by the date last seen by a physician, if available. (14) For items included in

treatment plans of home health agencies under the medical assistance program, that a plan of care shall include a physician's signature and date and that the plan of care must be signed and dated by the physician before the claim for service is submitted for reimbursement. (15) For skilled nursing services provided by a home health agency under the medical assistance program, that medical documentation shall be submitted justifying the need for continued visits, including the physician's estimate of the length of time that additional visits will be necessary, and that daily skilled nursing visits or multiple daily visits for wound care or insulin injections shall be covered when ordered by a physician and included in the plan of care. (16) For physical therapy services provided by a home health agency under the medical assistance program, that payment shall be made for physical therapy services when the services follow a treatment plan established by the physician after any needed consultation with the qualified physical therapist. (17) For occupational therapy services provided by a home health agency under the medical assistance program, that payment shall be made for occupational therapy services when the services follow a treatment plan established by the physician. (18) For speech therapy services provided by a home health agency under the medical assistance program, that payment shall be made for speech therapy services when the services follow a treatment plan established by the physician. (19) For home health aide services provided by a home health agency under the medical assistance program, that the service as well as the frequency and duration are stated in a written plan of treatment established by a physician. (20) For home health aide services provided by a home health agency under the medical assistance program, that services provided for specified durations when ordered by a physician and included in a plan of care shall be allowed as intermittent services. (21) For home health aide services provided by a home health agency under the medical assistance program, that personal care services include helping the member take medications specifically ordered by a physician. (22) For private duty nursing or personal care services for persons aged twenty and under, under the medical assistance program, that private duty nursing services are those services which are provided by a registered nurse or a licensed practical nurse under the direction of the member's physician to a member in the member's place of residence or outside the member's residence, when normal life activities take the member outside the place of residence. (23) For private duty nursing or personal care services for persons aged twenty and under, under the medical assistance program, that services shall be provided according to a written plan of care authorized by a licensed physician. (24) For private duty nursing or personal care services for persons aged twenty and under, under the medical assistance program, that personal care services are those services provided by a home health aide or certified nurse's aide and which are delegated and supervised by a registered nurse under the direction of the member's physician to a member in the member's place of residence or outside the member's residence, when normal life activities take the member outside the place of residence, and that these services shall be in accordance with the member's plan of care and authorized by a physician. (25) For requirements for private duty nursing or personal care services for persons aged twenty and under, under the medical assistance program, that private duty nursing or personal care services shall be ordered in writing by a physician as evidenced by the physician's signature on the plan of care. (26) For obtaining prescription medications for children in juvenile detention and shelter care homes, that prescription medication provided to residents shall be dispensed only from a licensed pharmacy in this state in accordance with state law, from a licensed pharmacy in another state according to the laws of that state, or by a licensed physician. (27) For health and dental programs provided by agencies providing foster care services, that a child's physical examination shall be performed by a licensed physician or licensed nurse practitioner. (28) For health and dental programs provided by agencies providing foster care services, that if documentation of prior immunization is unavailable, immunizations required by the department shall begin within thirty days of placement, unless contraindicated and unless a statement from a physician to that effect is included in the child's medical record, and that a statement from a physician, referring agency, parent, or guardian indicating immunizations are current is sufficient documentation of immunizations. (29) For the dispensing, storage, authorization, and recording of medications in child care centers, that all medications shall be stored in their original containers, with accompanying physician or pharmacist's directions and label intact and stored so they are inaccessible to children and the public. (30) For an infants' area in a child care center, that upon the recommendation of a child's physician or the area education agency serving the child, a child who is two years of age or older with a disability that results in significant developmental delays in physical and cognitive functioning who does not pose a threat to the safety of the infants may, if appropriate and for a limited time approved by the department, remain in the infant area. (31) For facility requirements for a child development home, that the telephone number for each child's physician shall be written on paper and readily accessible by the telephone. (32) For medications and hazardous materials in a child development home, that medications shall be given only with the parent's or doctor's written authorization, and that each prescribed medication shall be accompanied by a physician's or pharmacist's direction. (33) For medical reports regarding the health of a family in a family life home, that a medical report shall provide significant findings of a physician, such as the presence or absence of any communicable disease. (34) For medical reexaminations of a family in a family life home, that medical reexaminations may be required at the discretion of a physician. (35) For medical examinations of a client in a family life home, that a physician shall certify that the client is free from any communicable disease and does not require a higher level of care than that provided by a family life home. (36) For the records of a client in a family life home, that the family shall have available at all times, the name, address, and telephone number of the client's physician. (37) For the facility requirements for a child care home, that the telephone number for each child's physician shall be written on paper and readily accessible by the telephone. (38) For the administration of medications at a child care home, that medications shall be given only with the parent's or doctor's written authorization and each prescribed medication shall be accompanied by a physician's or pharmacist's direction. (39) For payments for foster care, that an intellectual disabilities professional includes specified professions, provided that the professional otherwise meets all of the conditions to qualify as an intellectual disabilities professional. (40) For payments for foster care, that a mental health professional includes specified professions, provided that the professional otherwise meets all of the

conditions to qualify as a mental health professional. (41) For the subsidized adoption program, that a qualified intellectual disability professional includes specified professions, provided that the professional otherwise meets all of the conditions to qualify as a qualified intellectual disability professional. (42) For the subsidized adoption program, that a qualified mental health professional includes specified professions, provided that the professional otherwise meets all of the conditions to qualify as a qualified mental health professional. (43) For the information provided to a foster care provider by a department worker at the time of placement, that the information shall include the names, addresses, and telephone numbers of the child's physician and dentist. (44) A written order from a physician for an older individual requesting a therapeutic diet, and the interpretation of such orders. (45) That "impaired glucose tolerance", for purposes of outpatient diabetes education programs, means a condition in which blood glucose levels are higher than normal, diagnosed by a physician, and treated with a food plan, exercise, or weight control. (46) For instructors for programs not recognized by the American diabetes association or accredited by the American association of diabetes educators, that the primary instructors shall be one or more of specified health care professionals who are knowledgeable about the disease process of diabetes and the treatment of diabetes. (47) For the written form for participation in the prescription drug donation repository program, that the form shall include the name and telephone number of the responsible pharmacist, physician, or nurse practitioner who is employed by or under contract with the pharmacy or medical facility, and shall also include a statement, signed and dated by the responsible pharmacist, physician, or nurse practitioner, indicating that the pharmacy or medical facility meets the eligibility requirements and shall comply with the requirements established by rule. (48) For the dispensing of donated prescription drugs and supplies, that donated drugs and supplies may be dispensed only if the drugs or supplies are prescribed by a health care practitioner for use by an eligible individual and are dispensed by a licensed pharmacist, physician, or nurse practitioner. f. The department of inspections, appeals, and licensing, with respect to rules relating to the following: (1) For the qualifications of an attending physician at a hospice, that the person shall have an active Iowa license to practice medicine. (2) For residential care facilities for persons with intellectual disabilities, that a qualified intellectual disability professional includes specified professions, provided that the professional otherwise meets all of the conditions to qualify as a qualified intellectual disability professional. (3) For nursing facilities, that a qualified intellectual disabilities professional includes specified professions, provided that the professional otherwise meets all of the conditions to qualify as a qualified intellectual disabilities professional. (4) For intermediate care facilities for persons with mental illness, that a qualified mental health professional includes specified professions, provided that the professional otherwise meets all of the conditions to qualify as a qualified mental health professional. (5) For notifications submitted to the department from a subacute mental health care facility in the event of an accident causing a major injury, including as a major injury an injury which requires consultation with the attending physician or designee of the physician or advanced registered nurse practitioner who determines that an injury is a major injury. (6) For applications for a license to practice asbestos removal, that except as noted in rule, only worker and contractor/supervisor license applicants must submit the respiratory protection and physician's certification forms. (7) For documentation held by persons licensed for asbestos abatement in an area that is subject to a disaster emergency proclamation, that the director of the department of inspections, appeals, and licensing deems an individual contractor, supervisor, or worker to be licensed and authorized for asbestos abatement if the individual, in addition to other specified conditions, makes immediately available on the work site a copy of a physician's statement indicating that, consistent with federal law, a licensed physician has examined the individual within the past twelve months and approved the individual to work while wearing a respirator. (8) That the contents of an application for an event license for a covered athletic event other than a professional wrestling event shall contain, along with other requirements, a copy of the medical license of the ringside physician and the date, time, and location of the ringside physician's examination of the contestants. (9) For the responsibilities of the promoter of an athletic event, that the promoter submit test results to the ringside physician no later than at the time of the physical showing that each contestant scheduled for the event tested negative for the human immunodeficiency, hepatitis B, and hepatitis C viruses within the one-year period prior to the event, and that the contestant shall not participate and the physician shall notify the promoter that the contestant is prohibited from participating for medical reasons if specified circumstances occur. (10) For injuries during a professional boxing match, that if a contestant claims to be injured during the bout, the referee shall stop the bout and request the attending physician to make an examination. If the physician decides that the contestant has been injured as the result of a foul, the physician shall advise the referee of the injury. If the physician is of the opinion that the injured contestant may be able to continue, the physician shall order an intermission, after which the physician shall make another examination and again advise the referee of the injured contestant's condition. It shall be the duty of the promoter to have an approved physician in attendance during the entire duration of all bouts. (11) For persons allowed in a ring during a professional boxing match, that no person other than the contestants and the referee shall enter the ring during the bout, excepting the seconds between the rounds or the attending physician if asked by the referee to examine an injury to a contestant. (12) For the weighing of contestants in a professional boxing match, that contestants shall be weighed and examined on the day of the scheduled match by the attending ring physician at a time and place to be determined by the state commissioner of athletics. (13) For attending ring physicians during a professional boxing match, that when a boxer has been injured seriously, knocked out, or technically knocked out, the referee shall immediately summon the attending ring physician to aid the stricken boxer, and that managers, handlers, and seconds shall not attend to the stricken boxer, except at the request of the physician. (14) For the keeping of time during a professional boxing match, that the timekeeper shall keep an exact record of time taken out at the request of a referee for an examination of a contestant by the physician. (15) For the suspension of contestants during a professional boxing match that is an elimination tournament, that a contestant who for specified reasons is not permitted to box in the state for a period of time shall be examined by a physician approved by the state commissioner of athletics before being permitted to fight again. (16) For the designation of officials for professional kickboxing, that the

designation of physicians is subject to the approval of the state commissioner of athletics or designee. (17) For officials for a mixed martial arts event, that officials shall include a physician. (18) For the keeping of time for a mixed martial arts event, that the timekeeper shall keep an exact record of time taken out at the request of a referee for an examination of a contestant by the physician. (19) For persons allowed in the cage during a mixed martial arts event, that a physician may enter the cage to examine a contestant upon the request of the referee. (20) For the decorum of persons involved in a mixed martial arts event, that a contestant is exempt from prohibitions on specified conduct while interacting with the contestant's opponent during a round, but if the round is stopped by the physician or referee for a time out, the prohibitions shall apply to the contestant. (21) For the examination of contestants in a mixed martial arts event, that on the day of the event, at a time and place to be approved by the state commissioner of athletics, the ringside physician shall conduct a rigorous physical examination to determine the contestant's fitness to participate in a mixed martial arts match, and that a contestant deemed not fit by the physician shall not participate in the event. (22) For injuries during a mixed martial arts event, that if a contestant claims to be injured or when a contestant has been injured seriously or knocked out, the referee shall immediately stop the fight and summon the attending ring physician to make an examination of the stricken fighter. If the physician decides that the contestant has been injured, the physician shall advise the referee of the severity of the injury. If the physician is of the opinion the injured contestant may be able to continue, the physician shall order an intermission, after which the physician shall make another examination and again advise the referee of the injured contestant's condition. Managers, handlers, and seconds shall not attend to the stricken fighter, except at the request of the physician. g. The racing and gaming commission, with respect to rules relating to the following: (1) For the grounds for denial, suspension, or revocation of an occupational or vendor license, that a license shall be denied if the applicant has a history of mental illness without demonstrating successful treatment by a licensed medical physician. (2) For the qualifications for jockeys, that a jockey shall pass a physical examination by a licensed physician affirming fitness to participate as a jockey. (3) For the regulation of licensees in restricted areas of a racing facility, that licensees whose duties require them to be in a restricted area of a racing facility shall not have present within their systems any controlled substance as listed in schedules I to V of section 202 of the federal Controlled Substances Act, 21 U.S.C. §812, chapter 124, or any prescription drug unless it was obtained directly or pursuant to valid prescription or order from a duly licensed physician who is acting in the course of professional practice. h. The Iowa law enforcement academy, with respect to rules relating to the following: (1) For the minimum standards for law enforcement officers, that an officer is examined by a licensed physician or surgeon. (2) For hiring standards must be reverified if an individual is not hired by an Iowa law enforcement agency during a specified period of time following completion of the course of study, that the individual must be examined by a licensed physician or surgeon. (3) For the selection or appointment of reserve peace officers, that the person shall be examined by a licensed physician or surgeon. i. The natural resource commission, with respect to rules relating to the following: (1) That the grounds for revoking or suspending an instructor license include participation in a course while ingesting prescription medication in a manner contrary to the dosing directions given by the prescribing physician. (2) For applications for use of a crossbow for deer and turkey hunting by handicapped individuals, that an application must include a statement signed by the applicant's physician declaring that the individual is not physically capable of shooting a bow and arrow. (3) For authorization for the use of a crossbow for deer and turkey hunting by handicapped individuals, that if a conservation officer has probable cause to believe the person's handicapped status has improved, making it possible for the person to shoot a bow and arrow, the department of natural resources may, upon the officer's request, require the person to obtain in writing a current physician's statement. (4) For licenses for nonresidents to participate in a special deer hunting season for severely disabled persons, that a nonresident applying for the license must have on file with the department of natural resources either a copy of a disabilities parking permit issued by a state department of transportation or an Iowa department of natural resources form signed by a physician that verifies their disability. j. The department of public safety, with respect to rules relating to permits to carry weapons, that a person who is an unlawful user of or addicted to any controlled substance includes any person who is a current user of a controlled substance in a manner other than as prescribed by a licensed physician. k. The department of transportation, with respect to rules relating to exemptions from motor vehicle window transparency requirements, that a motor vehicle fitted with a front windshield, a front side window, or a front sidewing with less than seventy percent but not less than thirty-five percent light transmittance before July 4, 2012, may continue to be maintained and operated with a front windshield, a front side window, or a front sidewing with less than seventy percent but not less than thirty-five percent light transmittance on or after July 4, 2012, so long as the vehicle continues to be used for the transport of a passenger or operator who documented in the manner specified by the department a medical need for such reduced transparency, which document was signed by the person's physician before July 4, 2012. l. The Iowa department of veterans affairs, with respect to rules relating to expenses relating to the purchase of durable equipment or services, that individuals requesting reimbursement who need durable equipment as a medical necessity should provide information from a physician. m. The department of workforce development, with respect to rules relating to the following: (1) That a voluntary quit shall be presumed to be without good cause attributable to the employer for purposes of unemployment compensation if a claimant left employment because of illness or injury which was not caused or aggravated by the employment or pregnancy and failed to obtain the advice of a licensed and practicing physician, obtain certification of release for work from a licensed and practicing physician, or return to the employer and offer services upon recovery and certification for work by a licensed and practicing physician. (2) That for purposes of unemployment compensation, it is a reason for a claimant leaving employment with good cause attributable to the employer if the claimant left employment because of illness, injury, or pregnancy upon the advice of a licensed and practicing physician, and upon recovery, when recovery was certified by a licensed and practicing physician, the claimant returned and offered to perform services to the employer, but no suitable, comparable work was available. (3) That for purposes of unemployment compensation it is a reason for a claimant leaving

employment with good cause attributable to the employer if the claimant left employment upon the advice of a licensed and practicing physician for the sole purpose of taking a family member to a place having a different climate and subsequently returned to the claimant's regular employer and offered to perform services, but the claimant's regular or comparable work was not available. n. The labor services division of the department of inspections, appeals, and licensing, with respect to rules relating to the following: (1) For the disclosure of a trade secret relating to a hazardous chemical during a medical emergency, that where a treating physician or nurse determines that a medical emergency exists and the specific chemical identity of a hazardous chemical is necessary for emergency or first-aid treatment, the chemical manufacturer, importer, or employer shall immediately disclose the specific chemical identity of a trade secret chemical to that treating physician or nurse, regardless of the existence of a written statement of need or a confidentiality agreement. (2) For the disclosure of a trade secret relating to a hazardous chemical in a nonemergency situation, that in nonemergency situations, a chemical manufacturer, importer, or employer shall, upon request, disclose a specific chemical identity, otherwise permitted to be withheld by rule, to a specified health professional providing medical or other occupational health services to exposed employees or designated representatives in specified circumstances. 2. This section shall not be construed to expand, diminish, or otherwise modify the scope of practice of any profession licensed under this subtitle. 3. The rulemaking requirements provided in this section shall not be construed to prohibit the agencies listed in subsection 1 from engaging in further rulemaking not in conflict with this section or state or federal law relating to the subject matter of this section or to otherwise diminish the authority to engage in rulemaking provided to those agencies by any other statute. 2022 Acts, ch 1066, §51; 2022 Acts, ch 1153, §8, 9; 2023 Acts, ch 19, §263, 1910 – 1913; 2023 Acts, ch 64, §19 See Code editor's note on simple harmonization at the beginning of this Code volume Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.8 - Record of licenses.

147.8 Record of licenses. A board shall keep the following information available for public inspection for each person licensed by the board: 1. Name. 2. Address of record. 3. The number of the license. 4. The date of issuance of the license. [C97, §2591; S13, §2575-a40, 2583-a, -k, 2600-d; C24, 27, 31, 35, 39, §2445; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.8] 96 Acts, ch 1128, §5; 2008 Acts, ch 1088, §7; 2009 Acts, ch 41, §50

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.80 - Establishment of fees — administrative costs.

147.80 Establishment of fees — administrative costs. 1. Each board may by rule establish fees for the following based on the costs of sustaining the board and the actual costs of the service: a. Examinations. b. Licensure, certification, or registration. c. Renewal of licensure, certification, or registration. d. Renewal of licensure, certification, or registration during the grace period. e. Reinstatement or reactivation of licensure, certification, or registration. f. Issuance of a certified statement that a person is licensed, registered, or has been issued a certificate to practice in this state. g. Issuance of a duplicate license, registration, or certificate, which shall be so designated on its face. A board may require satisfactory proof that the original license, registration, or certificate issued by the board has been lost or destroyed. h. Issuance of a renewal card. i. Verification of licensure, registration, or certification. j. Returned checks. k. Inspections. 2. Each board shall annually prepare estimates of projected revenues to be generated by the fees received by the board as well as a projection of the fairly apportioned administrative costs and rental expenses attributable to the board. Each board shall annually review and adjust its schedule of fees to cover projected expenses. 3. The board of medicine, the board of pharmacy, the dental board, and the board of nursing shall retain individual executive officers pursuant to section 10A.504. [C97, §2576, 2597, 2590; S13, §2575-a30, -a38, -a39, 2582, 2583-a, -l, 2589-d, 2600-d; C24, 27, 31, 35, 39, §2516; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.80; 81 Acts, ch 2, §10(5), ch 5, §4(5)] 1. [C97, §2597; S13, §2600-d, -m; C24, 27, 31, 35, 39, §2516; C46, 50, 54, 58, 62, §147.80(1, 2, 7); C66, 71, 73, §147.80(1, 7); C75, 77, 79, 81, §147.80(1)] 2. [C97, §2590; S13, §2589-b, -d; C24, 27, 31, 35, 39, §2516; C46, 50, 54, 58, 62, §147.80(5 – 7); C66, 71, 73, §147.80(1, 7); C75, 77, 79, 81, §147.80(2)] 3. [C97, §2576; S13, §2576, 2582, 2583-a; C24, 27, 31, 35, 39, §2516; C46, 50, 54, 58, 62, §147.80(1 – 4); C66, 71, 73, §147.80(2, 7); C75, 77, 79, 81, §147.80(3)] 4. [C75, 77, 79, 81, §147.80(4)] 6. [C24, 27, 31, 35, 39, §2516; C46, 50, 54, 58, 62, 66, 71, 73, §147.80(3, 4, 7); C75, 77, 79, 81, §147.80(5)] 7. [C24, 27, 31, 35, 39, §2516; C46, 50, 54, 58, 62, 66, 71, 73, §147.80(3, 4, 7); C75, 77, 79, 81, §147.80(6)] 8. [C66, 71, 73, §147.80(3, 4, 7); C75, 77, 79, 81, §147.80(7)] 10. [S13, §2583-l, -n; C24, 27, 31, 35, 39, §2516; C46, 50, 54, 58, 62, 66, 71, 73, §147.80(3, 4, 7); C75, 77, 79, 81, §147.80(8)] 11. [C24, 27, 31, 35, 39, §2516; C46, 50, 54, 58, 62, 66, 71, 73, §147.80(5 – 7); C75, 77, 79, 81, §147.80(9)] 12. [S13, §2575-a38, -a39; C24, 27, 31, 35, 39, §2516; C46, 50, 54, 58, 62, 66, 71, 73, §147.80(5 – 7); C75, 77, 79, 81, §147.80(10)] 13. [S13, §2575-a30; C24, 27, 31, 35, 39, §2516; C46, 50, 54, 58, 62, §147.80(5 – 7); C66, §147.80(6, 7, 16, 17); C71, 73, §147.80(6, 7, 19, 20); C75, 77, 79, 81, §147.80(11)] 14. [C66, §147.80(19); C71, 73, §147.80(22); C75, 77, 79, 81, §147.80(12)] 15. [C27, §2516(5 – 7); C31, 35, 39, §2516(5 – 7, 11, 13); C46, 50, 54, 58, 62, §147.80(5 – 7, 11, 13); C66, 71, 73, §147.80(5 – 7, 10, 11); C75, 77, 79, 81, §147.80(13)] 16. [C27, 31, 35, 39, §2516; C46, 50, 54, §147.80(5 – 7, 12, 13); C58, 62, 66, §147.80(5 – 7, 12 – 14); C71, 73, §147.80(5 – 7, 12 – 17); C75, 77, 79, 81, §147.80(14)] 17. [C77, 79, 81, §147.80(15)] 18. [C81, §147.80(16)] 19. [C81, §147.80(17)] 24. [S13, §2600-n; C24, 27, 31, 35, 39, §2516; C46, 50, 54, 58, 62, 66, 71, 73, §147.80(8); C75, §147.80(15); C77, 79, §147.80(16); C81, §147.80(18)] 25. [C66, 71, 73, §147.80(18); C75, §147.80(16); C77, 79, §147.80(17); C81, §147.80(19)] 84 Acts, ch 1075, §12; 85 Acts, ch 168, §7; 85 Acts, ch 246, §1; 88 Acts, ch 1225, §11; 89 Acts, ch 240, §1; 91 Acts, ch 228, §2; 91 Acts, ch 229, §5; 92 Acts, ch 1183, §5; 92 Acts, ch 1205, §17; 93 Acts, ch 86, §14; 96 Acts, ch 1036, §22; 98 Acts, ch 1053, §20; 2000 Acts, ch 1002, §2; 2000 Acts, ch 1053, §4; 2001 Acts, ch 24, §31; 2001

Acts, ch 58, §8; 2003 Acts, ch 93, §2, 14; 2004 Acts, ch 1175, §425, 433; 2005 Acts, ch 175, §85; 2006 Acts, ch 1155, §5, 15; 2007 Acts, ch 10, §63; 2007 Acts, ch 218, §199, 200; 2008 Acts, ch 1088, §33; 2009 Acts, ch 133, §49; 2019 Acts, ch 85, §60; 2023 Acts, ch 108, §39 Referred to in §147.82, 148F.3, 154A.13, 155A.43, 157.4, 157.8, 157.11 Subsection 3 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.82 - Disposition of fees.

147.82 Disposition of fees. All fees collected by a board listed in section 147.13 or by the department, and fees collected pursuant to sections 124.301 and 147.80 and chapter 155A by the board of pharmacy, shall be deposited in the licensing and regulation fund created in section 10A.507. [C97, §2583; S13, §2575-a44, 2583-a, -s; C24, 27, 31, 35, 39, §2518; C46, 50, 54, 58, 62, 66, §147.82; C71, 73, §147.82, 153.4; C75, 77, 79, 81, §147.82] 2005 Acts, ch 175, §86; 2006 Acts, ch 1155, §6, 15; 2006 Acts, ch 1184, §86; 2007 Acts, ch 10, §184; 2008 Acts, ch 1088, §34; 2023 Acts, ch 19, §1624; 2023 Acts, ch 108, §40 Referred to in §147.25, 153.37, 155A.43 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.83 - Injunction.

147.83 Injunction. Any person engaging in any business or in the practice of any profession for which a license is required by this subtitle without such license may be restrained by permanent injunction. [C24, 27, 31, 35, 39, §2519; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.83] 94 Acts, ch 1132, §24; 96 Acts, ch 1036, §23; 98 Acts, ch 1053, §21 Referred to in §154C.2, 156.16 Injunctions, R.C.P. 1.1501 – 1.1511

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.84 - Forgeries.

147.84 Forgeries. Any person who files or attempts to file with a board any false or forged diploma, certificate or affidavit of identification or qualification, or other document shall be guilty of a fraudulent practice. [C97, §2580, 2595; S13, §2583-d; C24, 27, 31, 35, 39, §2520; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.84] 2008 Acts, ch 1088, §35 Referred to in §148.6 See also §714.8, chapter 715A

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.85 - Fraud.

147.85 Fraud. Any person who presents to a board a diploma or certificate of which the person is not the rightful owner, for the purpose of procuring a license, or who falsely impersonates anyone to whom a license has been issued by the board shall be guilty of a serious misdemeanor. [C97, §2580, 2581, 2595; S13, §2575-a45, 2581, 2583-c, -d; C24, 27, 31, 35, 39, §2521; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.85] 2008 Acts, ch 1088, §36; 2009 Acts, ch 133, §50 Referred to in §148.6

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.86 - Penalties.

147.86 Penalties. Any person violating any provision of this subtitle, except insofar as the provisions apply or relate to or affect the practice of pharmacy, or where a specific penalty is otherwise provided, shall be guilty of a serious misdemeanor. [C97, §2580, 2581, 2588, 2590, 2591, 2595; S13, §2575-a35, -a45, 2581, 2583-d, -r, 2589-d, 2600-o4; SS15, §2588; C24, 27, 31, 35, 39, §2522; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.86] 92 Acts, ch 1183, §6; 94 Acts, ch 1023, §12; 94 Acts, ch 1132, §25; 96 Acts, ch 1036, §24; 98 Acts, ch 1053, §22; 2015 Acts, ch 30, §61 Referred to in §147.107, 147.108, 147.109, 147.114

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.87 - Enforcement.

147.87 Enforcement. A board shall enforce the provisions of this chapter and the board's enabling statute and for that purpose may request the department of inspections, appeals, and licensing to make necessary investigations. Every licensee and member of a board shall furnish the board or the department of inspections, appeals, and licensing such evidence as the member or licensee may have relative to any alleged violation which is being investigated. [C24, 27, 31, 35, 39, §2523; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.87] 90 Acts, ch 1204, §19; 94 Acts, ch 1132, §26; 96 Acts, ch 1036, §25; 98 Acts, ch 1053, §23; 2007 Acts, ch 10, §64; 2008 Acts, ch 1088, §37; 2009 Acts, ch 41, §53; 2023 Acts, ch 19, §1914 Referred to in §152.10, 153.36, 156.9 Continuing education and regulation, chapter 272C Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS Section 147.88 - Inspections and investigations.

147.88 Inspections and investigations. The department of inspections, appeals, and licensing may perform inspections and investigations as required by this subtitle, except inspections and investigations for the board of medicine, board of pharmacy, board of nursing, and the dental board. The department of inspections, appeals, and licensing shall employ personnel related to the inspection and investigative functions. [C31, 35, §2523-c1; C39, §2523.1; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.88]

90 Acts, ch 1204, §20; 94 Acts, ch 1132, §27; 96 Acts, ch 1036, §26; 98 Acts, ch 1053, §24; 2007 Acts, ch 10, §65; 2007 Acts, ch 218, §201; 2008 Acts, ch 1088, §38; 2023 Acts, ch 19, §1915 Referred to in §152.10, 153.36 Section amended

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONSSection 147.89 - Report of violators.

147.89 Report of violators. Every licensee and member of a board shall report to the board the name of any person without the required license if the licensee or member of the board has reason to believe the person is practicing the profession without a license. [C24, 27, 31, 35, 39, §2524; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.89] 2007 Acts, ch 10, §66; 2008 Acts, ch 1088, §39; 2009 Acts, ch 41, §54 Referred to in §152.10, 153.36

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONSSection 147.9 - Change of address.

147.9 Change of address. Every person licensed pursuant to this chapter shall notify the board which issued the license of a change in the person's address of record within a time period established by board rule. [C97, §2591; C24, 27, 31, 35, 39, §2446; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.9] 90 Acts, ch 1086, §3; 94 Acts, ch 1132, §14; 96 Acts, ch 1036, §9; 98 Acts, ch 1053, §7; 2008 Acts, ch 1088, §8

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONSSection 147.91 - Publications.

147.91 Publications. Each board shall provide access to the laws and rules regulating the board to the public upon request and shall make this information available through the internet. [C24, 27, 31, 35, 39, §2526; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.91] 90 Acts, ch 1204, §22; 2001 Acts, ch 58, §9; 2007 Acts, ch 10, §67; 2008 Acts, ch 1088, §40 Referred to in §153.36

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONSSection 147.92 - Attorney general.

147.92 Attorney general. Upon request of a board the attorney general shall institute in the name of the state the proper proceedings against any person charged by the board with violating any provision of this or the following chapters of this subtitle. [S13, §2600-o7; C24, 27, 31, 35, 39, §2527; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.92] 94 Acts, ch 1132, §29; 94 Acts, ch 1173, §8; 96 Acts, ch 1036, §28; 98 Acts, ch 1053, §26; 2008 Acts, ch 1088, §41 Referred to in §153.36

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 147 - GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONSSection 147.93 - Prima facie evidence.

147.93 Prima facie evidence. The opening of an office or place of business for the practice of any profession for which a license is required by this subtitle, the announcing to the public in any way the intention to practice any such profession, the use of any professional degree or designation, or of any sign, card, circular, device, internet site, or advertisement, as a practitioner of any such profession, or as a person skilled in the same, shall be prima facie evidence of engaging in the practice of such profession. [S13, §2575-a28, -a31, 2600-o; C24, 27, 31, 35, 39, §2528; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §147.93] 94 Acts, ch 1132, §30; 96 Acts, ch 1036, §29; 98 Acts, ch 1053, §27; 2008 Acts, ch 1088, §42; 2013 Acts, ch 90, §257

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 147A - EMERGENCY MEDICAL CARE — TRAUMA CARESection 147A.1 - Definitions.

147A.1 Definitions. As used in this subchapter, unless the context otherwise requires: 1. "Department" means the department of health and human services. 2. "Director" means the director of health and human services. 3. "Emergency medical care" means such medical procedures as: a. Administration of intravenous solutions. b. Intubation. c. Performance of cardiac defibrillation and synchronized cardioversion. d. Administration of emergency drugs as provided by rule by the department. e. Any other medical procedure approved by the department, by rule, as appropriate to be performed by emergency medical care providers who have been trained in that procedure. 4. "Emergency medical care provider" means an individual trained to provide emergency and nonemergency medical care at the emergency medical responder, emergency medical technician, advanced emergency medical technician, paramedic, or other certification levels adopted by rule by the department, who has been issued a certificate by the department, or a person practicing pursuant to chapter 147D. 5. "Emergency medical services" or "EMS" means an integrated medical care delivery system to provide emergency and nonemergency medical care at the scene or during out-of-hospital patient transportation in an ambulance. 6. "Emergency medical services medical director" means a physician licensed under chapter 148, who is responsible for overall medical direction of an emergency medical services program and who has completed a medical director workshop, sponsored by the department, within one year of assuming duties. An emergency medical services medical director who receives no compensation for the performance of the director's volunteer duties under this chapter shall be considered a state volunteer as provided in section 669.24 while performing volunteer duties as an emergency medical services medical director. 7. "First responder" means an emergency medical care provider, a registered nurse staffing an authorized service program under section 147A.12, a physician assistant staffing an authorized service program under section 147A.13, a fire fighter, or a peace

officer as defined in section 801.4 who is trained and authorized to administer an opioid antagonist. 8. “Licensed health care professional” means the same as defined in section 280.16. 9. “Opioid antagonist” means a drug that binds to opioid receptors and blocks or inhibits the effects of opioids acting on those receptors, including but not limited to naloxone hydrochloride or any other similarly acting drug approved by the United States food and drug administration. 10. “Opioid-related overdose” means a condition affecting a person which may include extreme physical illness, a decreased level of consciousness, respiratory depression, a coma, or the ceasing of respiratory or circulatory function resulting from the consumption or use of an opioid, or another substance with which an opioid was combined. 11. “Physician” means an individual licensed under chapter 148. 12. “Service program” or “service” means any medical care ambulance service or nontransport service that has received authorization from the department under section 147A.5. 13. “Training program” means an Iowa college approved by the higher learning commission, an Iowa hospital authorized by the department, or a medical care ambulance service or nontransport service that has received authorization from the department to conduct emergency medical care services training. [C79, 81, §147A.1] 84 Acts, ch 1287, §1; 86 Acts, ch 1245, §1142; 89 Acts, ch 89, §6; 93 Acts, ch 58, §7; 95 Acts, ch 41, §9; 99 Acts, ch 141, §21; 2008 Acts, ch 1088, §99; 2009 Acts, ch 56, §3; 2010 Acts, ch 1149, §6 – 8; 2015 Acts, ch 29, §114; 2016 Acts, ch 1061, §2; 2016 Acts, ch 1139, §72 – 75; 2019 Acts, ch 90, §2; 2021 Acts, ch 174, §61, 63; 2023 Acts, ch 19, §264 Referred to in §85.61, 97B.49B, 100B.14, 100B.31, 100B.46, 124.551, 135.190, 135.190A, 139A.2, 141A.1, 144A.2, 144D.1, 233.1, 280.13C, 321.231B, 321.423, 422.12, 708.3A, 724.6 Subsections 1 and 2 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147A - EMERGENCY MEDICAL CARE — TRAUMA CARE Section 147A.10 - Exemptions from liability in certain circumstances.

147A.10 Exemptions from liability in certain circumstances. 1. A physician, physician’s designee, advanced registered nurse practitioner, or physician assistant who gives orders, either directly or via communications equipment from some other point, or via standing protocols to an appropriately certified emergency medical care provider, registered nurse, or licensed practical nurse at the scene of an emergency, and an appropriately certified emergency medical care provider, registered nurse, or licensed practical nurse following the orders, are not subject to criminal liability by reason of having issued or executed the orders, and are not liable for civil damages for acts or omissions relating to the issuance or execution of the orders unless the acts or omissions constitute recklessness. 2. A physician, physician’s designee, advanced registered nurse practitioner, physician assistant, registered nurse, licensed practical nurse, or emergency medical care provider shall not be subject to civil liability solely by reason of failure to obtain consent before rendering emergency medical, surgical, hospital or health services to any individual, regardless of age, when the patient is unable to give consent for any reason and there is no other person reasonably available who is legally authorized to consent to the providing of such care. 3. An act of commission or omission of any appropriately certified emergency medical care provider, registered nurse, or licensed practical nurse, while rendering emergency medical care under the responsible supervision and control of a physician to a person who is deemed by them to be in immediate danger of serious injury or loss of life, shall not impose any liability upon the certified emergency medical care provider, registered nurse, licensed practical nurse, or physician assistant, the supervising physician, physician designee, advanced registered nurse practitioner, or any hospital, or upon the state, or any county, city or other political subdivision, or the employees of any of these entities; provided that this section shall not relieve any person of liability for civil damages for any act of commission or omission which constitutes recklessness. [C79, 81, §147A.10] 84 Acts, ch 1287, §10; 89 Acts, ch 89, §13; 93 Acts, ch 107, §3; 95 Acts, ch 41, §19; 2023 Acts, ch 73, §8 Referred to in §147A.12 Subsection 3 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147A - EMERGENCY MEDICAL CARE — TRAUMA CARE Section 147A.11 - Prohibited acts.

147A.11 Prohibited acts. 1. Any person not certified as required by this subchapter who claims to be an emergency medical care provider, or who uses any other term to indicate or imply that the person is an emergency medical care provider, or who acts as an emergency medical care provider without having obtained the appropriate certificate under this subchapter, is guilty of a class “D” felony. 2. An owner of an unauthorized service program in this state who operates or purports to operate a service program, or who uses any term to indicate or imply authorization without having obtained the appropriate authorization under this subchapter, is guilty of a class “D” felony. 3. Any person who imparts or conveys, or causes to be imparted or conveyed, or attempts to impart or convey false information concerning the need for assistance of a service program or of any personnel or equipment thereof, knowing such information to be false, is guilty of a serious misdemeanor. [C79, 81, §147A.11] 84 Acts, ch 1287, §11; 89 Acts, ch 89, §14; 95 Acts, ch 41, §20; 2010 Acts, ch 1149, §13

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147A - EMERGENCY MEDICAL CARE — TRAUMA CARE Section 147A.12 - Registered nurse exception.

147A.12 Registered nurse exception. 1. This subchapter does not restrict a registered nurse, licensed pursuant to chapter 152, from staffing an authorized service program provided the registered nurse can document equivalency through education and additional skills training essential in the delivery of out-of-hospital emergency care. The equivalency shall be accepted when: a. Documentation has been reviewed and approved at the local level by the medical director of the service program in accordance with the rules of the board of nursing developed jointly with the department. b. Authorization has been granted to that service program by the department. 2. Section 147A.10 applies to a registered nurse in compliance with this section. 84 Acts, ch 1287, §12; 85 Acts, ch

129, §1; 89 Acts, ch 89, §15; 95 Acts, ch 41, §21; 2010 Acts, ch 1149, §14 Referred to in §135.190A, 147A.1, 233.1

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147A - EMERGENCY MEDICAL CARE — TRAUMA CARE Section 147A.13 - Physician assistant exception.

147A.13 Physician assistant exception. This subchapter does not restrict a physician assistant, licensed pursuant to chapter 148C, from staffing an authorized service program if the physician assistant can document equivalency through education and additional skills training essential in the delivery of out-of-hospital emergency care. The equivalency shall be accepted when: 1. Documentation has been reviewed and approved at the local level by the medical director of the service program in accordance with the rules of the board of physician assistants developed after consultation with the department. 2. Authorization has been granted to that service program by the department. 93 Acts, ch 107, §4; 95 Acts, ch 41, §22; 2007 Acts, ch 10, §85; 2010 Acts, ch 1149, §15 Referred to in §135.190A, 147A.1, 233.1

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147A - EMERGENCY MEDICAL CARE — TRAUMA CARE Section 147A.14 - Enforcement.

147A.14 Enforcement. Investigators authorized by the department have the powers and status of peace officers when enforcing this chapter. 99 Acts, ch 141, §26

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147A - EMERGENCY MEDICAL CARE — TRAUMA CARE Section 147A.15 - Automated external defibrillator equipment — penalty.

147A.15 Automated external defibrillator equipment — penalty. Any person who damages, wrongfully takes or withholds, or removes any component of automated external defibrillator equipment located in a public or privately owned location, including batteries installed to operate the equipment, is guilty of a serious misdemeanor. 2006 Acts, ch 1184, §89

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147A - EMERGENCY MEDICAL CARE — TRAUMA CARE Section 147A.16 - Exception for care within scope of certification.

147A.16 Exception for care within scope of certification. 1. This subchapter does not apply to a registered member of the national ski patrol system, an industrial safety officer, a lifeguard, or a person employed or volunteering in a similar capacity in which the person provides on-site emergency medical care at a facility solely to the patrons or employees of that facility, provided that such person provides emergency medical care only within the scope of the person's training and certification and the person does not claim to be a certified emergency medical care provider or use any other term to indicate or imply that the person is a certified emergency medical care provider. 2. This subchapter does not apply to the national ski patrol system or any similar system in which the system provides on-site emergency medical care at a facility solely to the patrons or employees of that facility, provided that such system does not provide transportation to a hospital or other medical facility and provided that such system does not use any term to indicate or imply authorization to transport patients to a hospital or other medical facility without having obtained proper authorization to transport patients to a hospital or other medical facility under this subchapter. 2006 Acts, ch 1078, §1

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147A - EMERGENCY MEDICAL CARE — TRAUMA CARE Section 147A.17 - Applications for emergency medical care services training programs — approval or denial — disciplinary actions.

147A.17 Applications for emergency medical care services training programs — approval or denial — disciplinary actions. 1. An Iowa college approved by the higher learning commission, an Iowa hospital in this state, or a medical care ambulance service or nontransport service that desires to provide emergency medical care services training leading to certification as an emergency medical care provider shall apply to the department for authorization to establish a training program. 2. The department shall approve an application submitted in accordance with subsection 1 when the department is satisfied that the program proposed by the application will be operated in compliance with this subchapter and the rules adopted pursuant to this subchapter. 3. The department may deny an application for authorization, or may place on probation, suspend or revoke the authorization of, or otherwise discipline a training program with an existing authorization if the department finds reason to believe the program has not been or will not be operated in compliance with this subchapter and the rules adopted pursuant to this subchapter, or that there is insufficient assurance of adequate protection for the public. The authorization denial, period of probation, suspension, or revocation, or other disciplinary action shall be effected and may be appealed as provided by section 17A.12. 2010 Acts, ch 1149, §16; 2015 Acts, ch 29, §114; 2021 Acts, ch 174, §62, 63

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147A - EMERGENCY MEDICAL CARE — TRAUMA CARE Section 147A.18 - Possession and administration of an opioid antagonist — immunity.

147A.18 Possession and administration of an opioid antagonist — immunity. 1. a. Notwithstanding any other provision of law to the contrary, a licensed health care professional may prescribe an opioid antagonist in the name of a service program, law enforcement agency, fire department, or secondary distributor to be maintained for use as provided in this section. For purposes of this section, "secondary distributor" means the same as defined in section 135.190. b. (1) Notwithstanding any other provision of law to the contrary, a pharmacist licensed under chapter 155A may, by standing order or through collaborative agreement, dispense, furnish, or

otherwise provide an opioid antagonist in the name of a service program, law enforcement agency, fire department, or secondary distributor to be maintained for use as provided in this section. (2) A pharmacist or secondary distributor who dispenses, furnishes, or otherwise provides an opioid antagonist pursuant to a valid prescription, standing order, or collaborative agreement shall provide written instruction, which shall include emergency, crisis, and substance referral contact information, to the recipient in accordance with the protocols and instructions developed by the department under this section. 2. A service program, law enforcement agency, fire department, or secondary distributor may obtain a prescription for and maintain a supply of opioid antagonists. A service program, law enforcement agency, fire department, or secondary distributor that obtains such a prescription shall replace an opioid antagonist upon its use or expiration. 3. A first responder employed by a service program, law enforcement agency, or fire department that maintains a supply of opioid antagonists pursuant to this section may possess and provide or administer such an opioid antagonist to an individual if the first responder reasonably and in good faith believes that such individual is experiencing an opioid-related overdose. 4. A secondary distributor may possess and provide an opioid antagonist to a person in a position to assist as defined in section 135.190. 5. The following persons, provided they have acted reasonably and in good faith, shall not be liable for any injury arising from the provision, administration, or assistance in the administration of an opioid antagonist as provided in this section: a. A first responder who provides, administers, or assists in the administration of an opioid antagonist to an individual as provided in this section. b. A service program, law enforcement agency, fire department, or secondary distributor. c. The prescriber of the opioid antagonist. d. The pharmacist who dispenses the opioid antagonist. 6. The department may adopt rules pursuant to chapter 17A to implement and administer this section. 2016 Acts, ch 1061, §3; 2016 Acts, ch 1139, §71 – 75; 2023 Acts, ch 86, §19 – 22 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147A - EMERGENCY MEDICAL CARE — TRAUMA CARE Section 147A.1A - Lead agency.

147A.1A Lead agency. The department is designated as the lead agency for coordinating and implementing the provision of emergency medical services in this state. The department shall be the state EMS authority for the purposes of chapter 147D. 93 Acts, ch 58, §2; 2019 Acts, ch 90, §3

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147A - EMERGENCY MEDICAL CARE — TRAUMA CARE Section 147A.2 - Council established — terms of office.

147A.2 Council established — terms of office. 1. An EMS advisory council shall be appointed by the director. Membership of the council shall be comprised of individuals nominated from, but not limited to, the following state or national organizations: Iowa osteopathic medical association, Iowa medical society, American college of emergency physicians, Iowa physician assistant society, Iowa academy of family physicians, university of Iowa hospitals and clinics, American academy of emergency medicine, American academy of pediatrics, Iowa EMS association, Iowa firefighters association, Iowa professional fire fighters, EMS education programs committee, Iowa nurses association, Iowa hospital association, and the Iowa state association of counties. The council shall also include at least two at-large members who are volunteer emergency medical care providers and a representative of a private service program. 2. The EMS advisory council shall advise the director and develop policy recommendations concerning the regulation, administration, and coordination of emergency medical services in the state. 95 Acts, ch 41, §10; 98 Acts, ch 1100, §18; 2001 Acts, ch 74, §5; 2010 Acts, ch 1149, §9; 2011 Acts, ch 25, §18

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147A - EMERGENCY MEDICAL CARE — TRAUMA CARE Section 147A.20 - Short title.

147A.20 Short title. This subchapter may be cited as the “Iowa Trauma Care System Development Act”. 95 Acts, ch 40, §1

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147A - EMERGENCY MEDICAL CARE — TRAUMA CARE Section 147A.21 - Definitions.

147A.21 Definitions. As used in this subchapter, unless the context otherwise requires: 1. “Categorization” means a preliminary determination by the department that a hospital or emergency care facility is capable of providing trauma care in accordance with criteria adopted pursuant to chapter 17A for level I, II, III, and IV care capabilities. 2. “Department” means the department of health and human services. 3. “Director” means the director of health and human services. 4. “Emergency care facility” means a physician’s office, clinic, or other health care center which provides emergency medical care in conjunction with other primary care services. 5. “Hospital” means a facility licensed under chapter 135B, or a comparable emergency care facility located and licensed in another state. 6. “Trauma” means a single or multisystem life-threatening or limb-threatening injury, or an injury requiring immediate medical or surgical intervention or treatment to prevent death or permanent disability. 7. “Trauma care facility” means a hospital or emergency care facility which provides trauma care and has been verified by the department as having level I, II, III, or IV care capabilities and issued a certificate of verification pursuant to section 147A.23, subsection 2, paragraph “c”. 8. “Trauma care system” means an organized approach to providing personnel, facilities, and equipment for effective and coordinated trauma care. 9. “Verification” means a formal process by which the department certifies a hospital or emergency care facility’s capacity to provide trauma care in accordance with criteria established for level I, II, III, and IV trauma care facilities. 95 Acts, ch 40, §2; 2023 Acts, ch 19, §265 Subsections 2 and 3 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147A - EMERGENCY MEDICAL CARE — TRAUMA CARE Section 147A.22 - Legislative findings and intent — purpose.

147A.22 Legislative findings and intent — purpose. The general assembly finds the following: 1. Trauma is a serious health problem in the state of Iowa and is the leading cause of death of younger Iowans. The death and disability associated with traumatic injury contributes to the significant medical expenses and lost work, and adversely affects the productivity of Iowans. 2. Optimal trauma care is limited in many parts of the state. With health care delivery in transition, access to quality trauma and emergency medical care continues to challenge our rural communities. 3. The goal of a statewide trauma care system is to coordinate the medical needs of the injured person with an integrated system of optimal and cost-effective trauma care. The result of a well-coordinated statewide trauma care system is to reduce the incidences of inadequate trauma care and preventable deaths, minimize human suffering, and decrease the costs associated with preventable mortality and morbidity. 4. The development of the Iowa trauma care system will achieve these goals while meeting the unique needs of the rural residents of the state. 95 Acts, ch 40, §3

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147A - EMERGENCY MEDICAL CARE — TRAUMA CARE Section 147A.23 - Trauma care system development.

147A.23 Trauma care system development. 1. The department is designated as a lead agency in this state responsible for the development of a statewide trauma care system. 2. The department, in consultation with the trauma system advisory council, shall develop, coordinate, and monitor a statewide trauma care system. This system shall include, but not be limited to, the following: a. The categorization of all hospitals and emergency care facilities by the department as to their capacity to provide trauma care services. The categorization shall be determined by the department from self-reported information provided to the department by the hospital or emergency care facility. This categorization shall not be construed to imply any guarantee on the part of the department as to the level of trauma care services available at the hospital or emergency care facility. b. The issuance of a certificate of verification of all categorized hospitals and emergency care facilities from the department at the level preferred by the hospital or emergency care facility. The standards and verification process shall be established by rule and may vary as appropriate by level of trauma care capability. To the extent possible, the standards and verification process shall be coordinated with other applicable accreditation and licensing standards. c. Upon verification and the issuance of a certificate of verification, a hospital or emergency care facility agrees to maintain a level of commitment and resources sufficient to meet responsibilities and standards as required by the trauma care criteria established by rule under this subchapter. Verifications are valid for a period of three years or as determined by the department and are renewable. As part of the verification and renewal process, the department may conduct periodic on-site reviews of the services and facilities of the hospital or emergency care facility. d. The department is responsible for the funding of the administrative costs of this subchapter. Any funds received by the department for this purpose shall be deposited in the emergency medical services fund established in section 135.25. e. This section shall not be construed to limit the number and distribution of level I, II, III, and IV categorized and verified trauma care facilities in a community or region. 95 Acts, ch 40, §4 Referred to in §147A.21

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147A - EMERGENCY MEDICAL CARE — TRAUMA CARE Section 147A.24 - Trauma system advisory council established.

147A.24 Trauma system advisory council established. 1. A trauma system advisory council is established. The following organizations or officials may recommend a representative to the council: a. American academy of pediatrics. b. American college of emergency physicians, Iowa chapter. c. American college of surgeons, Iowa chapter. d. Department of health and human services. e. Governor's traffic safety bureau. f. Iowa academy of family physicians. g. Iowa emergency medical services association. h. Iowa emergency nurses association. i. Iowa hospital association representing rural hospitals. j. Iowa hospital association representing urban hospitals. k. Iowa medical society. l. Iowa osteopathic medical society. m. Iowa physician assistant society. n. Iowa society of anesthesiologists. o. Orthopedic system advisory council of the American academy of orthopedic surgeons, Iowa representative. p. Rehabilitation services delivery representative. q. Iowa's Medicare quality improvement organization. r. State medical examiner. s. Trauma nurse coordinator representing a trauma registry hospital. t. University of Iowa, injury prevention research center. 2. The council shall consist of seven members to be appointed by the director from the recommendations of the organizations in subsection 1 for terms of two years. Vacancies on the council shall be filled for the remainder of the term of the original appointment. Members whose terms expire may be reappointed. 3. The voting members of the council shall elect a chairperson and a vice chairperson and other officers as the council deems necessary. The officers shall serve until their successors are elected and qualified. 4. The council shall do all of the following: a. Advise the department on issues and strategies to achieve optimal trauma care delivery throughout the state. b. Assist the department in the implementation of an Iowa trauma care plan. c. Develop criteria for the categorization of all hospitals and emergency care facilities according to their trauma care capabilities. These categories shall be for levels I, II, III, and IV, based on the most current guidelines published by the American college of surgeons committee on trauma, the American college of emergency physicians, and the model trauma care plan of the United States department of health and human services' health resources and services administration. d. Develop a process for the verification of the trauma care capacity of each facility and the issuance of a certificate of verification. e. Develop standards for medical direction, trauma care, triage and transfer protocols, and trauma registries. f. Promote public information and education activities for injury prevention. g. Review the rules adopted under

this subchapter and make recommendations to the director for changes to further promote optimal trauma care. h. Develop, implement, and conduct trauma care system evaluation, quality assessment, and quality improvement. 5. Proceedings, records, and reports developed pursuant to this section constitute peer review records under section 147.135, and are not subject to discovery by subpoena or admissible as evidence. All information and documents received from a hospital or emergency care facility under this subchapter shall be confidential pursuant to section 272C.6, subsection 4. 95 Acts, ch 40, §5; 98 Acts, ch 1100, §19; 2001 Acts, ch 74, §6; 2013 Acts, ch 129, §50 – 52; 2019 Acts, ch 85, §78; 2023 Acts, ch 19, §266 Subsection 1, paragraph d amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147A - EMERGENCY MEDICAL CARE — TRAUMA CARE Section 147A.26 - Trauma registry.

147A.26 Trauma registry. 1. The department shall maintain a statewide trauma reporting system by which the trauma system advisory council and the department may monitor the effectiveness of the statewide trauma care system. 2. The data collected by and furnished to the department pursuant to this section are confidential records of the condition, diagnosis, care, or treatment of patients or former patients, including outpatients, pursuant to section 22.7. The compilations prepared for release or dissemination from the data collected are not confidential under section 22.7, subsection 2. However, information which individually identifies patients shall not be disclosed and state and federal law regarding patient confidentiality shall apply. 3. To the extent possible, activities under this section shall be coordinated with other health data collection methods. 95 Acts, ch 40, §7; 96 Acts, ch 1079, §7; 2013 Acts, ch 129, §53

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147A - EMERGENCY MEDICAL CARE — TRAUMA CARE Section 147A.27 - Department to adopt rules.

147A.27 Department to adopt rules. The department shall adopt rules, pursuant to chapter 17A, to implement the Iowa trauma care system plan, which specify all of the following: 1. Standards for trauma care. 2. Triage and transfer protocols. 3. Trauma registry procedures and policies. 4. Trauma care education and training requirements. 5. Hospital and emergency care facility categorization criteria. 6. Procedures for approval, denial, probation, and revocation of certificates of verification. 95 Acts, ch 40, §8

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147A - EMERGENCY MEDICAL CARE — TRAUMA CARE Section 147A.28 - Prohibited acts.

147A.28 Prohibited acts. A hospital or emergency care facility that imparts or conveys, or causes to be imparted or conveyed, that it is a trauma care facility, or that uses any other term to indicate or imply that the hospital or emergency care facility is a trauma care facility without having obtained a certificate of verification under this subchapter is subject to a civil penalty not to exceed one hundred dollars per day for each offense. In addition, the director may apply to the district court for a writ of injunction to restrain the use of the term “trauma care facility”. However, nothing in this subchapter shall be construed to restrict a hospital or emergency facility from providing any services for which it is duly authorized. 95 Acts, ch 40, §9; 95 Acts, ch 209, §21

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147A - EMERGENCY MEDICAL CARE — TRAUMA CARE Section 147A.3 - Meetings of the council — quorum.

147A.3 Meetings of the council — quorum. Membership, terms of office, and quorum shall be determined by the director pursuant to chapter 135. 95 Acts, ch 41, §11; 2019 Acts, ch 85, §84

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147A - EMERGENCY MEDICAL CARE — TRAUMA CARE Section 147A.4 - Rulemaking authority.

147A.4 Rulemaking authority. 1. a. The department shall adopt rules required or authorized by this subchapter pertaining to the operation of service programs which have received authorization under section 147A.5 to utilize the services of certified emergency medical care providers. These rules shall include but need not be limited to requirements concerning physician supervision, necessary equipment and staffing, and reporting by service programs which have received the authorization pursuant to section 147A.5. b. The director, pursuant to rule, may grant exceptions and variances from the requirements of rules adopted under this subchapter for any service program. Exceptions or variations shall be reasonably related to undue hardships which existing services experience in complying with this subchapter or the rules adopted pursuant to this subchapter. Services requesting exceptions and variances shall be subject to other applicable rules adopted pursuant to this subchapter. 2. The department shall adopt rules required or authorized by this subchapter pertaining to the examination and certification of emergency medical care providers. These rules shall include but need not be limited to requirements concerning prerequisites, training, and experience for emergency medical care providers and procedures for determining when individuals have met these requirements. The department shall adopt rules to recognize the previous EMS training and experience of emergency medical care providers transitioning to the emergency medical responder, emergency medical technician, advanced emergency medical technician, and paramedic levels. The department may require additional training and examinations as necessary and appropriate to ensure that individuals seeking transition to another level have met the knowledge and skill requirements. All requirements for transition to another level, including fees, shall be adopted by rule. 3. The department shall establish the fee for the examination of the emergency medical care providers to cover the administrative costs of the examination program. 4. The department shall adopt rules required or authorized by this subchapter

pertaining to the operation of training programs. These rules shall include but need not be limited to requirements concerning curricula, resources, facilities, and staff. 5. The department shall recognize the practice requirements of recognition of the emergency medical services personnel licensure interstate compact, chapter 147D, and shall adopt rules necessary for the implementation of the compact. [C79, 81, §147A.4; 82 Acts, ch 1005, §1, 2] 84 Acts, ch 1287, §4; 86 Acts, ch 1245, §1143; 89 Acts, ch 89, §7; 93 Acts, ch 58, §3; 95 Acts, ch 41, §12, 28; 99 Acts, ch 141, §22; 2009 Acts, ch 133, §198; 2010 Acts, ch 1149, §10; 2019 Acts, ch 90, §4 Referred to in §147A.6

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147A - EMERGENCY MEDICAL CARE — TRAUMA CARE Section 147A.5 - Applications for emergency medical care services — approval — denial, probation, suspension, or revocation.

147A.5 Applications for emergency medical care services — approval — denial, probation, suspension, or revocation. 1. A service program in this state that desires to provide emergency medical care in the out-of-hospital setting shall apply to the department for authorization to establish a program for delivery of the care at the scene of an emergency, during transportation to a hospital, during transfer from one medical care facility to another or to a private residence, or while in the hospital emergency department, and until care is directly assumed by a physician or by authorized hospital personnel. 2. The department shall approve an application submitted in accordance with subsection 1 when the department is satisfied that the program proposed by the application will be operated in compliance with this subchapter and the rules adopted pursuant to this subchapter. 3. The department may deny an application for authorization, or may place on probation, suspend or revoke the authorization of, or otherwise discipline a service program with an existing authorization if the department finds that the service program has not been or will not be operated in compliance with this subchapter and the rules adopted pursuant to this subchapter, or that there is insufficient assurance of adequate protection for the public. The authorization denial or period of probation, suspension, or revocation, or other disciplinary action shall be effected and may be appealed as provided by section 17A.12. [C79, 81, §147A.5] 84 Acts, ch 1287, §5; 86 Acts, ch 1245, §1144; 89 Acts, ch 89, §8; 95 Acts, ch 41, §13; 2010 Acts, ch 1149, §11 Referred to in §147A.1, 147A.4

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147A - EMERGENCY MEDICAL CARE — TRAUMA CARE Section 147A.6 - Emergency medical care provider certificates — fees and renewal.

147A.6 Emergency medical care provider certificates — fees and renewal. 1. The department, upon initial application and receipt of the prescribed initial application fee, shall issue a certificate to an individual who has met all of the requirements for emergency medical care provider certification established by the rules adopted under section 147A.4, subsection 2. All fees received pursuant to this section shall be retained by the department. The moneys retained by the department shall be used for any of the department's duties under this chapter, including but not limited to the addition of full-time equivalent positions for program services and investigations. Revenues retained by the department pursuant to this section shall be considered repayment receipts as defined in section 8.2. Notwithstanding section 8.33, moneys retained by the department pursuant to this section are not subject to reversion to the general fund of the state. 2. The department, upon renewal application and receipt of the prescribed renewal application fee, shall issue a certificate to an individual who has met all of the requirements for emergency medical care provider certification established by the rules adopted under section 147A.4, subsection 2. All fees collected pursuant to this section shall be deposited in the emergency medical services fund established in section 135.25. 3. Emergency medical care provider certificates are valid for the multiyear period determined by the department, unless sooner suspended or revoked. The certificate shall be renewed upon application of the holder and receipt of the prescribed fee if the holder has satisfactorily completed continuing medical education programs as required by rule. [C79, 81, §147A.6; 82 Acts, ch 1005, §3] 84 Acts, ch 1287, §6; 89 Acts, ch 89, §9; 93 Acts, ch 58, §7; 95 Acts, ch 41, §14; 97 Acts, ch 6, §1; 2019 Acts, ch 90, §5 Referred to in §232.68

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147A - EMERGENCY MEDICAL CARE — TRAUMA CARE Section 147A.7 - Denial, suspension, or revocation of certificates — hearing — appeal.

147A.7 Denial, suspension, or revocation of certificates — hearing — appeal. 1. The department may deny an application for issuance or renewal of an emergency medical care provider certificate, or suspend or revoke the certificate when it finds that the applicant or certificate holder is guilty of any of the following acts or offenses: a. Negligence in performing authorized services. b. Failure to follow the directions of the supervising physician. c. Rendering treatment not authorized under this subchapter. d. Fraud in procuring certification. e. Professional incompetency. f. Knowingly making misleading, deceptive, untrue, or fraudulent representation in the practice of a profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established. g. Habitual intoxication or addiction to the use of drugs. h. Fraud in representations as to skill or ability. i. Willful or repeated violations of this subchapter or of rules adopted pursuant to this subchapter. j. Having certification to practice as an emergency medical care provider revoked or suspended, or having other disciplinary action taken by a licensing or certifying authority of another state, territory, or country. A certified copy of the record or order of suspension, revocation, or disciplinary action is conclusive or prima facie evidence. 2. A determination of mental incompetence by a court of competent jurisdiction automatically suspends a certificate for the duration of the certificate unless the department orders otherwise. 3. A denial, suspension, or revocation under this section shall be effected, and may be appealed in accordance with the rules of the department established pursuant to chapter 272C. [C79, 81, §147A.7] 84 Acts, ch 1287, §7; 89 Acts, ch 89, §10; 93 Acts, ch 58, §4, 7; 95 Acts, ch 41, §15, 16; 99 Acts, ch 141, §23; 2020 Acts, ch 1103, §13, 31

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147A - EMERGENCY MEDICAL CARE — TRAUMA CARE Section 147A.8 - Authority of certified emergency medical care provider.

147A.8 Authority of certified emergency medical care provider. An emergency medical care provider properly certified under this subchapter may: 1. Render emergency and nonemergency medical care, rescue, and lifesaving services in those areas for which the emergency medical care provider is certified, as defined and approved in accordance with the rules of the department, at the scene of an emergency, during transportation to a hospital or while in the hospital emergency department, and until care is directly assumed by a physician or by authorized hospital personnel. 2. Function in any hospital or any other entity in which health care is ordinarily provided only when under the direct supervision, as defined by rules adopted pursuant to chapter 17A, of a physician, when the emergency care provider is any of the following: a. Enrolled as a student or participating as a preceptor in a training program approved by the department or an agency authorized in another state to provide initial EMS education and approved by the department. b. Fulfilling continuing education requirements as defined by rule. c. Employed by or assigned to a hospital or other entity in which health care is ordinarily provided only when under the direct supervision of a physician, as a member of an authorized service program, or in an individual capacity, by rendering lifesaving services in the facility in which employed or assigned pursuant to the emergency medical care provider's certification and under the direct supervision of a physician, physician assistant, or registered nurse. An emergency medical care provider shall not routinely function without the direct supervision of a physician, physician assistant, or registered nurse. However, when the physician, physician assistant, or registered nurse cannot directly assume emergency care of the patient, the emergency medical care provider may perform without direct supervision emergency medical care procedures for which that individual is certified if the life of the patient is in immediate danger and such care is required to preserve the patient's life. d. Employed by or assigned to a hospital or other entity in which health care is ordinarily provided only when under the direct supervision of a physician, as a member of an authorized service program, or in an individual capacity, to perform nonlifesaving procedures for which those individuals have been certified and are designated in a written job description. Such procedures may be performed after the patient is observed by and when the emergency medical care provider is under the supervision of the physician, physician assistant, or registered nurse, including when the registered nurse is not acting in the capacity of a physician designee, and where the procedure may be immediately abandoned without risk to the patient. [C79, 81, §147A.8] 84 Acts, ch 1287, §8; 89 Acts, ch 89, §11; 93 Acts, ch 58, §5, 7; 93 Acts, ch 107, §1; 95 Acts, ch 41, §17; 99 Acts, ch 141, §24; 2000 Acts, ch 1009, §1; 2001 Acts, ch 58, §10; 2009 Acts, ch 41, §263; 2010 Acts, ch 1149, §12

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147A - EMERGENCY MEDICAL CARE — TRAUMA CARE Section 147A.9 - Remote supervision — emergency communication failure — authorization to initiate emergency procedures.

147A.9 Remote supervision — emergency communication failure — authorization to initiate emergency procedures. 1. When voice contact or a telemetered electrocardiogram is monitored by a physician, physician's designee, or physician assistant, and direct communication is maintained, an emergency medical care provider may upon order of the monitoring physician or upon standing orders of a physician transmitted by the monitoring physician's designee or physician assistant perform any emergency medical care procedure for which that emergency medical care provider is certified. 2. If communications fail during an emergency or nonemergency situation, the emergency medical care provider may perform any emergency medical care procedure for which that individual is certified and which is included in written protocols if in the judgment of the emergency medical care provider the life of the patient is in immediate danger and such care is required to preserve the patient's life. 3. The department shall adopt rules to authorize medical care procedures which can be initiated in accordance with written protocols prior to the establishment of communication. [C79, 81, §147A.9] 84 Acts, ch 1287, §9; 89 Acts, ch 89, §12; 93 Acts, ch 58, §6, 7; 93 Acts, ch 107, §2; 95 Acts, ch 41, §18; 99 Acts, ch 141, §25

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147B - INTERSTATE MEDICAL LICENSURE COMPACT Section 147B.1 - Interstate medical licensure compact.

147B.1 Interstate medical licensure compact. 1. Purpose. a. In order to strengthen access to health care, and in recognition of the advances in the delivery of health care, the member states of the interstate medical licensure compact have allied in common purpose to develop a comprehensive process that complements the existing licensing and regulatory authority of state medical boards and provides a streamlined process that allows physicians to become licensed in multiple states, thereby enhancing the portability of a medical license and ensuring the safety of patients. The compact creates another pathway for licensure and does not otherwise change a state's existing medical practice Act. The compact also adopts the prevailing standard for licensure and affirms that the practice of medicine occurs where the patient is located at the time of the physician-patient encounter, and therefore, requires the physician to be under the jurisdiction of the state medical board where the patient is located. b. State medical boards that participate in the compact retain the jurisdiction to impose an adverse action against a license to practice medicine in that state issued to a physician through the procedures in the compact. 2. Definitions. In this compact: a. "Bylaws" means those bylaws established by the interstate commission pursuant to subsection 11 for its governance, or for directing and controlling its actions and conduct. b. "Commissioner" means the voting representative appointed by each member board pursuant to subsection 11. c. "Conviction" means a finding by a court that an individual is guilty of a criminal offense through adjudication, or entry of a plea of guilt or no contest to the charge by the offender. Evidence of an entry of a conviction of a criminal offense by the court shall be considered final for purposes of disciplinary action by a member board. d. "Expedited license" means a full and unrestricted medical

license granted by a member state to an eligible physician through the process set forth in the compact. e. "Interstate commission" means the interstate commission created pursuant to this section. f. "License" means authorization by a state for a physician to engage in the practice of medicine, which would be unlawful without the authorization. g. "Medical practice act" means laws and regulations governing the practice of allopathic and osteopathic medicine within a member state. h. "Member board" means a state agency in a member state that acts in the sovereign interests of the state by protecting the public through licensure, regulation, and education of physicians as directed by the state government. i. "Member state" means a state that has enacted the compact. j. "Offense" means a felony, gross misdemeanor, or crime of moral turpitude. k. "Physician" means any person who satisfies all of the following: (1) Is a graduate of a medical school accredited by the liaison committee on medical education, the commission on osteopathic college accreditation, or a medical school listed in the international medical education directory or its equivalent. (2) Passed each component of the United States medical licensing examination or the comprehensive osteopathic medical licensing examination within three attempts, or any of its predecessor examinations accepted by a state medical board as an equivalent examination for licensure purposes. (3) Successfully completed graduate medical education approved by the accreditation council for graduate medical education or the American osteopathic association. (4) Holds specialty certification or a time-unlimited specialty certificate recognized by the American board of medical specialties or the American osteopathic association's bureau of osteopathic specialists. (5) Possesses a full and unrestricted license to engage in the practice of medicine issued by a member board. (6) Has never been convicted, received adjudication, deferred adjudication, community supervision, or deferred disposition for any offense by a court of appropriate jurisdiction. (7) Has never held a license authorizing the practice of medicine subjected to discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action related to nonpayment of fees related to a license. (8) Has never had a controlled substance license or permit suspended or revoked by a state or the United States drug enforcement administration. (9) Is not under active investigation by a licensing agency or law enforcement authority in any state, federal, or foreign jurisdiction. l. "Practice of medicine" means the clinical prevention, diagnosis, or treatment of human disease, injury, or condition requiring a physician to obtain and maintain a license in compliance with the medical practice act of a member state. m. "Rule" means a written statement by the interstate commission promulgated pursuant to subsection 12 that is of general applicability, implements, interprets, or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the interstate commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal, or suspension of an existing rule. n. "State" means any state, commonwealth, district, or territory of the United States. o. "State of principal license" means a member state where a physician holds a license to practice medicine and which has been designated as such by the physician for purposes of registration and participation in the compact.

3. Eligibility. a. A physician must meet the eligibility requirements as defined in subsection 2, paragraph "k", to receive an expedited license under the terms and provisions of the compact. b. A physician who does not meet the requirements of subsection 2, paragraph "k", may obtain a license to practice medicine in a member state if the individual complies with all laws and requirements, other than the compact, relating to the issuance of a license to practice medicine in that state.

4. Designation of state of principal license. a. A physician shall designate a member state as the state of principal license for purposes of registration for expedited licensure through the compact if the physician possesses a full and unrestricted license to practice medicine in that state, and the state is: (1) The state of primary residence for the physician, or (2) The state where at least twenty-five percent of the practice of medicine occurs, or (3) The location of the physician's employer, or (4) If no state qualifies under subparagraph (1), subparagraph (2), or subparagraph (3), the state designated as state of residence for purposes of federal income tax. b. A physician may redesignate a member state as the state of principal license at any time, as long as the state meets the requirements in paragraph "a". c. The interstate commission is authorized to develop rules to facilitate redesignation of another member state as the state of principal license.

5. Application and issuance of expedited licensure. a. A physician seeking licensure through the compact shall file an application for an expedited license with the member board of the state selected by the physician as the state of principal license. b. Upon receipt of an application for an expedited license, the member board within the state selected as the state of principal license shall evaluate whether the physician is eligible for expedited licensure and issue a letter of qualification, verifying or denying the physician's eligibility, to the interstate commission. (1) Static qualifications, which include verification of medical education, graduate medical education, results of any medical or licensing examination, and other qualifications as determined by the interstate commission through rule, shall not be subject to additional primary source verification where already primary source-verified by the state of principal license. (2) The member board within the state selected as the state of principal license shall, in the course of verifying eligibility, perform a criminal background check of an applicant, including the use of the results of fingerprint or other biometric data checks compliant with the requirements of the federal bureau of investigation, with the exception of federal employees who have suitability determination in accordance with 5 C.F.R. §731.202. (3) Appeal on the determination of eligibility shall be made to the member state where the application was filed and shall be subject to the law of that state. c. Upon verification in paragraph "b", physicians eligible for an expedited license shall complete the registration process established by the interstate commission to receive a license in a member state selected pursuant to paragraph "a", including the payment of any applicable fees. d. After receiving verification of eligibility under paragraph "b" and any fees under paragraph "c", a member board shall issue an expedited license to the physician. This license shall authorize the physician to practice medicine in the issuing state consistent with the medical practice act and all applicable laws and regulations of the issuing member board and member state. e. An expedited license shall be valid for a period consistent with the licensure period in the member state and in the same manner as required for other physicians holding a full and unrestricted license within the member state. f. An expedited license obtained through the compact shall be terminated if a physician fails to maintain a license in the state of principal license for a nondisciplinary reason, without redesignation of a new state of

principal license. g. The interstate commission is authorized to develop rules regarding the application process, including payment of any applicable fees, and the issuance of an expedited license. 6. Fees for expedited licensure. a. A member state issuing an expedited license authorizing the practice of medicine in that state may impose a fee for a license issued or renewed through the compact. b. The interstate commission is authorized to develop rules regarding fees for expedited licenses. 7. Renewal and continued participation. a. A physician seeking to renew an expedited license granted in a member state shall complete a renewal process with the interstate commission if the physician satisfies the following: (1) Maintains a full and unrestricted license in a state of principal license. (2) Has not been convicted, received adjudication, deferred adjudication, community supervision, or deferred disposition for any offense by a court of appropriate jurisdiction. (3) Has not had a license authorizing the practice of medicine subject to discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action related to nonpayment of fees related to a license. (4) Has not had a controlled substance license or permit suspended or revoked by a state or the United States drug enforcement administration. b. Physicians shall comply with all continuing professional development or continuing medical education requirements for renewal of a license issued by a member state. c. The interstate commission shall collect any renewal fees charged for the renewal of a license and distribute the fees to the applicable member board. d. Upon receipt of any renewal fees collected in paragraph "c", a member board shall renew the physician's license. e. Physician information collected by the interstate commission during the renewal process will be distributed to all member boards. f. The interstate commission is authorized to develop rules to address renewal of licenses obtained through the compact. 8. Coordinated information system. a. The interstate commission shall establish a database of all physicians licensed, or who have applied for licensure, under subsection 5. b. Notwithstanding any other provision of law, member boards shall report to the interstate commission any public action or complaints against a licensed physician who has applied or received an expedited license through the compact. c. Member boards shall report disciplinary or investigatory information determined as necessary and proper by rule of the interstate commission. d. Member boards may report any nonpublic complaint, disciplinary, or investigatory information not required by paragraph "c" to the interstate commission. e. Member boards shall share complaint or disciplinary information about a physician upon request of another member board. f. All information provided to the interstate commission or distributed by member boards shall be confidential, filed under seal, and used only for investigatory or disciplinary matters. g. The interstate commission is authorized to develop rules for mandated or discretionary sharing of information by member boards. 9. Joint investigations. a. Licensure and disciplinary records of physicians are deemed investigative. b. In addition to the authority granted to a member board by its respective medical practice Act or other applicable state law, a member board may participate with other member boards in joint investigations of physicians licensed by the member boards. c. A subpoena issued by a member state shall be enforceable in other member states. d. Member boards may share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact. e. Any member state may investigate actual or alleged violations of the statutes authorizing the practice of medicine in any other member state in which a physician holds a license to practice medicine. 10. Disciplinary actions. a. Any disciplinary action taken by any member board against a physician licensed through the compact shall be deemed unprofessional conduct which may be subject to discipline by other member boards, in addition to any violation of the medical practice Act or regulations in that state. b. If a license granted to a physician by the member board in the state of principal license is revoked, surrendered, or relinquished in lieu of discipline, or suspended, then all licenses issued to the physician by member boards shall automatically be placed, without further action necessary by any member board, on the same status. If the member board in the state of principal license subsequently reinstates the physician's license, a license issued to the physician by any other member board shall remain encumbered until that respective member board takes action to reinstate the license in a manner consistent with the medical practice Act of that state. c. If disciplinary action is taken against a physician by a member board not in the state of principal license, any other member board may deem the action conclusive as to matter of law and fact decided and either: (1) Impose the same or lesser sanctions against the physician so long as such sanctions are consistent with the medical practice Act of that state, or (2) Pursue separate disciplinary action against the physician under its respective medical practice Act, regardless of the action taken in other member states. d. If a license granted to a physician by a member board is revoked, surrendered, or relinquished in lieu of discipline, or suspended, then any licenses issued to the physician by any other member boards shall be suspended, automatically and immediately without further action necessary by the other member boards, for ninety days upon entry of the order by the disciplining board, to permit the member boards to investigate the basis for the action under the medical practice Act of that state. A member board may terminate the automatic suspension of the license it issued prior to the completion of the ninety-day suspension period in a manner consistent with the medical practice Act of that state. 11. Interstate medical licensure compact commission. a. The member states hereby create the interstate medical licensure compact commission. b. The purpose of the interstate commission is the administration of the interstate medical licensure compact, which is a discretionary state function. c. The interstate commission shall be a body corporate and joint agency of the member states and shall have all the responsibilities, powers, and duties set forth in the compact, and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of the compact. d. The interstate commission shall consist of two voting representatives appointed by each member state who shall serve as commissioners. In states where allopathic and osteopathic physicians are regulated by separate member boards, or if the licensing and disciplinary authority is split between multiple member boards within a member state, the member state shall appoint one representative from each member board. A commissioner shall be one of the following: (1) An allopathic or osteopathic physician appointed to a member board. (2) An executive director, executive secretary, or similar executive of a member board. (3) A member of the public appointed to a member board. e. The interstate commission shall meet at least once each calendar year. A portion of this meeting shall be a

business meeting to address such matters as may properly come before the commission, including the election of officers. The chairperson may call additional meetings and shall call for a meeting upon the request of a majority of the member states. f. The bylaws may provide for meetings of the interstate commission to be conducted by telecommunication or electronic communication. g. Each commissioner participating at a meeting of the interstate commission is entitled to one vote. A majority of commissioners shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the interstate commission. A commissioner shall not delegate a vote to another commissioner. In the absence of its commissioner, a member state may delegate voting authority for a specified meeting to another person from that state who shall meet the requirements of paragraph "d". h. The interstate commission shall provide public notice of all meetings and all meetings shall be open to the public. The interstate commission may close a meeting, in full or in portion, where it determines by a two-thirds vote of the commissioners present that an open meeting would be likely to result in one or more of the following: (1) Relate solely to the internal personnel practices and procedures of the interstate commission. (2) Discuss matters specifically exempted from disclosure by federal statute. (3) Discuss trade secrets, commercial, or financial information that is privileged or confidential. (4) Involve accusing a person of a crime, or formally censuring a person. (5) Discuss information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. (6) Discuss investigative records compiled for law enforcement purposes. (7) Specifically relate to the participation in a civil action or other legal proceeding. i. The interstate commission shall keep minutes which shall fully describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, including record of any roll call votes. j. The interstate commission shall make its information and official records, to the extent not otherwise designated in the compact or by its rules, available to the public for inspection. k. The interstate commission shall establish an executive committee, which shall include officers, members, and others as determined by the bylaws. The executive committee shall have the power to act on behalf of the interstate commission, with the exception of rulemaking, during periods when the interstate commission is not in session. When acting on behalf of the interstate commission, the executive committee shall oversee the administration of the compact including enforcement and compliance with the provisions of the compact, its bylaws and rules, and other such duties as necessary. l. The interstate commission may establish other committees for governance and administration of the compact. 12. Powers and duties of the interstate commission. The interstate commission shall have power to perform the following functions: a. Oversee and maintain the administration of the compact. b. Promulgate rules which shall be binding to the extent and in the manner provided for in the compact. c. Issue, upon the request of a member state or member board, advisory opinions concerning the meaning or interpretation of the compact, its bylaws, rules, and actions. d. Enforce compliance with compact provisions, the rules promulgated by the interstate commission, and the bylaws, using all necessary and proper means, including but not limited to the use of judicial process. e. Establish and appoint committees including but not limited to an executive committee as required by subsection 11, which shall have the power to act on behalf of the interstate commission in carrying out its powers and duties. f. Pay, or provide for the payment of, the expenses related to the establishment, organization, and ongoing activities of the interstate commission. g. Establish and maintain one or more offices. h. Borrow, accept, hire, or contract for services of personnel. i. Purchase and maintain insurance and bonds. j. Employ an executive director who shall have such powers to employ, select, or appoint employees, agents, or consultants, and to determine their qualifications, define their duties, and fix their compensation. k. Establish personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel. l. Accept donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same in a manner consistent with the conflict of interest policies established by the interstate commission. m. Lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve, or use, any property, real, personal, or mixed. n. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed. o. Establish a budget and make expenditures. p. Adopt a seal and bylaws governing the management and operation of the interstate commission. q. Report annually to the legislatures and governors of the member states concerning the activities of the interstate commission during the preceding year. Such reports shall also include reports of financial audits and any recommendations that may have been adopted by the interstate commission. r. Coordinate education, training, and public awareness regarding the compact, its implementation, and its operation. s. Maintain records in accordance with the bylaws. t. Seek and obtain trademarks, copyrights, and patents. u. Perform such functions as may be necessary or appropriate to achieve the purposes of the compact. 13. Finance powers. a. The interstate commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the interstate commission and its staff. The total assessment must be sufficient to cover the annual budget approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated upon a formula to be determined by the interstate commission, which shall promulgate a rule binding upon all member states. b. The interstate commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same. c. The interstate commission shall not pledge the credit of any of the member states, except by, and with the authority of, the member state. d. The interstate commission shall be subject to a yearly financial audit conducted by a certified or licensed public accountant and the report of the audit shall be included in the annual report of the interstate commission. 14. Organization and operation of the interstate commission. a. The interstate commission shall, by a majority of commissioners present and voting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact within twelve months of the first interstate commission meeting. b. The interstate commission shall elect or appoint annually from among its commissioners a chairperson, a vice chairperson, and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson, or in the chairperson's absence or disability, the vice chairperson, shall preside at all meetings of the interstate commission. c. Officers selected in paragraph "b" shall serve without remuneration from the interstate commission. d. The

officers and employees of the interstate commission shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of, or relating to, an actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred, within the scope of interstate commission employment, duties, or responsibilities, provided that such person shall not be protected from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person. (1) The liability of the executive director and employees of the interstate commission or representatives of the interstate commission, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state, may not exceed the limits of liability set forth under the constitution and laws of that state for state officials, employees, and agents. The interstate commission is considered to be an instrumentality of the states for the purposes of any such action. Nothing in this paragraph "d" shall be construed to protect such person from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person. (2) The interstate commission shall defend the executive director, its employees, and subject to the approval of the attorney general or other appropriate legal counsel of the member state represented by an interstate commission representative, shall defend such interstate commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error, or omission that occurred within the scope of interstate commission employment, duties, or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of interstate commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person. (3) To the extent not covered by the state involved, member state, or the interstate commission, the representatives or employees of the interstate commission shall be held harmless in the amount of a settlement or judgment, including attorney fees and costs, obtained against such persons arising out of an actual or alleged act, error, or omission that occurred within the scope of interstate commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of interstate commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons. 15. Rulemaking functions of the interstate commission. a. The interstate commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of the compact. Notwithstanding the foregoing, in the event the interstate commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of the compact, or the powers granted hereunder, then such an action by the interstate commission shall be invalid and have no force or effect. b. Rules deemed appropriate for the operations of the interstate commission shall be made pursuant to a rulemaking process that substantially conforms to the model state administrative procedure Act of 2010, and subsequent amendments thereto. c. Not later than thirty days after a rule is promulgated, any person may file a petition for judicial review of the rule in the United States district court for the District of Columbia or the federal district where the interstate commission has its principal offices, provided that the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the interstate commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the authority granted to the interstate commission. 16. Oversight of interstate compact. a. The executive, legislative, and judicial branches of state government in each member state shall enforce the compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of the compact and the rules promulgated hereunder shall have standing as statutory law but shall not override existing state authority to regulate the practice of medicine. b. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of the compact which may affect the powers, responsibilities, or actions of the interstate commission. c. The interstate commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process to the interstate commission shall render a judgment or order void as to the interstate commission, the compact, or promulgated rules. 17. Enforcement of interstate compact. a. The interstate commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of the compact. b. The interstate commission may, by majority vote of the commissioners, initiate legal action in the United States district court for the District of Columbia, or, at the discretion of the interstate commission, in the federal district where the interstate commission has its principal offices, to enforce compliance with the provisions of the compact, and its promulgated rules and bylaws, against a member state in default. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation including reasonable attorney fees. c. The remedies herein shall not be the exclusive remedies of the interstate commission. The interstate commission may avail itself of any other remedies available under state law or the regulation of a profession. 18. Default procedures. a. The grounds for default include but are not limited to failure of a member state to perform such obligations or responsibilities imposed upon it by the compact, or the rules and bylaws of the interstate commission promulgated under the compact. b. If the interstate commission determines that a member state has defaulted in the performance of its obligations or responsibilities under the compact, or the bylaws or promulgated rules, the interstate commission shall do the following: (1) Provide written notice to the defaulting state and other member states of the nature of the default, the means of curing the default, and any action taken by the interstate commission. The interstate commission shall specify the conditions by which the defaulting state must cure its default. (2) Provide remedial training and specific technical assistance regarding the default. c. If the defaulting state fails to cure the default, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the commissioners and all rights, privileges, and benefits conferred by the compact shall terminate on the effective date of termination. A cure of the default does not relieve the offending

state of obligations or liabilities incurred during the period of the default. d. Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to terminate shall be given by the interstate commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states. e. The interstate commission shall establish rules and procedures to address licenses and physicians that are materially impacted by the termination of a member state, or the withdrawal of a member state. f. The member state which has been terminated is responsible for all dues, obligations, and liabilities incurred through the effective date of termination including obligations, the performance of which extends beyond the effective date of termination. g. The interstate commission shall not bear any costs relating to any state that has been found to be in default or which has been terminated from the compact, unless otherwise mutually agreed upon in writing between the interstate commission and the defaulting state. h. The defaulting state may appeal the action of the interstate commission by petitioning the United States district court for the District of Columbia or the federal district where the interstate commission has its principal offices. The prevailing party shall be awarded all costs of such litigation including reasonable attorney fees. 19. Dispute resolution. a. The interstate commission shall attempt, upon the request of a member state, to resolve disputes which are subject to the compact and which may arise among member states or member boards. b. The interstate commission shall promulgate rules providing for both mediation and binding dispute resolution as appropriate. 20. Member states, effective date, and amendment. a. Any state is eligible to become a member state of the compact. b. The compact shall become effective and binding upon legislative enactment of the compact into law by no less than seven states. Thereafter, it shall become effective and binding on a state upon enactment of the compact into law by that state. c. The governors of nonmember states, or their designees, shall be invited to participate in the activities of the interstate commission on a nonvoting basis prior to adoption of the compact by all states. d. The interstate commission may propose amendments to the compact for enactment by the member states. No amendment shall become effective and binding upon the interstate commission and the member states unless and until it is enacted into law by unanimous consent of the member states. 21. Withdrawal. a. Once effective, the compact shall continue in force and remain binding upon each and every member state, provided that a member state may withdraw from the compact by specifically repealing the statute which enacted the compact into law. b. Withdrawal from the compact shall be by the enactment of a statute repealing the same, but shall not take effect until one year after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the governor of each other member state. c. The withdrawing state shall immediately notify the chairperson of the interstate commission in writing upon the introduction of legislation repealing the compact in the withdrawing state. d. The interstate commission shall notify the other member states of the withdrawing state's intent to withdraw within sixty days of its receipt of notice provided under paragraph "c". e. The withdrawing state is responsible for all dues, obligations, and liabilities incurred through the effective date of withdrawal, including obligations, the performance of which extend beyond the effective date of withdrawal. f. Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the interstate commission. g. The interstate commission is authorized to develop rules to address the impact of the withdrawal of a member state on licenses granted in other member states to physicians who designated the withdrawing member state as the state of principal license. 22. Dissolution. a. The compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership in the compact to one member state. b. Upon the dissolution of the compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the interstate commission shall be concluded and surplus funds shall be distributed in accordance with the bylaws. 23. Severability and construction. a. The provisions of the compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable. b. The provisions of the compact shall be liberally construed to effectuate its purposes. c. Nothing in the compact shall be construed to prohibit the applicability of other interstate compacts to which the states are members. 24. Binding effect of compact and other laws. a. Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with the compact. b. All laws in a member state in conflict with the compact are superseded to the extent of the conflict. c. All lawful actions of the interstate commission, including all rules and bylaws promulgated by the commission, are binding upon the member states. d. All agreements between the interstate commission and the member states are binding in accordance with their terms. e. In the event any provision of the compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state. 2015 Acts, ch 138, §82, 161, 162

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147C - INTERSTATE PHYSICAL THERAPY LICENSURE COMPACT Section 147C.1 - Form of compact.

147C.1 Form of compact. 1. Article I — Purpose. a. The purpose of this compact is to facilitate interstate practice of physical therapy with the goal of improving public access to physical therapy services. The practice of physical therapy occurs in the state where the patient is located at the time of the patient encounter. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure. b. This compact is designed to achieve all of the following objectives: (1) Increase public access to physical therapy services by providing for the mutual recognition of other member state licenses. (2) Enhance the states' ability to protect the public's health and safety. (3) Encourage the cooperation of member states in regulating multistate physical therapy practice. (4) Support spouses of relocating military members. (5) Enhance the exchange of licensure, investigative, and disciplinary information between member states. (6) Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards. 2. Article II — Definitions. a. "Active duty military" means full-time duty status in the active uniformed service of the United States, including members of the national guard

and reserve on active duty orders pursuant to 10 U.S.C. ch. 1209 and 10 U.S.C. ch. 1211. b. “Adverse action” means disciplinary action taken by a physical therapy licensing board based upon misconduct, unacceptable performance, or a combination of both. c. “Alternative program” means a nondisciplinary monitoring or practice remediation process approved by a physical therapy licensing board. This includes but is not limited to substance use disorder issues. d. “Compact privilege” means the authorization granted by a remote state to allow a licensee from another member state to practice as a physical therapist or work as a physical therapist assistant in the remote state under its laws and rules. The practice of physical therapy occurs in the member state where the patient is located at the time of the patient encounter. e. “Continuing competence” means a requirement, as a condition of license renewal, to provide evidence of participation in, and completion of, educational and professional activities relevant to practice or area of work. f. “Data system” means a repository of information about licensees, including examination, licensure, investigative, compact privilege, and adverse action. g. “Encumbered license” means a license that a physical therapy licensing board has limited in any way. h. “Executive board” means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission. i. “Home state” means the member state that is the licensee’s primary state of residence. j. “Investigative information” means information, records, and documents received or generated by a physical therapy licensing board pursuant to an investigation. k. “Jurisprudence requirement” means the assessment of an individual’s knowledge of the laws and rules governing the practice of physical therapy in a state. l. “Licensee” means an individual who currently holds an authorization from the state to practice as a physical therapist or to work as a physical therapist assistant. m. “Member state” means a state that has enacted the compact. n. “Party state” means any member state in which a licensee holds a current license or compact privilege or is applying for a license or compact privilege. o. “Physical therapist” means an individual who is licensed by a state to practice physical therapy. p. “Physical therapist assistant” means an individual who is licensed by a state and who assists the physical therapist in selected components of physical therapy. q. “Physical therapy”, “physical therapy practice”, and “the practice of physical therapy” mean the care and services provided by or under the direction and supervision of a licensed physical therapist. r. “Physical therapy compact commission” or “commission” means the national administrative body whose membership consists of all states that have enacted the compact. s. “Physical therapy licensing board” or “licensing board” means the agency of a state that is responsible for the licensing and regulation of physical therapists and physical therapist assistants. t. “Remote state” means a member state other than the home state, where a licensee is exercising or seeking to exercise the compact privilege. u. “Rule” means a regulation, principle, or directive promulgated by the commission that has the force of law. v. “State” means any state, commonwealth, district, or territory of the United States that regulates the practice of physical therapy.

3. Article III — State participation in the compact. a. To participate in the compact, a state must meet all of the following requirements: (1) Participate fully in the commission’s data system, including using the commission’s unique identifier as defined in rules. (2) Have a mechanism in place for receiving and investigating complaints about licensees. (3) Notify the commission, in compliance with the terms of the compact and rules, of any adverse action or the availability of investigative information regarding a licensee. (4) Fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the federal bureau of investigation record search on criminal background checks and using the results in making licensure decisions in accordance with article III, paragraph “b”. (5) Comply with the rules of the commission. (6) Utilize a recognized national examination as a requirement for licensure pursuant to the rules of the commission. (7) Have continuing competence requirements as a condition for license renewal. b. Upon adoption of this statute, the member state shall have the authority to obtain biometric-based information from each physical therapy licensure applicant and submit this information to the federal bureau of investigation for a criminal background check in accordance with 28 U.S.C. §534 and 42 U.S.C. §14616. c. A member state shall grant the compact privilege to a licensee holding a valid unencumbered license in another member state in accordance with the terms of the compact and rules. d. Member states may charge a fee for granting a compact privilege.

4. Article IV — Compact privilege. a. To exercise the compact privilege under the terms and provisions of the compact, the licensee shall meet all of the following requirements: (1) Hold a license in the home state. (2) Have no encumbrance on any state license. (3) Be eligible for a compact privilege in any member state in accordance with article IV, paragraphs “d”, “g”, and “h”. (4) Have not had any adverse action against any license or compact privilege within the previous two years. (5) Notify the commission that the licensee is seeking the compact privilege within a remote state. (6) Pay any applicable fees, including any state fee, for the compact privilege. (7) Meet any jurisprudence requirements established by the remote state in which the licensee is seeking a compact privilege. (8) Report to the commission adverse action taken by any nonmember state within thirty days from the date the adverse action is taken. b. The compact privilege is valid until the expiration date of the home license. The licensee must comply with the requirements of article IV, paragraph “a”, to maintain the compact privilege in the remote state. c. A licensee providing physical therapy in a remote state under the compact privilege shall function within the laws and regulations of the remote state. d. A licensee providing physical therapy in a remote state is subject to that state’s regulatory authority. A remote state may, in accordance with due process and that state’s laws, remove a licensee’s compact privilege in the remote state for a specific period of time, impose fines, and take any other necessary actions to protect the health and safety of its citizens. The licensee is not eligible for a compact privilege in any state until the specific time for removal has passed and all fines are paid. e. If a home state license is encumbered, the licensee shall lose the compact privilege in any remote state until all of the following occur: (1) The home state license is no longer encumbered. (2) Two years have elapsed from the date of the adverse action. f. Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of article IV, paragraph “a”, to obtain a compact privilege in any remote state. g. If a licensee’s compact privilege in any remote state is removed, the individual shall lose the compact privilege in any remote state until all of the following occur: (1) The specific period of time for which the compact privilege was removed has ended. (2) All fines have been paid. (3) Two years have elapsed from the

date of the adverse action. h. Once the requirements of article IV, paragraph “g”, have been met, the license must meet the requirements in article IV, paragraph “a”, to obtain a compact privilege in a remote state.

5. Article V — Active duty military personnel or their spouses. A licensee who is active duty military or is the spouse of an individual who is active duty military may designate any of the following as the home state: a. Home of record. b. Permanent change of station. c. State of current residence if it is different than the permanent change of station state or home of record.

6. Article VI — Adverse actions. a. A home state shall have exclusive power to impose adverse action against a license issued by the home state. b. A home state may take adverse action based on the investigative information of a remote state, so long as the home state follows its own procedures for imposing adverse action. c. Nothing in this compact shall override a member state’s decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain nonpublic if required by the member state’s laws. Member states must require licensees who enter any alternative programs in lieu of discipline to agree not to practice in any other member state during the term of the alternative program without prior authorization from such other member state. d. Any member state may investigate actual or alleged violations of the statutes and rules authorizing the practice of physical therapy in any other member state in which a physical therapist or physical therapist assistant holds a license or compact privilege. e. A remote state shall have the authority to do all of the following: (1) Take adverse actions as set forth in article IV, paragraph “d”, against a licensee’s compact privilege in the state. (2) Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, and the production of evidence. Subpoenas issued by a physical therapy licensing board in a party state for the attendance and testimony of witnesses or the production of evidence from another party state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses or evidence are located. (3) If otherwise permitted by state law, recover from the licensee the costs of investigations and disposition of cases resulting from any adverse action taken against that licensee. f. Joint investigations. (1) In addition to the authority granted to a member state by its respective physical therapy practice act or other applicable state law, a member state may participate with other member states in joint investigations of licensees. (2) Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

7. Article VII — Establishment of the physical therapy compact commission. a. The compact member states hereby create and establish a joint public agency known as the physical therapy compact commission. (1) The commission is an instrumentality of the compact states. (2) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. (3) Nothing in this compact shall be construed to be a waiver of sovereign immunity. b. Membership, voting, and meetings. (1) Each member state shall have and be limited to one delegate selected by that member state’s licensing board. (2) The delegate shall be a current member of the licensing board, who is a physical therapist, physical therapist assistant, public member, or the board administrator. (3) Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed. (4) The member state board shall fill any vacancy occurring in the commission. (5) Each delegate shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. (6) A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates’ participation in meetings by telephone or other means of communication. (7) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws. c. The commission shall have all of the following powers and duties: (1) Establish the fiscal year of the commission. (2) Establish bylaws. (3) Maintain its financial records in accordance with the bylaws. (4) Meet and take such actions as are consistent with the provisions of this compact and the bylaws. (5) Promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all member states. (6) Bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state physical therapy licensing board to sue or be sued under applicable law shall not be affected. (7) Purchase and maintain insurance and bonds. (8) Borrow, accept, or contract for services of personnel, including but not limited to employees of a member state. (9) Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and establish the commission’s personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters. (10) Accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize, and dispose of the same; provided that at all times the commission shall avoid any appearance of impropriety or conflict of interest. (11) Lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve, or use, any property, whether real, personal, or mixed; provided that at all times the commission shall avoid any appearance of impropriety. (12) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed. (13) Establish a budget and make expenditures. (14) Borrow money. (15) Appoint committees, including standing committees comprised of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws. (16) Provide and receive information from, and cooperate with, law enforcement agencies. (17) Establish and elect an executive board. (18) Perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of physical therapy licensure and practice. d. The executive board. (1) The executive board shall have the power to act on behalf of the commission according to the terms of this compact. (2) The executive board shall be comprised of the following nine members: (a) Seven voting members who are elected by the

commission from the current membership of the commission. (b) One ex officio, nonvoting member from the recognized national physical therapy professional association. (c) One ex officio, nonvoting member from the recognized membership organization of the physical therapy licensing boards. (3) The ex officio members will be selected by their respective organizations. (4) The commission may remove any member of the executive board as provided in bylaws. (5) The executive board shall meet at least annually. (6) The executive board shall have all of the following duties and responsibilities: (a) Recommend to the entire commission changes to the rules or bylaws, changes to this compact, fees paid by compact member states such as annual dues, and any commission compact fee charged to licensees for the compact privilege. (b) Ensure compact administration services are appropriately provided, contractual or otherwise. (c) Prepare and recommend the budget. (d) Maintain financial records on behalf of the commission. (e) Monitor compact compliance of member states and provide compliance reports to the commission. (f) Establish additional committees as necessary. (g) Other duties as provided in rules or bylaws. e. Meetings of the commission. (1) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in article IX. (2) The commission or the executive board or other committees of the commission may convene in a closed, nonpublic meeting if the commission or executive board or other committees of the commission must discuss all of the following: (a) Noncompliance of a member state with its obligations under the compact. (b) The employment, compensation, discipline, or other matters, practices, or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures. (c) Current, threatened, or reasonably anticipated litigation. (d) Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate. (e) Accusing any person of a crime or formally censuring any person. (f) Disclosure of trade secrets or commercial or financial information that is privileged or confidential. (g) Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. (h) Disclosure of investigative records compiled for law enforcement purposes. (i) Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact. (j) Matters specifically exempted from disclosure by federal or member state statute. (3) If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. (4) The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction. f. Financing of the commission. (1) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities. (2) The commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services. (3) The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states. (4) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state. (5) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the commission. g. Qualified immunity, defense, and indemnification. (1) The members, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing in this paragraph "g" shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. (2) The commission shall defend any member, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining the person's own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional, willful, or wanton misconduct. (3) The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional, willful, or wanton misconduct of that person. 8. Article VIII — Data system. a. The commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states. b. Notwithstanding any other provision of state law to the contrary, a

member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable as required by the rules of the commission, including all of the following: (1) Identifying information. (2) Licensure data. (3) Adverse actions against a license or compact privilege. (4) Nonconfidential information related to alternative program participation. (5) Any denial of application for licensure, and the reason for such denial. (6) Other information that may facilitate the administration of this compact, as determined by the rules of the commission. c. Investigative information pertaining to a licensee in any member state will only be available to other party states. d. The commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state will be available to any other member state. e. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state. f. Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system. 9. Article IX — Rulemaking. a. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment. b. If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within four years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state. c. Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission. d. Prior to promulgation and adoption of a final rule or rules by the commission, and at least thirty days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking as follows: (1) On the internet site of the commission or other publicly accessible platform. (2) On the internet site of each member state physical therapy licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules. e. The notice of proposed rulemaking shall include all of the following: (1) The proposed time, date, and location of the meeting in which the rule will be considered and voted upon. (2) The text of the proposed rule or amendment and the reason for the proposed rule. (3) A request for comments on the proposed rule from any interested person. (4) The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments. f. Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public. g. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by any of the following: (1) At least twenty-five persons. (2) A state or federal governmental subdivision or agency. (3) An association having at least twenty-five members. h. If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the commission shall publish the mechanism for access to the electronic hearing. (1) All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing. (2) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing. (3) All hearings will be recorded. A copy of the recording will be made available on request. (4) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section. i. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received. j. If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing. k. The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule. l. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to do any of the following: (1) Meet an imminent threat to public health, safety, or welfare. (2) Prevent a loss of commission or member state funds. (3) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule. (4) Protect public health and safety. m. The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the internet site of the commission. The revision shall be subject to challenge by any person for a period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission. 10. Article X — Oversight, dispute resolution, and enforcement. a. Oversight. (1) The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law. (2) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the commission. (3) The commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact, or promulgated rules. b. Default, technical

assistance, and termination. (1) If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall do all of the following: (a) Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default, or any other action to be taken by the commission. (b) Provide remedial training and specific technical assistance regarding the default. (2) If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the member states, and all rights, privileges, and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default. (3) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states. (4) A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination. (5) The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact unless agreed upon in writing between the commission and the defaulting state. (6) The defaulting state may appeal the action of the commission by petitioning the United States district court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney fees. c. Dispute resolution. (1) Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states. (2) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate. d. Enforcement. (1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact. (2) By majority vote, the commission may initiate legal action in the United States district court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney fees. (3) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law. 11. Article XI — Date of implementation of the interstate commission for physical therapy practice and associated rules, withdrawal, and amendment. a. The compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact. b. Any state that joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state. c. Any member state may withdraw from this compact by enacting a statute repealing the same. (1) A member state's withdrawal shall not take effect until six months after enactment of the repealing statute. (2) Withdrawal shall not affect the continuing requirement of the withdrawing state's physical therapy licensing board to comply with the investigative and adverse action reporting requirements of this compact prior to the effective date of withdrawal. d. Nothing contained in this compact shall be construed to invalidate or prevent any physical therapy licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact. e. This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states. 12. Article XII — Construction and severability. This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held to be contrary to the constitution of any party state, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters. 2018 Acts, ch 1087, §1; 2018 Acts, ch 1172, §20; 2022 Acts, ch 1032, §37; 2023 Acts, ch 19, §267 Subsection 2, paragraph c amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147D - EMERGENCY MEDICAL SERVICES PERSONNEL LICENSURE INTERSTATE COMPACT Section 147D.1 - Emergency medical services personnel licensure interstate compact.

147D.1 Emergency medical services personnel licensure interstate compact. 1. Purpose. In order to protect the public through verification of competency and ensure accountability for patient care related activities all states license emergency medical services personnel, such as emergency medical technicians, advanced emergency medical technicians, and paramedics. This compact is intended to facilitate the day-to-day movement of emergency medical services personnel across state boundaries in the performance of their emergency medical services duties as assigned by an appropriate authority and authorize state emergency medical services offices to afford immediate legal recognition to emergency medical services personnel licensed in a member state. This compact recognizes that states have a vested interest in protecting the public's health and safety through their licensing and regulation of emergency medical services personnel and that such state regulation shared among the member states will best protect public health

and safety. This compact is designed to achieve the following purposes and objectives: a. Increase public access to emergency medical services personnel. b. Enhance the states' ability to protect the public's health and safety, especially patient safety. c. Encourage the cooperation of member states in the areas of emergency medical services personnel licensure and regulation. d. Support licensing of military members who are separating from an active duty tour and their spouses. e. Facilitate the exchange of information between member states regarding emergency medical services personnel licensure, adverse action, and significant investigatory information. f. Promote compliance with the laws governing emergency medical services personnel practice in each member state. g. Invest all member states with the authority to hold emergency medical services personnel accountable through the mutual recognition of member state licenses. 2. Definitions. In this compact: a. "Advanced emergency medical technician" or "AEMT" means an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the national emergency medical services education standards and national emergency medical services scope of practice model. b. "Adverse action" means any administrative, civil, equitable, or criminal action permitted by a state's laws which may be imposed against licensed emergency medical services personnel by a state emergency medical services authority or state court, including but not limited to actions against an individual's license such as revocation, suspension, probation, consent agreement, monitoring, or other limitation or encumbrance on the individual's practice, letters of reprimand or admonition, fines, criminal convictions, and state court judgments enforcing adverse actions by the state emergency medical services authority. c. "Alternative program" means a voluntary, nondisciplinary substance use disorder recovery program approved by a state emergency medical services authority. d. "Certification" means the successful verification of entry-level cognitive and psychomotor competency using a reliable, validated, and legally defensible examination. e. "Commission" means the national administrative body of which all states that have enacted the compact are members. f. "Emergency medical technician" or "EMT" means an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the national emergency medical services education standards and national emergency medical services scope of practice model. g. "Home state" means a member state where an individual is licensed to practice emergency medical services. h. "License" means the authorization by a state for an individual to practice as an EMT, AEMT, paramedic, or a level between EMT and paramedic. i. "Medical director" means a physician licensed in a member state who is accountable for the care delivered by emergency medical services personnel. j. "Member state" means a state that has enacted this compact. k. "Paramedic" means an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the national emergency medical services education standards and national emergency medical services scope of practice model. l. "Privilege to practice" means an individual's authority to deliver emergency medical services in remote states as authorized under this compact. m. "Remote state" means a member state in which an individual is not licensed. n. "Restricted" means the outcome of an adverse action that limits a license or the privilege to practice. o. "Rule" means a written statement by the interstate commission promulgated pursuant to subsection 12 of this compact that is of general applicability; implements, interprets, or prescribes a policy or provision of the compact; or is an organizational, procedural, or practice requirement of the commission and has the force and effect of statutory law in a member state and includes the amendment, repeal, or suspension of an existing rule. p. "Scope of practice" means defined parameters of various duties or services that may be provided by an individual with specific credentials. Whether regulated by rule, statute, or court decision, it tends to represent the limits of services an individual may perform. q. "Significant investigatory information" means: (1) Investigative information that a state emergency medical services authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proved true, would result in the imposition of an adverse action on a license or privilege to practice; or (2) Investigative information that indicates that the individual represents an immediate threat to public health and safety regardless of whether the individual has been notified and had an opportunity to respond. r. "State" means any state, commonwealth, district, or territory of the United States. s. "State emergency medical services authority" means the board, office, or other agency with the legislative mandate to license emergency medical services personnel. 3. Home state licensure. a. Any member state in which an individual holds a current license shall be deemed a home state for purposes of this compact. b. Any member state may require an individual to obtain and retain a license to be authorized to practice in the member state under circumstances not authorized by the privilege to practice under the terms of this compact. c. A home state's license authorizes an individual to practice in a remote state under the privilege to practice only if the home state: (1) Currently requires the use of the national registry of emergency medical technicians examination as a condition of issuing initial licenses at the EMT and paramedic levels; (2) Has a mechanism in place for receiving and investigating complaints about individuals; (3) Notifies the commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding an individual; (4) No later than five years after activation of the compact, requires a criminal background check of all applicants for initial licensure, including the use of the results of fingerprint or other biometric data checks compliant with the requirements of the federal bureau of investigation with the exception of federal employees who have suitability determination in accordance with 5 C.F.R. §731.202 and submit documentation of such as promulgated in the rules of the commission; and (5) Complies with the rules of the commission. 4. Compact privilege to practice. a. Member states shall recognize the privilege to practice of an individual licensed in another member state that is in conformance with subsection 3. b. To exercise the privilege to practice under the terms and provisions of this compact, an individual must: (1) Be at least eighteen years of age; (2) Possess a current unrestricted license in a member state as an EMT, AEMT, paramedic, or state-recognized and licensed level with a scope of practice and authority between EMT and paramedic; and (3) Practice under the supervision of a medical director. c. An individual providing patient care in a remote state under the privilege to practice shall function within the scope of practice authorized by the home state unless and until modified by an appropriate authority in the remote state as may be defined in the rules of the commission. d. Except as provided in paragraph "c" of this subsection, an

individual practicing in a remote state will be subject to the remote state's authority and laws. A remote state may, in accordance with due process and that state's laws, restrict, suspend, or revoke an individual's privilege to practice in the remote state and may take any other necessary actions to protect the health and safety of its citizens. If a remote state takes action it shall promptly notify the home state and the commission. e. If an individual's license in any home state is restricted or suspended, the individual shall not be eligible to practice in a remote state under the privilege to practice until the individual's home state license is restored. f. If an individual's privilege to practice in any remote state is restricted, suspended, or revoked the individual shall not be eligible to practice in any remote state until the individual's privilege to practice is restored. 5. Conditions of practice in a remote state. An individual may practice in a remote state under a privilege to practice only in the performance of the individual's emergency medical services duties as assigned by an appropriate authority, as defined in the rules of the commission, and under the following circumstances: a. The individual originates a patient transport in a home state and transports the patient to a remote state; b. The individual originates in the home state and enters a remote state to pick up a patient and provide care and transport of the patient to the home state; c. The individual enters a remote state to provide patient care and/or transport within that remote state; d. The individual enters a remote state to pick up a patient and provide care and transport to a third member state; e. Other conditions as determined by rules promulgated by the commission. 6. Relationship to emergency management assistance compact. Upon a member state's governor's declaration of a state of emergency or disaster that activates the emergency management assistance compact, all relevant terms and provisions of the emergency management assistance compact shall apply and to the extent any terms or provisions of this compact conflict with the emergency management assistance compact, the terms of the emergency management assistance compact shall prevail with respect to any individual practicing in the remote state in response to such declaration. 7. Veterans, service members separating from active duty military, and their spouses. a. Member states shall consider a veteran, active military service member, and member of the national guard and reserves separating from an active duty tour, and a spouse thereof, who holds a current, valid, unrestricted national registry of emergency medical technicians certification at or above the level of the state license being sought as satisfying the minimum training and examination requirements for such licensure. b. Member states shall expedite the processing of licensure applications submitted by veterans, active military service members, and members of the national guard and reserves separating from an active duty tour, and their spouses. c. All individuals functioning with a privilege to practice under this section remain subject to the adverse actions provisions of subsection 8. 8. Adverse actions. a. A home state shall have exclusive power to impose adverse action against an individual's license issued by the home state. b. If an individual's license in any home state is restricted or suspended, the individual shall not be eligible to practice in a remote state under the privilege to practice until the individual's home state license is restored. (1) All home state adverse action orders shall include a statement that the individual's compact privileges are inactive. The order may allow the individual to practice in remote states with prior written authorization from both the home state's and remote state's emergency medical services authority. (2) An individual currently subject to adverse action in the home state shall not practice in any remote state without prior written authorization from both the home state's and remote state's emergency medical services authority. c. A member state shall report adverse actions and any occurrences that the individual's compact privileges are restricted, suspended, or revoked to the commission in accordance with the rules of the commission. d. A remote state may take adverse action on an individual's privilege to practice within that state. e. Any member state may take adverse action against an individual's privilege to practice in that state based on the factual findings of another member state, so long as each state follows its own procedures for imposing such adverse action. f. A home state's emergency medical services authority shall investigate and take appropriate action with respect to reported conduct in a remote state as it would if such conduct had occurred within the home state. In such cases, the home state's law shall control in determining the appropriate adverse action. g. Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain nonpublic if required by the member state's laws. Member states must require individuals who enter any alternative programs to agree not to practice in any other member state during the term of the alternative program without prior authorization from such other member state. 9. Additional powers invested in a member state's emergency medical services authority. A member state's emergency medical services authority, in addition to any other powers granted under state law, is authorized under this compact to: a. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a member state's emergency medical services authority for the attendance and testimony of witnesses, and/or the production of evidence from another member state, shall be enforced in the remote state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing state emergency medical services authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses and/or evidence are located; and b. Issue cease and desist orders to restrict, suspend, or revoke an individual's privilege to practice in the state. 10. Establishment of the interstate commission for emergency medical services personnel practice. a. The compact states hereby create and establish a joint public agency known as the interstate commission for emergency medical services personnel practice. (1) The commission is a body politic and an instrumentality of the compact states. (2) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. (3) Nothing in this compact shall be construed to be a waiver of sovereign immunity. b. Membership, voting, and meetings. (1) Each member state shall have and be limited to one delegate. The responsible official of the state emergency medical services authority or his designee shall be the delegate to this compact for each member state. Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is

appointed. Any vacancy occurring in the commission shall be filled in accordance with the laws of the member state in which the vacancy exists. In the event that more than one board, office, or other agency with the legislative mandate to license emergency medical services personnel at and above the level of EMT exists, the governor of the state will determine which entity will be responsible for assigning the delegate. (2) Each delegate shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication. (3) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws. (4) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in subsection 12. (5) The commission may convene in a closed, nonpublic meeting if the commission must discuss: (a) Noncompliance of a member state with its obligations under the compact; (b) The employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees, or other matters related to the commission's internal personnel practices and procedures; (c) Current, threatened, or reasonably anticipated litigation; (d) Negotiation of contracts for the purchase or sale of goods, services, or real estate; (e) Accusing any person of a crime or formally censuring any person; (f) Disclosure of trade secrets or commercial or financial information that is privileged or confidential; (g) Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy; (h) Disclosure of investigatory records compiled for law enforcement purposes; (i) Disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact; or (j) Matters specifically exempted from disclosure by federal or member state statute. (6) If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction. c. The commission shall, by a majority vote of the delegates, prescribe bylaws and rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the compact, including but not limited to: (1) Establishing the fiscal year of the commission; (2) Providing reasonable standards and procedures: (a) For the establishment and meetings of other committees; and (b) Governing any general or specific delegation of any authority or function of the commission; (3) Providing reasonable procedures for calling and conducting meetings of the commission, ensuring reasonable advance notice of all meetings, and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals, and proprietary information, including trade secrets. The commission may meet in closed session only after a majority of the membership votes to close a meeting in whole or in part. As soon as practicable, the commission must make public a copy of the vote to close the meeting revealing the vote of each member with no proxy votes allowed; (4) Establishing the titles, duties and authority, and reasonable procedures for the election of the officers of the commission; (5) Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the commission. Notwithstanding any civil service or other similar laws of any member state, the bylaws shall exclusively govern the personnel policies and programs of the commission; (6) Promulgating a code of ethics to address permissible and prohibited activities of commission members and employees; (7) Providing a mechanism for winding up the operations of the commission and the equitable disposition of any surplus funds that may exist after the termination of the compact after the payment and/or reserving of all of its debts and obligations; (8) The commission shall publish its bylaws and file a copy thereof, and a copy of any amendment thereto, with the appropriate agency or officer in each of the member states, if any; (9) The commission shall maintain its financial records in accordance with the bylaws; and (10) The commission shall meet and take such actions as are consistent with the provisions of this compact and the bylaws. d. The commission shall have the following powers: (1) The authority to promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all member states; (2) To bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state emergency medical services authority or other regulatory body responsible for emergency medical services personnel licensure to sue or be sued under applicable law shall not be affected; (3) To purchase and maintain insurance and bonds; (4) To borrow, accept, or contract for services of personnel, including but not limited to employees of a member state; (5) To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and to establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters; (6) To accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same, provided that at all times the commission shall strive to avoid any appearance of impropriety and/or conflict of interest; (7) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve, or use, any property, real, personal, or mixed, provided that at all times the commission shall strive to avoid any appearance of impropriety; (8) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed; (9) To establish a budget and make expenditures; (10) To borrow money; (11) To appoint committees, including advisory committees comprised of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws; (12) To provide and receive information from, and to cooperate with, law enforcement

agencies; (13) To adopt and use an official seal; and (14) To perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of emergency medical services personnel licensure and practice.

e. Financing of the commission. (1) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities. (2) The commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services. (3) The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states. (4) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state. (5) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified public accountant, and the report of the audit shall be included in and become part of the annual report of the commission.

f. Qualified immunity, defense, and indemnification. (1) The members, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred, within the scope of commission employment, duties, or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. (2) The commission shall defend any member, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred, within the scope of commission employment, duties, or responsibilities, provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel, and provided further that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct. (3) The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred, within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred, within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

11. Coordinated database. **a.** The commission shall provide for the development and maintenance of a coordinated database and reporting system containing licensure, adverse action, and significant investigatory information on all licensed individuals in member states. **b.** Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the coordinated database on all individuals to whom this compact is applicable as required by the rules of the commission, including: (1) Identifying information; (2) Licensure data; (3) Significant investigatory information; (4) Adverse actions against an individual's license; (5) An indicator that an individual's privilege to practice is restricted, suspended, or revoked; (6) Nonconfidential information related to alternative program participation; (7) Any denial of application for licensure, and the reason(s) for such denial; and (8) Other information that may facilitate the administration of this compact, as determined by the rules of the commission. **c.** The coordinated database administrator shall promptly notify all member states of any adverse action taken against, or significant investigative information on, any individual in a member state. **d.** Member states contributing information to the coordinated database may designate information that may not be shared with the public without the express permission of the contributing state. **e.** Any information submitted to the coordinated database that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the coordinated database.

12. Rulemaking. **a.** The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment. **b.** If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any member state. **c.** Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission. **d.** Prior to promulgation and adoption of a final rule or rules by the commission, and at least sixty days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking: (1) On the internet site of the commission; and (2) On the internet site of each member state emergency medical services authority or the publication in which each state would otherwise publish proposed rules. **e.** The notice of proposed rulemaking shall include: (1) The proposed time, date, and location of the meeting in which the rule will be considered and voted upon; (2) The text of the proposed rule or amendment and the reason for the proposed rule; (3) A request for comments on the proposed rule from any interested person; and (4) The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments. **f.** Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public. **g.** The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by: (1) At least twenty-five persons; (2) A governmental subdivision or agency; or (3) An association having at least twenty-five members. **h.** If a

hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing. (1) All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing. (2) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing. (3) No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subsection shall not preclude the commission from making a transcript or recording of the hearing if it so chooses. (4) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section. i. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received. j. The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule. k. If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing. l. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to: (1) Meet an imminent threat to public health, safety, or welfare; (2) Prevent a loss of commission or member state funds; (3) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or (4) Protect public health and safety. m. The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission. 13. Oversight, dispute resolution, and enforcement. a. Oversight. (1) The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law. (2) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the commission. (3) The commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact, or promulgated rules. b. Default, technical assistance, and termination. (1) If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall: (a) Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default and/or any other action to be taken by the commission; and (b) Provide remedial training and specific technical assistance regarding the default. (2) If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the member states, and all rights, privileges, and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default. (3) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states. (4) A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination. (5) The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state. (6) The defaulting state may appeal the action of the commission by petitioning the United States district court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees. c. Dispute resolution. (1) Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states. (2) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate. d. Enforcement. (1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact. (2) By majority vote, the commission may initiate legal action in the United States district court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees. (3) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law. 14. Date of implementation of the interstate commission for emergency medical services personnel practice and associated rules, withdrawal, and amendment. a.

The compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact. b. Any state that joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state. c. Any member state may withdraw from this compact by enacting a statute repealing the same. (1) A member state's withdrawal shall not take effect until six months after enactment of the repealing statute. (2) Withdrawal shall not affect the continuing requirement of the withdrawing state's emergency medical services authority to comply with the investigative and adverse action reporting requirements of this compact prior to the effective date of withdrawal. d. Nothing contained in this compact shall be construed to invalidate or prevent any emergency medical services personnel licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact. e. This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states. 15. Construction and severability. This compact shall be liberally construed so as to effectuate the purposes thereof. If this compact shall be held contrary to the constitution of any state member thereto, the compact shall remain in full force and effect as to the remaining member states. Nothing in this compact supersedes state law or rules related to licensure of emergency medical services agencies. 2019 Acts, ch 90, §1; 2023 Acts, ch 19, §268 Emergency management assistance compact, see §29C.21 Subsection 2, paragraph c amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147E - OCCUPATIONAL THERAPY LICENSURE COMPACT Section 147E.1 - Occupational therapy licensure compact.

147E.1 Occupational therapy licensure compact. 1. Purpose. The purpose of this compact is to facilitate interstate practice of occupational therapy with the goal of improving public access to occupational therapy services. The practice of occupational therapy occurs in the state where the patient or client is located at the time of the patient or client encounter. The compact preserves the regulatory authority of the states to protect public health and safety through the current system of state licensure. This compact is designed to achieve the following objectives: a. Increase public access to occupational therapy services by providing for the mutual recognition of other member state licenses. b. Enhance the states' ability to protect the public's health and safety. c. Encourage the cooperation of member states in regulating multistate occupational therapy practice. d. Support spouses of relocating military members. e. Enhance the exchange of licensure, investigative, and disciplinary information between member states. f. Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards. g. Facilitate the use of telehealth technology in order to increase access to occupational therapy services. 2. Definitions. As used in this compact, and except as otherwise provided, the following definitions shall apply: a. "Active duty military" means full-time duty status in the active uniformed service of the United States, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. ch. 1209 or 1211, respectively. b. "Adverse action" means any administrative, civil, equitable, or criminal action permitted by a state's laws which is imposed by a licensing board or other authority against an occupational therapist or occupational therapy assistant, including actions against an individual's license or compact privilege such as censure, revocation, suspension, probation, monitoring of the licensee, or restriction on the licensee's practice. c. "Alternative program" means a nondisciplinary monitoring process approved by an occupational therapy licensing board. d. "Compact privilege" means the authorization, which is equivalent to a license, granted by a remote state to allow a licensee from another member state to practice as an occupational therapist or practice as an occupational therapy assistant in the remote state under its laws and rules. The practice of occupational therapy occurs in the member state where the patient or client is located at the time of the patient or client encounter. e. "Continuing competence or education" means a requirement, as a condition of license renewal, to provide evidence of participation in, and completion of, educational and professional activities relevant to the practice or area of work. f. "Current significant investigative information" means investigative information that a licensing board, after an inquiry or investigation that includes notification and an opportunity for the occupational therapist or occupational therapy assistant to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction. g. "Data system" means a repository of information about licensees, including but not limited to license status, investigative information, compact privileges, and adverse actions. h. "Encumbered license" means a license in which an adverse action restricts the practice of occupational therapy by the licensee or said adverse action has been reported to the national practitioners data bank. i. "Executive committee" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission. j. "Home state" means the member state that is the licensee's primary state of residence. k. "Impaired practitioner" means individuals whose professional practice is adversely affected by substance use disorder, addiction, or other health-related conditions. l. "Investigative information" means information, records, or documents received or generated by an occupational therapy licensing board pursuant to an investigation. m. "Jurisprudence requirement" means the assessment of an individual's knowledge of the laws and rules governing the practice of occupational therapy in a state. n. "Licensee" means an individual who currently holds an authorization from the state to practice as an occupational therapist or as an occupational therapy assistant. o. "Member state" means a state that has enacted the compact. p. "Occupational therapist" means an individual who is licensed by a state to practice occupational therapy. q. "Occupational therapy", "occupational therapy practice", and "practice of occupational therapy" mean the care and services provided by an occupational therapist or an occupational therapy assistant as set forth in the member state's

statutes and regulations. r. "Occupational therapy assistant" means an individual who is licensed by a state to assist in the practice of occupational therapy. s. "Occupational therapy compact commission" or "commission" means the national administrative body whose membership consists of all states that have enacted the compact. t. "Occupational therapy licensing board" or "licensing board" means the agency of a state that is authorized to license and regulate occupational therapists and occupational therapy assistants. u. "Primary state of residence" or "home state" means the state in which an occupational therapist or occupational therapy assistant who is not active duty military declares a primary residence for legal purposes as verified by a driver's license, federal income tax return, lease, deed, mortgage, voter registration, or other verifying documentation as further defined by commission rules. v. "Remote state" means a member state other than the home state, where a licensee is exercising or seeking to exercise the compact privilege. w. "Rule" means a regulation promulgated by the commission that has the force of law. x. "Single-state license" means an occupational therapist or occupational therapy assistant license issued by a member state that authorizes practice only within the issuing state and does not include a compact privilege in any other member state. y. "State" means any state, commonwealth, district, or territory of the United States that regulates the practice of occupational therapy. z. "Telehealth" means the application of telecommunication technology to deliver occupational therapy services for assessment, intervention, or consultation.

3. State participation in the compact. a. To participate in the compact, a member state shall do all of the following: (1) License occupational therapists and occupational therapy assistants. (2) Participate fully in the commission's data system, including but not limited to using the commission's unique identifier as defined in rules of the commission. (3) Have a mechanism in place for receiving and investigating complaints about licensees. (4) Notify the commission, in compliance with the terms of the compact and rules, of any adverse action or the availability of investigative information regarding a licensee. (5) Implement or utilize procedures for considering the criminal history records of applicants for an initial compact privilege. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the federal bureau of investigation and the agency responsible for retaining that state's criminal records. (a) A member state shall, within a time frame established by the commission, require a criminal background check for a licensee seeking or applying for a compact privilege whose primary state of residence is that member state, by receiving the results of the federal bureau of investigation criminal record search, and shall use the results in making licensure decisions. (b) Communication between a member state, the commission, and among member states regarding the verification of eligibility for licensure through the compact shall not include any information received from the federal bureau of investigation relating to a federal criminal records check performed by a member state under Pub. L. No. 92-544. (6) Comply with the rules of the commission. (7) Utilize only a recognized national examination as a requirement for licensure pursuant to the rules of the commission. (8) Have continuing competence or education requirements as a condition for license renewal. b. A member state shall grant the compact privilege to a licensee holding a valid, unencumbered license in another member state in accordance with the terms of the compact and rules. c. A member state may charge a fee for granting a compact privilege. d. A member state shall provide for the state's delegate to attend all occupational therapy compact commission meetings. e. Individuals not residing in a member state shall continue to be able to apply for a member state's single-state license as provided under the laws of each member state. However, the single-state license granted to these individuals shall not be recognized as granting the compact privilege in any other member state. f. Nothing in this compact shall affect the requirements established by a member state for the issuance of a single-state license.

4. Compact privilege. a. To exercise the compact privilege under the terms and provisions of the compact, the licensee shall do all of the following: (1) Hold a license in the home state. (2) Have a valid United States social security number or national practitioner identification number. (3) Have no encumbrance on any state license. (4) Be eligible for a compact privilege in any member state in accordance with paragraphs "d", "f", "g", and "h". (5) Have paid all fines and completed all requirements resulting from any adverse action against any license or compact privilege, and two years have elapsed from the date of such completion. (6) Notify the commission that the licensee is seeking the compact privilege within a remote state. (7) Pay any applicable fees, including any state fee, for the compact privilege. (8) Complete a criminal background check in accordance with subsection 3, paragraph "a", subparagraph (5). The licensee shall be responsible for the payment of any fee associated with the completion of a criminal background check. (9) Meet any jurisprudence requirements established by the remote state in which the licensee is seeking a compact privilege. (10) Report to the commission adverse action taken by any nonmember state within thirty days from the date the adverse action is taken. b. The compact privilege is valid until the expiration date of the home state license. The licensee must comply with the requirements of paragraph "a" to maintain the compact privilege in the remote state. c. A licensee providing occupational therapy in a remote state under the compact privilege shall function within the laws and regulations of the remote state. d. Occupational therapy assistants practicing in a remote state shall be supervised by an occupational therapist licensed or holding a compact privilege in that remote state. e. A licensee providing occupational therapy in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's compact privilege in the remote state for a specific period of time, impose fines, or take any other necessary actions to protect the health and safety of its citizens. The licensee may be ineligible for a compact privilege in any state until the specific time for removal has passed and all fines are paid. f. If a home state license is encumbered, the licensee shall lose the compact privilege in any remote state until all of the following occur: (1) The home state license is no longer encumbered. (2) Two years have elapsed from the date on which the home state license is no longer encumbered in accordance with subparagraph (1). g. Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of paragraph "a" to obtain a compact privilege in any remote state. h. If a licensee's compact privilege in any remote state is removed, the individual may lose the compact privilege in any other remote state until all of the following occur: (1) The specific period of time for which

the compact privilege was removed has ended. (2) All fines have been paid and all conditions have been met. (3) Two years have elapsed from the date of completing the requirements of subparagraphs (1) and (2). (4) The compact privilege is reinstated by the commission, and the compact data system is updated to reflect reinstatement. i. If a licensee's compact privilege in any remote state is removed due to an erroneous charge, privileges shall be restored through the compact data system. j. Once the requirements of paragraph "h" have been met, the licensee must meet the requirements of paragraph "a" to obtain a compact privilege in a remote state. 5. Obtaining a new home state license by virtue of compact privilege. a. An occupational therapist or occupational therapy assistant may hold a home state license, which allows for compact privileges in member states, in only one member state at a time. b. If an occupational therapist or occupational therapy assistant changes primary state of residence by moving between two member states: (1) The occupational therapist or occupational therapy assistant shall file an application for obtaining a new home state license by virtue of a compact privilege, pay all applicable fees, and notify the current and new home state in accordance with applicable rules adopted by the commission. (2) Upon receipt of an application for obtaining a new home state license by virtue of compact privilege, the new home state shall verify that the occupational therapist or occupational therapy assistant meets the pertinent criteria outlined in subsection 4 via the data system, without the need for primary source verification except for all of the following: (a) A federal bureau of investigation fingerprint-based criminal background check if not previously performed or updated pursuant to applicable rules adopted by the commission in accordance with Pub. L. No. 92-544. (b) Any other criminal background check as required by the new home state. (c) Submission of any requisite jurisprudence requirements of the new home state. (3) The former home state shall convert the former home state license into a compact privilege once the new home state has activated the new home state license in accordance with applicable rules adopted by the commission. (4) Notwithstanding any other provision of this compact, if the occupational therapist or occupational therapy assistant cannot meet the criteria in subsection 4, the new home state shall apply its requirements for issuing a new single-state license. (5) The occupational therapist or the occupational therapy assistant shall pay all applicable fees to the new home state in order to be issued a new home state license. c. If an occupational therapist or occupational therapy assistant changes primary state of residence by moving from a member state to a nonmember state, or from a nonmember state to a member state, the state criteria shall apply for issuance of a single-state license in the new state. d. Nothing in this compact shall interfere with a licensee's ability to hold a single-state license in multiple states; however, for the purposes of this compact, a licensee shall have only one home state license. e. Nothing in this compact shall affect the requirements established by a member state for the issuance of a single-state license. 6. Active duty military personnel or their spouses. Active duty military personnel, or their spouses, shall designate a home state where the individual has a current license in good standing. The individual may retain the home state designation during the period the service member is on active duty. Subsequent to designating a home state, the individual shall only change their home state through application for licensure in the new state or through the process described in subsection 5. 7. Adverse actions. a. A home state shall have exclusive power to impose adverse action against an occupational therapist's or occupational therapy assistant's license issued by the home state. b. In addition to the other powers conferred by state law, a remote state shall have the authority, in accordance with existing state due process law, to do all of the following: (1) Take adverse action against an occupational therapist's or occupational therapy assistant's compact privilege within that member state. (2) Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing board in a member state for the attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses or evidence are located. c. For purposes of taking adverse action, the home state shall give the same priority and effect to reported conduct received from a member state as it would if the conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action. d. The home state shall complete any pending investigations of an occupational therapist or occupational therapy assistant who changes primary state of residence during the course of the investigations. The home state where the investigations were initiated shall also have the authority to take appropriate action and shall promptly report the conclusions of the investigations to the occupational therapy compact commission data system. The occupational therapy compact commission data system administrator shall promptly notify the new home state of any adverse actions. e. A member state, if otherwise permitted by state law, may recover from the affected occupational therapist or occupational therapy assistant the costs of investigations and disposition of cases resulting from any adverse action taken against that occupational therapist or occupational therapy assistant. f. A member state may take adverse action based on the factual findings of the remote state, provided that the member state follows its own procedures for taking the adverse action. g. Joint investigations. (1) In addition to the authority granted to a member state by its respective state occupational therapy laws and regulations or other applicable state law, any member state may participate with other member states in joint investigations of licensees. (2) Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact. h. If an adverse action is taken by the home state against an occupational therapist's or occupational therapy assistant's license, the occupational therapist's or occupational therapy assistant's compact privilege in all other member states shall be deactivated until all encumbrances have been removed from the state license. All home state disciplinary orders that impose adverse action against an occupational therapist's or occupational therapy assistant's license shall include a statement that the occupational therapist's or occupational therapy assistant's compact privilege is deactivated in all member states during the pendency of the order. i. If a member state takes adverse action, it shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify the home state of any adverse actions by remote states. j. Nothing in this

compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action.

8. Establishment of the occupational therapy compact commission. a. The compact member states hereby create and establish a joint public agency known as the occupational therapy compact commission. (1) The commission is an instrumentality of the compact states. (2) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. (3) Nothing in this compact shall be construed to be a waiver of sovereign immunity. b. Membership, voting, and meetings. (1) Each member state shall have and be limited to one delegate selected by that member state's licensing board. (2) The delegate shall be either of the following: (a) A current member of the licensing board who is an occupational therapist, occupational therapy assistant, or public member. (b) An administrator of the licensing board. (3) Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed. (4) The member state board shall fill any vacancy occurring in the commission within ninety days of the vacancy. (5) Each delegate shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication. (6) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws. (7) The commission shall establish by rule a term of office for delegates. c. The commission shall have the following powers and duties: (1) Establish a code of ethics for the commission. (2) Establish the fiscal year of the commission. (3) Establish bylaws. (4) Maintain its financial records in accordance with the bylaws. (5) Meet and take such actions as are consistent with the provisions of this compact and the bylaws. (6) Promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all member states. (7) Bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state occupational therapy licensing board to sue or be sued under applicable law shall not be affected. (8) Purchase and maintain insurance and bonds. (9) Borrow, accept, or contract for services of personnel, including but not limited to employees of a member state. (10) Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters. (11) Accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and receive, utilize, and dispose of the same; provided that at all times the commission shall avoid any appearance of impropriety or conflict of interest. (12) Lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold, improve, or use, any property, whether real, personal, or mixed; provided that at all times the commission shall avoid any appearance of impropriety. (13) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed. (14) Establish a budget and make expenditures. (15) Borrow money. (16) Appoint committees, including standing committees composed of members, state regulators, state legislators or their representatives, consumer representatives, and such other interested persons as may be designated in this compact and the bylaws. (17) Provide and receive information from, and cooperate with, law enforcement agencies. (18) Establish and elect an executive committee. (19) Perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of occupational therapy licensure and practice. d. The executive committee. The executive committee shall have the power to act on behalf of the commission according to the terms of this compact. (1) The executive committee shall be composed of the following nine members: (a) Seven voting members who are elected by the commission from the current membership of the commission. (b) One ex officio, nonvoting member from a recognized national occupational therapy professional association. (c) One ex officio, nonvoting member from a recognized national occupational therapy certification organization. (2) The ex officio members will be selected by their respective organizations. (3) The commission may remove any member of the executive committee as provided in bylaws. (4) The executive committee shall meet at least annually. (5) The executive committee shall have the following duties and responsibilities: (a) Recommend to the entire commission changes to the rules or bylaws, changes to this compact, fees paid by compact member states such as annual dues, and any commission compact fee charged to licensees for the compact privilege. (b) Ensure compact administration services are appropriately provided, contractual or otherwise. (c) Prepare and recommend the budget. (d) Maintain financial records on behalf of the commission. (e) Monitor compact compliance of member states and provide compliance reports to the commission. (f) Establish additional committees as necessary. (g) Perform other duties as provided in rules or bylaws. e. Meetings of the commission. (1) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in subsection 10. (2) The commission or the executive committee or other committees of the commission may convene in a closed, nonpublic meeting if the commission or executive committee or other committees of the commission must discuss any of the following: (a) Noncompliance of a member state with its obligations under the compact. (b) The employment, compensation, discipline, or other matters, practices, or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures. (c) Current, threatened, or reasonably anticipated litigation. (d) Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate. (e) Accusing any person of a crime or formally censuring any person. (f) Disclosure of trade secrets or commercial or financial information that is privileged or confidential. (g) Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. (h) Disclosure of investigative records compiled for law enforcement purposes. (i) Disclosure of information related to any investigative reports prepared by, on behalf of, or for use of the commission or other committee charged with the responsibility of investigation or determination of compliance

issues pursuant to the compact. (j) Matters specifically exempted from disclosure by federal or member state statute. (3) If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. (4) The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction. f. Financing of the commission. (1) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities. (2) The commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services. (3) The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved by the commission each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states. (4) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state. (5) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the commission. g. Qualified immunity, defense, and indemnification. (1) The members, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional, willful, or wanton misconduct of that person. (2) The commission shall defend any member, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing in this compact shall be construed to prohibit that person from retaining the person's own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional, willful, or wanton misconduct. (3) The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that the actual or alleged act, error, or omission did not result from the intentional, willful, or wanton misconduct of that person. 9. Data system. a. The commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states. b. A member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable, utilizing a unique identifier, as required by the rules of the commission, including all of the following: (1) Identifying information. (2) Licensure data. (3) Adverse actions against a license or compact privilege. (4) Nonconfidential information related to alternative program participation. (5) Any denial of application for licensure, and the reason for such denial. (6) Other information that may facilitate the administration of this compact, as determined by the rules of the commission. (7) Current significant investigative information. c. Current significant investigative information and other investigative information pertaining to a licensee in any member state will only be available to other member states. d. The commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state will be available to any other member state. e. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state. f. Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system. 10. Rulemaking. a. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this subsection and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment. b. The commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of the compact. Notwithstanding the foregoing, in the event the commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of the compact, or the powers granted hereunder, then such an action by the commission shall be invalid and have no force and effect. c. If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within four years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state. d. Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission. e. Prior to promulgation and adoption of a final rule or rules by the commission, and at least thirty days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking in all of

the following places: (1) On the internet site of the commission or other publicly accessible platform. (2) On the internet site of each member state occupational therapy licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules. f. The notice of proposed rulemaking shall include all of the following: (1) The proposed time, date, and location of the meeting in which the rule will be considered and voted upon. (2) The text of the proposed rule or amendment and the reason for the proposed rule. (3) A request for comments on the proposed rule from any interested person. (4) The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments. g. Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public. h. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by any of the following: (1) At least twenty-five persons. (2) A state or federal governmental subdivision or agency. (3) An association or organization having at least twenty-five members. i. If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the commission shall publish the mechanism for access to the electronic hearing. (1) All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing. (2) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing. (3) All hearings will be recorded. A copy of the recording will be made available on request. (4) Nothing in this subsection shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this subsection. j. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received. k. If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing. l. The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule. m. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to do any of the following: (1) Meet an imminent threat to public health, safety, or welfare. (2) Prevent a loss of commission or member state funds. (3) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule. (4) Protect public health and safety. n. The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the internet site of the commission. The revision shall be subject to challenge by any person for a period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission. 11. Oversight, dispute resolution, and enforcement. a. Oversight. (1) The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated under this compact shall have standing as statutory law. (2) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the commission. (3) The commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact, or promulgated rules. b. Default, technical assistance, and termination. (1) If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall do all of the following: (a) Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default, or any other action to be taken by the commission. (b) Provide remedial training and specific technical assistance regarding the default. (2) If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the member states, and all rights, privileges, and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default. (3) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states. (4) A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination. (5) The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact unless agreed upon in writing between the commission and the defaulting state. (6) The defaulting state may appeal the action of the commission by petitioning the United States district court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney fees. c. Dispute resolution. (1) Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states

and between member and nonmember states. (2) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate. d. Enforcement. (1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact. (2) By majority vote, the commission may initiate legal action in the United States district court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney fees. (3) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law. 12. Date of implementation of the interstate commission for occupational therapy practice and associated rules, withdrawal, and amendment. a. The compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact. b. Any state that joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the date the compact becomes law in that state. c. Any member state may withdraw from this compact by enacting a statute repealing the same. (1) A member state's withdrawal shall not take effect until six months after enactment of the repealing statute. (2) Withdrawal shall not affect the continuing requirement of the withdrawing state's occupational therapy licensing board to comply with the investigative and adverse action reporting requirements of this compact prior to the effective date of withdrawal. d. Nothing contained in this compact shall be construed to invalidate or prevent any occupational therapy licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact. e. This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states. 13. Construction and severability. This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any member state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any member state, the compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters. 14. Binding effect of compact and other laws. a. A licensee providing occupational therapy in a remote state under the compact privilege shall function within the laws and regulations of the remote state. b. Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with the compact. c. Any laws in a member state in conflict with the compact are superseded to the extent of the conflict. d. Any lawful actions of the commission, including all rules and bylaws promulgated by the commission, are binding upon the member states. e. All agreements between the commission and the member states are binding in accordance with their terms. f. In the event any provision of the compact exceeds the constitutional limits imposed on the legislature of any member state, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state. 2022 Acts, ch 1088, §1; 2023 Acts, ch 19, §269; 2023 Acts, ch 66, §38, 39 Subsection 2, paragraph k amended Subsection 8, paragraph g, subparagraph (2) amended Subsection 11, paragraph a, subparagraph (1) amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147F - AUDIOLOGY AND SPEECH LANGUAGE PATHOLOGY INTERSTATE COMPACT Section 147F.1 - Audiology and speech language pathology interstate compact.

147F.1 Audiology and speech language pathology interstate compact. 1. Purpose. The purpose of this compact is to facilitate interstate practice of audiology and speech language pathology with the goal of improving public access to audiology and speech language pathology services. The practice of audiology and speech language pathology occurs in the state where the patient, client, or student is located at the time of the patient, client, or student encounter. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure. This compact is designed to achieve the following objectives: a. Increase public access to audiology and speech language pathology services by providing for the mutual recognition of other member state licenses. b. Enhance the states' ability to protect the public's health and safety. c. Encourage the cooperation of member states in regulating multistate audiology and speech language pathology practice. d. Support spouses of relocating active duty military personnel. e. Enhance the exchange of licensure, investigative, and disciplinary information between member states. f. Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards. g. Allow for the use of telehealth technology to facilitate increased access to audiology and speech language pathology services. 2. Definitions. As used in this compact, and except as otherwise provided, the following definitions shall apply: a. "Active duty military" means full-time duty status in the active uniformed service of the United States, including members of the national guard and the reserves on active duty orders pursuant to 10 U.S.C. ch. 1209 and 10 U.S.C. ch. 1211. b. "Adverse action" means any administrative, civil, equitable, or criminal action permitted by a state's laws which is imposed by a licensing board or other authority against an audiologist or speech language pathologist, including actions against an individual's license or privilege to practice such as revocation, suspension, probation, monitoring of the licensee, or restriction of the licensee's practice. c. "Alternative program" means a nondisciplinary monitoring process approved by an audiology or speech language pathology licensing board to

address impaired practitioners. d. “Audiologist” means an individual who is licensed by a state to practice audiology. e. “Audiology” means the care and services provided by a licensed audiologist as set forth in the member state’s statutes and rules. f. “Audiology and speech language pathology compact commission” or “commission” means the national administrative body whose membership consists of all states that have enacted the compact. g. “Audiology and speech language pathology licensing board”, “audiology licensing board”, “speech language pathology licensing board”, or “licensing board” means the agency of a state that is responsible for the licensing and regulation of audiologists or speech language pathologists. h. “Compact privilege” means the authorization granted by a remote state to allow a licensee from another member state to practice as an audiologist or speech language pathologist in the remote state under its laws and rules. The practice of audiology or speech language pathology occurs in the member state where the patient, client, or student is located at the time of the patient, client, or student encounter. i. “Current significant investigative information” means investigative information that a licensing board, after an inquiry or investigation that includes notification and an opportunity for the audiologist or speech language pathologist to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction. j. “Data system” means a repository of information about licensees, including but not limited to continuing education, examination, licensure, investigative, compact privilege, and adverse action. k. “Encumbered license” means a license in which an adverse action restricts the practice of audiology or speech language pathology by the licensee and said adverse action has been reported to the national practitioners data bank. l. “Executive committee” means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission. m. “Home state” means the member state that is the licensee’s primary state of residence. n. “Impaired practitioner” means an individual whose professional practice is adversely affected by substance use disorder, addiction, or other health-related conditions. o. “Licensee” means an individual who currently holds an authorization from the state licensing board to practice as an audiologist or speech language pathologist. p. “Member state” means a state that has enacted the compact. q. “Privilege to practice” means a legal authorization permitting the practice of audiology or speech language pathology in a remote state. r. “Remote state” means a member state, other than the home state, where a licensee is exercising or seeking to exercise the compact privilege. s. “Rule” means a regulation, principle, or directive promulgated by the commission that has the force of law. t. “Single-state license” means an audiology or speech language pathology license issued by a member state that authorizes practice only within the issuing state and does not include a privilege to practice in any other member state. u. “Speech language pathologist” means an individual who is licensed by a state to practice speech language pathology. v. “Speech language pathology” means the care and services provided by a licensed speech language pathologist as set forth in the member state’s statutes and rules. w. “State” means any state, commonwealth, district, or territory of the United States that regulates the practice of audiology and speech language pathology. x. “State practice laws” means a member state’s laws, rules, and regulations that govern the practice of audiology or speech language pathology, define the scope of audiology or speech language pathology practice, and create the methods and grounds for imposing discipline. y. “Telehealth” means the application of telecommunication, audiovisual, or other technologies that meet the applicable standard of care to deliver audiology or speech language pathology services at a distance for assessment, intervention, or consultation. 3. State participation in the compact. a. A license issued to an audiologist or speech language pathologist by a home state to a resident in that state shall be recognized by each member state as authorizing an audiologist or speech language pathologist to practice audiology or speech language pathology, under a privilege to practice, in each member state. b. A state must implement or utilize procedures for considering the criminal history records of applicants for initial privilege to practice. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant’s criminal history record information from the federal bureau of investigation and the agency responsible for retaining that state’s criminal records. (1) A member state must fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the federal bureau of investigation record search on criminal background checks and use the results in making licensure decisions. (2) Communication between a member state, the commission, and among member states regarding the verification of eligibility for licensure through the compact shall not include any information received from the federal bureau of investigation relating to a federal criminal records check performed by a member state under the Department of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1973, Pub. L. No. 92-544. c. Upon application for a privilege to practice, the licensing board in the issuing remote state shall ascertain, through the data system, whether the applicant has ever held, or is the holder of, a license issued by any other state, whether there are any encumbrances on any license or privilege to practice held by the applicant, and whether any adverse action has been taken against any license or privilege to practice held by the applicant. d. Each member state shall require an applicant to obtain or retain a license in the home state and meet the home state’s qualifications for licensure or renewal of licensure as well as all other applicable state laws. e. For an audiologist: (1) Must meet one of the following educational requirements: (a) On or before December 31, 2007, has graduated with a master’s degree or doctorate in audiology, or equivalent degree regardless of degree name, from a program that is accredited by an accrediting agency recognized by the council for higher education accreditation, or its successor, or by the United States department of education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board. (b) On or after January 1, 2008, has graduated with a doctoral degree in audiology, or equivalent degree regardless of degree name, from a program that is accredited by an accrediting agency recognized by the council for higher education accreditation, or its successor, or by the United States department of education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board. (c) Has graduated from an audiology program that is housed in an institution of higher education outside of the United States for which the program and institution have been approved by the authorized accrediting body in the applicable country and the

degree program has been verified by an independent credentials review agency to be comparable to a state licensing board-approved program. (2) Has completed a supervised clinical practicum experience from an accredited educational institution or its cooperating programs as required by the board. (3) Has successfully passed a national examination approved by the commission. (4) Holds an active, unencumbered license. (5) Has not been convicted or found guilty, and has not entered into an agreed disposition, of a felony related to the practice of audiology, under applicable state or federal criminal law. (6) Has a valid United States social security or national practitioner identification number. f. For a speech language pathologist: (1) Must meet one of the following educational requirements: (a) Has graduated with a master's degree from a speech language pathology program that is accredited by an organization recognized by the United States department of education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board. (b) Has graduated from a speech language pathology program that is housed in an institution of higher education outside of the United States for which the program and institution have been approved by the authorized accrediting body in the applicable country and the degree program has been verified by an independent credentials review agency to be comparable to a state licensing board-approved program. (2) Has completed a supervised clinical practicum experience from an educational institution or its cooperating programs as required by the commission. (3) Has completed a supervised postgraduate professional experience as required by the commission. (4) Has successfully passed a national examination approved by the commission. (5) Holds an active, unencumbered license. (6) Has not been convicted or found guilty, and has not entered into an agreed disposition, of a felony related to the practice of speech language pathology, under applicable state or federal criminal law. (7) Has a valid United States social security or national practitioner identification number. g. The privilege to practice is derived from the home state license. h. An audiologist or speech language pathologist practicing in a member state must comply with the state practice laws of the state in which the client is located at the time service is provided. The practice of audiology and speech language pathology shall include all audiology and speech language pathology practice as defined by the state practice laws of the member state in which the client is located. The practice of audiology and speech language pathology in a member state under a privilege to practice shall subject an audiologist or speech language pathologist to the jurisdiction of the licensing board and the courts and the laws of the member state in which the client is located at the time service is provided. i. Individuals not residing in a member state shall continue to be able to apply for a member state's single-state license as provided under the laws of each member state. However, the single-state license granted to these individuals shall not be recognized as granting the privilege to practice audiology or speech language pathology in any other member state. Nothing in this compact shall affect the requirements established by a member state for the issuance of a single-state license. j. Member states may charge a fee for granting a compact privilege. k. Member states must comply with the bylaws and rules and regulations of the commission. 4. Compact privilege. a. To exercise the compact privilege under the terms and provisions of the compact, the audiologist or speech language pathologist shall do all of the following: (1) Hold an active license in the home state. (2) Have no encumbrance on any state license. (3) Be eligible for a compact privilege in any member state in accordance with subsection 3. (4) Have not had any adverse action against any license or compact privilege within the previous two years from date of application. (5) Notify the commission that the licensee is seeking the compact privilege within a remote state. (6) Pay any applicable fees, including any state fee, for the compact privilege. (7) Report to the commission adverse action taken by any nonmember state within thirty days from the date the adverse action is taken. b. For the purposes of the compact privilege, an audiologist or speech language pathologist shall only hold one home state license at a time. c. Except as provided in subsection 6, if an audiologist or speech language pathologist changes primary state of residence by moving between two member states, the audiologist or speech language pathologist must apply for licensure in the new home state, and the license issued by the prior home state shall be deactivated in accordance with applicable rules adopted by the commission. d. The audiologist or speech language pathologist may apply for licensure in advance of a change in the primary state of residence. e. A license shall not be issued by the new home state until the audiologist or speech language pathologist provides satisfactory evidence of a change in the primary state of residence to the new home state and satisfies all applicable requirements to obtain a license from the new home state. f. If an audiologist or speech language pathologist changes the primary state of residence by moving from a member state to a nonmember state, the license issued by the prior home state shall convert to a single-state license, valid only in the former home state. g. The compact privilege is valid until the expiration date of the home state license. The licensee must comply with the requirements of subsection 4, paragraph "a", to maintain the compact privilege in the remote state. h. A licensee providing audiology or speech language pathology services in a remote state under the compact privilege shall function within the laws and regulations of the remote state. i. A licensee providing audiology or speech language pathology services in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's compact privilege in the remote state for a specific period of time, impose fines, or take any other necessary actions to protect the health and safety of its citizens. j. If a home state license is encumbered, the licensee shall lose the compact privilege in any remote state until both of the following occur: (1) The home state license is no longer encumbered. (2) Two years have elapsed from the date of the adverse action. k. Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of subsection 4, paragraph "a", to obtain a compact privilege in any remote state. l. Once the requirements of subsection 4, paragraph "j", have been met, the licensee must meet the requirements in subsection 4, paragraph "a", to obtain a compact privilege in a remote state. 5. Compact privilege to practice telehealth. a. Member states shall recognize the right of an audiologist or speech language pathologist, licensed by a home state in accordance with subsection 3 and under rules promulgated by the commission, to practice audiology or speech language pathology in any member state via telehealth under a privilege to practice as provided in the compact and rules promulgated by the commission. b. A licensee providing audiology or speech language pathology services in a remote state under the compact privilege

shall function within the laws and regulations of the state where the patient or client is located. 6. Active duty military personnel or their spouses. Active duty military personnel, or their spouses, shall designate a home state where the individual has a current license in good standing. The individual may retain the home state designation during the period the service member is on active duty. Subsequent to designating a home state, the individual shall only change their home state through application for licensure in the new state. 7. Adverse actions. a. In addition to the other powers conferred by state law, a remote state shall have the authority, in accordance with existing state due process law, to do all of the following: (1) Take adverse action against an audiologist's or speech language pathologist's privilege to practice within that member state. (2) Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing board in a member state for the attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or evidence are located. (3) Only the home state shall have the power to take adverse action against an audiologist's or speech language pathologist's license issued by the home state. b. For purposes of taking adverse action, the home state shall give the same priority and effect to reported conduct received from a member state as it would if the conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action. c. The home state shall complete any pending investigations of an audiologist or speech language pathologist who changes primary state of residence during the course of the investigations. The home state shall also have the authority to take appropriate action and shall promptly report the conclusions of the investigations to the administrator of the data system. The administrator of the data system shall promptly notify the new home state of any adverse actions. d. If otherwise permitted by state law, the member state may recover from the affected audiologist or speech language pathologist the costs of investigations and disposition of cases resulting from any adverse action taken against that audiologist or speech language pathologist. e. The member state may take adverse action based on the factual findings of the remote state, provided that the member state follows the member state's own procedures for taking the adverse action. f. Joint investigations. (1) In addition to the authority granted to a member state by its respective audiology or speech language pathology practice act or other applicable state law, any member state may participate with other member states in joint investigations of licensees. (2) Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact. g. If adverse action is taken by the home state against an audiologist's or speech language pathologist's license, the audiologist's or speech language pathologist's privilege to practice in all other member states shall be deactivated until all encumbrances have been removed from the home state license. All home state disciplinary orders that impose adverse action against an audiologist's or speech language pathologist's license shall include a statement that the audiologist's or speech language pathologist's privilege to practice is deactivated in all member states during the pendency of the order. h. If a member state takes adverse action, it shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify the home state of any adverse actions by remote states. i. Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action. 8. Establishment of the audiology and speech language pathology compact commission. a. The compact member states hereby create and establish a joint public agency known as the audiology and speech language pathology compact commission. (1) The commission is an instrumentality of the compact states. (2) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. (3) Nothing in this compact shall be construed to be a waiver of sovereign immunity. b. Membership, voting, and meetings. (1) Each member state shall have two delegates selected by that member state's licensing board. The delegates shall be current members of the licensing board. One shall be an audiologist and one shall be a speech language pathologist. (2) An additional five delegates, who are either a public member or board administrator from a state licensing board, shall be chosen by the executive committee from a pool of nominees provided by the commission at large. (3) Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed. (4) The member state board shall fill any vacancy occurring on the commission within ninety days of a vacancy. (5) Each delegate shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. (6) A delegate shall vote in person or by other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication. (7) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws. c. The commission shall have the following powers and duties: (1) Establish the fiscal year of the commission. (2) Establish bylaws. (3) Establish a code of ethics. (4) Maintain its financial records in accordance with the bylaws. (5) Meet and take actions as are consistent with the provisions of this compact and the bylaws. (6) Promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all member states to the extent and in the manner provided for in the compact. (7) Bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state audiology or speech language pathology licensing board to sue or be sued under applicable law shall not be affected. (8) Purchase and maintain insurance and bonds. (9) Borrow, accept, or contract for services of personnel, including but not limited to employees of a member state. (10) Hire employees, elect or appoint officers, fix compensation, define duties, grant individuals appropriate authority to carry out the purposes of the compact, and establish the commission's personnel policies and programs relating to conflicts of interest,

qualifications of personnel, and other related personnel matters. (11) Accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and receive, utilize, and dispose of the same; provided that at all times the commission shall avoid any appearance of impropriety or conflict of interest. (12) Lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold, improve, or use, any property, real, personal, or mixed; provided that at all times the commission shall avoid any appearance of impropriety. (13) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed. (14) Establish a budget and make expenditures. (15) Borrow money. (16) Appoint committees, including standing committees composed of members, and other interested persons as may be designated in this compact and the bylaws. (17) Provide and receive information from, and cooperate with, law enforcement agencies. (18) Establish and elect an executive committee. (19) Perform other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of audiology and speech language pathology licensure and practice. d. The commission shall have no authority to change or modify the laws of the member states which define the practice of audiology and speech language pathology in the respective states. e. The executive committee. The executive committee shall have the power to act on behalf of the commission according to the terms of this compact. (1) The executive committee shall be composed of ten members: (a) Seven voting members who are elected by the commission from the current membership of the commission. (b) Two ex officio members, consisting of one nonvoting member from a recognized national audiology professional association and one nonvoting member from a recognized national speech language pathology association. (c) One ex officio, nonvoting member from the recognized membership organization of the audiology and speech language pathology licensing boards. (d) The ex officio members shall be selected by their respective organizations. (2) The commission may remove any member of the executive committee as provided in the bylaws. (3) The executive committee shall meet at least annually. (4) The executive committee shall have the following duties and responsibilities: (a) Recommend to the entire commission changes to the rules or bylaws, changes to this compact, fees paid by compact member states such as annual dues, and any commission compact fee charged to licensees for the compact privilege. (b) Ensure compact administration services are appropriately provided, contractual or otherwise. (c) Prepare and recommend the budget. (d) Maintain financial records on behalf of the commission. (e) Monitor compact compliance of member states and provide compliance reports to the commission. (f) Establish additional committees as necessary. (g) Other duties as provided in rules or bylaws. (5) Meetings of the commission. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in subsection 10. (6) (a) The commission or the executive committee or other committees of the commission may convene in a closed, nonpublic meeting if the commission or executive committee or other committees of the commission must discuss any of the following: (i) Noncompliance of a member state with its obligations under the compact. (ii) The employment, compensation, discipline, or other matters, practices, or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures. (iii) Current, threatened, or reasonably anticipated litigation. (iv) Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate. (v) Accusing any person of a crime or formally censuring any person. (vi) Disclosure of trade secrets or commercial or financial information that is privileged or confidential. (vii) Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. (viii) Disclosure of investigative records compiled for law enforcement purposes. (ix) Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact. (x) Matters specifically exempted from disclosure by federal or member state statute. (b) If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. (7) The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction. (8) Financing the commission. (a) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities. (b) The commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services. (c) The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states. (d) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state. (e) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the commission. f. Qualified immunity, defense, and indemnification. (1) The members, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing in this

paragraph “f” shall be construed to protect any person from suit or liability for any damage, loss, injury, or liability caused by the intentional, willful, or wanton misconduct of that person. (2) The commission shall defend any member, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining the person’s own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person’s intentional, willful, or wanton misconduct. (3) The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional, willful, or wanton misconduct of that person. 9. Data system. a. The commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states. b. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable as required by the rules of the commission, including all of the following: (1) Identifying information. (2) Licensure data. (3) Adverse actions against a license or compact privilege. (4) Nonconfidential information related to alternative program participation. (5) Any denial of application for licensure, and the reason for denial. (6) Other information that may facilitate the administration of this compact, as determined by the rules of the commission. c. Investigative information pertaining to a licensee in any member state shall only be available to other member states. d. The commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state shall be available to any other member state. e. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state. f. Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system. 10. Rulemaking. a. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this subsection and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment. b. If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within four years of the date of adoption of the rule, the rule shall have no further force and effect in any member state. c. Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission. d. Prior to promulgation and adoption of a final rule or rules by the commission, and at least thirty days in advance of the meeting at which the rule shall be considered and voted upon, the commission shall file a notice of proposed rulemaking in all of the following locations: (1) On the internet site of the commission or other publicly accessible platform. (2) On the internet site of each member state audiology or speech language pathology licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules. e. A notice of proposed rulemaking shall include all of the following: (1) The proposed time, date, and location of the meeting in which the rule shall be considered and voted upon. (2) The text of the proposed rule or amendment and the reason for the proposed rule. (3) A request for comments on the proposed rule from any interested person. (4) The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments. f. Prior to the adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public. g. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by any of the following: (1) At least twenty-five persons. (2) A state or federal governmental subdivision or agency. (3) An association having at least twenty-five members. h. If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the commission shall publish the mechanism for access to the electronic hearing. (1) All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing. (2) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing. (3) All hearings shall be recorded. A copy of the recording shall be made available on request. (4) Nothing in this paragraph “h” shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this paragraph “h”. i. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received. j. If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing. k. The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule. l. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to do any of the following: (1) Meet an imminent threat to public health, safety, or welfare. (2) Prevent a loss of commission or member state funds.

(3) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule. m. The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the internet site of the commission. The revision shall be subject to challenge by any person for a period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision shall take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

11. Oversight, dispute resolution, and enforcement. a. Dispute resolution. (1) Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states. (2) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate. b. Enforcement. (1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact. (2) By majority vote, the commission may initiate legal action in the United States district court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of litigation, including reasonable attorney fees. (3) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

12. Date of implementation of the interstate commission for audiology and speech language pathology practice and associated rules, withdrawal, and amendment. a. The compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact. b. Any state that joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state. c. A member state may withdraw from this compact by enacting a statute repealing the same. (1) A member state's withdrawal shall not take effect until six months after enactment of the repealing statute. (2) Withdrawal shall not affect the continuing requirement of the withdrawing state's audiology or speech language pathology licensing board to comply with the investigative and adverse action reporting requirements of this compact prior to the effective date of withdrawal. d. Nothing contained in this compact shall be construed to invalidate or prevent any audiology or speech language pathology licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact. e. This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

13. Construction and severability. This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any member state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any member state, the compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

14. Binding effect of compact and other laws. a. Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with the compact. b. All laws in a member state in conflict with the compact are superseded to the extent of the conflict. c. All lawful actions of the commission, including all rules and bylaws promulgated by the commission, are binding upon the member states. d. All agreements between the commission and the member states are binding in accordance with their terms. e. In the event any provision of the compact exceeds the constitutional limits imposed on the legislature of any member state, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

2022 Acts, ch 1088, §2; 2023 Acts, ch 19, §270; 2023 Acts, ch 64, §20 – 22 Subsection 2, paragraphs a and n amended Subsection 6 amended Subsection 8, paragraph c, subparagraph (11) amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147G - DENTIST AND DENTAL HYGIENIST COMPACT Section 147G.1 - Dentist and dental hygienist compact.

147G.1 Dentist and dental hygienist compact. 1. Title and purpose. This chapter shall be known and cited as the dentist and dental hygienist compact. The purposes of this compact are to facilitate the interstate practice of dentistry and dental hygiene and improve public access to dentistry and dental hygiene services by providing dentists and dental hygienists licensed in a participating state the ability to practice in participating states in which they are not licensed. The compact does this by establishing a pathway for dentists and dental hygienists licensed in a participating state to obtain a compact privilege that authorizes them to practice in another participating state in which they are not licensed. The compact enables participating states to protect the public health and safety with respect to the practice of such dentists and dental hygienists through the state's authority to regulate the practice of dentistry and dental hygiene in the state. The compact: a. Enables dentists and dental hygienists who qualify for a compact privilege to practice in other participating states without satisfying burdensome and duplicative requirements associated with securing a license to practice in those states. b. Promotes mobility and addresses workforce shortages through each participating state's acceptance of a

compact privilege to practice in that state. c. Increases public access to qualified, licensed dentists and dental hygienists by creating a responsible, streamlined pathway for licensees to practice in participating states. d. Enhances the ability of participating states to protect the public's health and safety. e. Does not interfere with licensure requirements established by a participating state. f. Facilitates the sharing of licensure and disciplinary information among participating states. g. Requires dentists and dental hygienists who practice in a participating state pursuant to a compact privilege to practice within the scope of practice authorized in that state. h. Extends the authority of a participating state to regulate the practice of dentistry and dental hygiene within its borders to dentists and dental hygienists who practice in the state through a compact privilege. i. Promotes the cooperation of participating states in regulating the practice of dentistry and dental hygiene within those states. j. Facilitates the relocation of military members and their spouses who are licensed to practice dentistry or dental hygiene. 2. Definitions. As used in this compact, unless the context requires otherwise, the following definitions shall apply: a. "Active military member" means an individual in full-time duty status in the armed forces of the United States, including members of the national guard and reserve. b. "Adverse action" means any disciplinary action or encumbrance imposed on a licensee or compact privilege by a state licensing authority. c. "Alternative program" means a nondisciplinary monitoring or practice remediation process applicable to a dentist or dental hygienist approved by a state licensing authority of a participating state in which the dentist or dental hygienist is licensed. "Alternative program" includes but is not limited to programs to which licensees with substance abuse or addiction issues are referred in lieu of adverse action. d. "Clinical assessment" means an examination or process, required for licensure as a dentist or dental hygienist as applicable, that provides evidence of clinical competence in dentistry or dental hygiene. e. "Commissioner" means the individual appointed by a participating state to serve as the member of the commission for that participating state. f. "Compact" means this dentist and dental hygienist compact. g. "Compact privilege" means the authorization granted by a remote state to allow a licensee from a participating state to practice as a dentist or dental hygienist in a remote state. h. "Continuing professional development" means a requirement as a condition of license renewal to provide evidence of successful participation in educational or professional activities relevant to practice or area of work. i. "Criminal background check" means the submission of fingerprints or other biometric-based information for a license applicant for the purpose of obtaining the applicant's criminal history record information, as defined in 28 C.F.R. §20.3(d) from the federal bureau of investigation and the state's criminal history record repository as defined in 28 C.F.R. §20.3(f). j. "Data system" means the commission's repository of information about licensees, including but not limited to examinations, licensure, investigative information, compact privileges, adverse actions, and alternative programs. k. "Dental hygienist" means an individual who is licensed by a state licensing authority to practice dental hygiene. l. "Dentist" means an individual who is licensed by a state licensing authority to practice dentistry. m. "Dentist and dental hygienist compact commission" or "commission" means a joint government agency established by this compact comprised of each state that has enacted the compact and a national administrative body comprised of a commissioner from each state that has enacted the compact. n. "Encumbered license" means a license that a state licensing authority has limited in any way other than through an alternative program. o. "Executive board" means the chair, vice chair, secretary, and treasurer, and any other commissioners as may be determined by commission rule or bylaw. p. "Jurisprudence requirement" means the assessment of an individual's knowledge of the laws and rules governing the practice of dentistry or dental hygiene, as applicable, in a state. q. "License" means current authorization by a state, other than authorization pursuant to a compact privilege, or other privilege, for an individual to practice as a dentist or dental hygienist in that state. r. "Licensee" means an individual who holds an unrestricted license from a participating state to practice as a dentist or dental hygienist in that state. s. "Model compact" means the model for the dentist and dental hygienist compact on file with the council of state governments or other entity as designated by the commission. t. "Participating state" means a state that has enacted the compact and been admitted to the commission in accordance with the provisions of the compact and commission rules. u. "Qualifying license" means a license that is not an encumbered license issued by a participating state to practice dentistry or dental hygiene. v. "Remote state" means a participating state where a licensee who is not licensed as a dentist or dental hygienist is exercising or seeking to exercise the compact privilege. w. "Rule" means a regulation promulgated by an entity that has the force of law. x. "Scope of practice" means the procedures, actions, and processes a dentist or dental hygienist licensed in a state is permitted to undertake in that state and the circumstances under which the licensee is permitted to undertake those procedures, actions, and processes. Such procedures, actions, and processes and the circumstances under which they may be established through means, including but not limited to statutes, regulations, case law, and other processes available to the state licensing authority or other government agency. y. "Significant investigative information" means information, records, and documents received or generated by a state licensing authority pursuant to an investigation for which a determination has been made that there is probable cause to believe that the licensee has violated a statute or regulation that is considered more than a minor infraction for which the state licensing authority could pursue an adverse action against the licensee. z. "State" means a state, commonwealth, district, or territory of the United States that regulates the practices of dentistry and dental hygiene. aa. "State licensing authority" means an agency or other entity of a state that is responsible for the licensing and regulation of dentists or dental hygienists. 3. State participation in the compact. a. In order to join the compact and thereafter continue as a participating state, a state must do all of the following: (1) Enact a compact that is not materially different from the model compact, as determined in accordance with commission rules. (2) Participate fully in the commission's data system. (3) Have a mechanism in place for receiving and investigating complaints about its licensees and license applicants. (4) Notify the commission, in compliance with the terms of the compact and commission rules, of any adverse action or the availability of significant investigative information regarding a licensee or license applicant. (5) Fully implement a criminal background check requirement, within a time frame established by commission rule, by receiving the results of a qualifying criminal background check. (6) Comply with commission rules applicable to a participating state. (7) Accept the

national board examinations of the joint commission on national dental examinations or another examination accepted by commission rule as a licensure examination. (8) Accept for licensure that applicants for a dentist license graduate from a predoctoral dental education program accredited by the commission on dental accreditation or another accrediting agency recognized by the United States department of education for the accreditation of dentistry and dental hygiene education programs, leading to the doctor of dental surgery or doctor of dental medicine degree. (9) Accept for licensure that applicants for a dental hygienist license graduate from a dental hygiene program accredited by the commission on dental accreditation or another accrediting agency recognized by the United States department of education for the accreditation of dentistry and dental hygiene education programs. (10) Require for licensure that applicants successfully complete a clinical assessment. (11) Have continuing professional development requirements as a condition for license renewal. (12) Pay a participation fee to the commission as established by commission rule. b. Providing alternative pathways for an individual to obtain an unrestricted license does not disqualify a state from participating in the compact. c. When conducting a criminal background check the state licensing authority shall do all of the following: (1) Consider that information in making a licensure decision. (2) Maintain documentation of the criminal background check and background check information to the extent allowed by state and federal law. (3) Report to the commission whether a state has completed the criminal background check and whether the individual was granted or denied a license. d. A licensee of a participating state who has a qualifying license in that state and does not hold an encumbered license in any other participating state shall be issued a compact privilege in a remote state in accordance with the terms of the compact and commission rules. If a remote state has a jurisprudence requirement, a compact privilege will not be issued to the licensee unless the licensee has satisfied the jurisprudence requirement. 4. Compact privilege. a. To obtain and exercise the compact privilege under the terms and provisions of the compact, a licensee shall do all of the following: (1) Have a qualifying license as a dentist or dental hygienist in a participating state. (2) Be eligible for a compact privilege in any remote state in accordance with paragraphs “d”, “g”, and “h”. (3) Submit to an application process whenever the licensee is seeking a compact privilege. (4) Pay any applicable commission and remote state fees for a compact privilege in the remote state. (5) Meet any jurisprudence requirement established by a remote state in which the licensee is seeking a compact privilege. (6) Have passed a national board examination of the joint commission on national dental examinations or another examination accepted by commission rule. (7) For a dentist, have graduated from a predoctoral dental education program accredited by the commission on dental accreditation, or another accrediting agency recognized by the United States department of education for the accreditation of dentistry and dental hygiene education programs, leading to the doctor of dental surgery or doctor of dental medicine degree. (8) For a dental hygienist, have graduated from a dental hygiene education program accredited by the commission on dental accreditation or another accrediting agency recognized by the United States department of education for the accreditation of dentistry and dental hygiene education programs. (9) Have successfully completed a clinical assessment for licensure. (10) Report to the commission any adverse action taken by any nonparticipating state when applying for a compact privilege and otherwise within thirty days from the date the adverse action is taken. (11) Report to the commission when applying for a compact privilege the address of the licensee’s primary residence and thereafter immediately report to the commission any change in the address of the licensee’s primary residence. (12) Consent to accept service of process by mail at the licensee’s primary residence on record with the commission with respect to any action brought against the licensee by the commission or a participating state, and consent to accept service of a subpoena by mail at the licensee’s primary residence on record with the commission with respect to any action brought or investigation conducted by the commission or a participating state. b. The licensee must comply with the requirements in paragraph “a” to maintain the compact privilege in the remote state. If those requirements are met, the compact privilege will continue as long as the licensee maintains a qualifying license in the state through which the licensee applied for the compact privilege and pays any applicable compact privilege renewal fees. c. A licensee providing dentistry or dental hygiene in a remote state under the compact privilege shall function within the scope of practice authorized by the remote state for a dentist or dental hygienist licensed in that state. d. A licensee providing dentistry or dental hygiene pursuant to a compact privilege in a remote state is subject to that state’s regulatory authority. A remote state may, in accordance with due process and that state’s laws, by adverse action revoke or remove a licensee’s compact privilege in the remote state for a specific period of time, impose fines, or take any other necessary actions to protect the health and safety of its citizens. If a remote state imposes an adverse action against a compact privilege that limits the compact privilege, that adverse action applies to all compact privileges in all remote states. A licensee whose compact privilege in a remote state is removed for a specified period of time is not eligible for a compact privilege in any other remote state until the specific time for removal of the compact privilege has passed and all encumbrance requirements are satisfied. e. If a license in a participating state is an encumbered license, the licensee shall lose the compact privilege in a remote state and shall not be eligible for a compact privilege in any remote state until the license is no longer encumbered. f. Once an encumbered license in a participating state is restored to good standing, the licensee must meet the requirements of paragraph “a” to obtain a compact privilege in a remote state. g. If a licensee’s compact privilege in a remote state is removed by the remote state, the individual shall lose or be ineligible for the compact privilege in any remote state until both of the following occur: (1) The specified period of time for which the compact privilege was removed has ended. (2) All conditions for removal of the compact privilege have been satisfied. h. Once the requirements of paragraph “g” have been met, the licensee must meet the requirements of paragraph “a” to obtain a compact privilege in a remote state. 5. Active military member or spouses. An active military member and the spouse of an active military member shall not be required to pay to the commission for a compact privilege the fee otherwise charged by the commission. If a remote state chooses to charge a fee for a compact privilege, it may choose to charge a reduced fee or no fee to an active military member and the spouse of an active military member for a compact privilege. 6. Adverse actions. a. A participating state in which a licensee is licensed shall have exclusive authority to impose adverse action against the qualifying license issued by

that participating state. b. A participating state may take adverse action based on significant investigative information of a remote state, so long as the participating state follows its own procedures for imposing adverse action. c. Nothing in this compact shall override a participating state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain nonpublic if required by the participating state's laws. Participating states must require licensees who enter any alternative program in lieu of discipline to agree not to practice pursuant to a compact privilege in any other participating state during the term of the alternative program without prior authorization from such other participating state. d. Any participating state in which a licensee is applying to practice or is practicing pursuant to a compact privilege may investigate actual or alleged violations of the statutes and regulations authorizing the practice of dentistry or dental hygiene in any other participating state in which the dentist or dental hygienist holds a license or compact privilege. e. A remote state shall have the authority to do all of the following: (1) Take adverse actions as set forth in subsection 4, paragraph "d", against a licensee's compact privilege in the state. (2) In furtherance of its rights and responsibilities under the compact and commission's rules, issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a state licensing authority in a participating state for the attendance and testimony of witnesses, or the production of evidence from another participating state, shall be enforced in the latter state by any court of competent jurisdiction according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses or evidence are located. (3) If otherwise permitted by state law, recover from the licensee the costs of investigation and disposition of cases resulting from any adverse action taken against that licensee. f. Joint investigations. (1) In addition to the authority granted to a participating state by its dentist or dental hygienist licensure act or other applicable state law, a participating state may jointly investigate licensees with other participating states. (2) Participating states shall share any significant investigative information, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact. g. Authority to continue investigation. (1) After a licensee's compact privilege in a remote state is terminated, the remote state may continue an investigation of the licensee that began when the licensee had a compact privilege in that remote state. (2) If the investigation yields what would be significant investigative information had the licensee continued to have a compact privilege in that remote state, the remote state shall report the presence of such information to the data system as required by subsection 8, paragraph "b", subparagraph (6), as if it was significant investigative information. 7. Establishment and operation of the commission. a. The compact participating states hereby create and establish a joint government agency whose membership consists of all participating states that have enacted the compact. The commission is an instrumentality of the participating states acting jointly and not an instrumentality of any one state. The commission shall come into existence on or after the effective date of the compact as set forth in subsection 11, paragraph "a". b. Participation, voting, and meetings. (1) Each participating state shall have and be limited to one commissioner selected by the participating state's state licensing authority or, if the state has more than one state licensing authority, selected collectively by the state licensing authorities. (2) The commissioner shall be a member or designee of such authority or authorities. (3) The commission may by rule or bylaw establish a term of office for commissioners and may by rule or bylaw establish term limits. (4) The commission may recommend to a state licensing authority or authorities, as applicable, removal or suspension of an individual as the state's commissioner. (5) A participating state's state licensing authority or authorities, as applicable, shall fill any vacancy of its commissioner on the commission within sixty days of the vacancy. (6) Each commissioner shall be entitled to one vote on all matters that are voted upon by the commission. (7) The commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the bylaws. The commission may meet by telecommunication, video conference, or other similar electronic means. c. The commission shall have the following powers: (1) Establish the fiscal year of the commission. (2) Establish a code of conduct and conflict of interest policies. (3) Adopt rules and bylaws. (4) Maintain its financial records in accordance with the bylaws. (5) Meet and take such actions as are consistent with the provisions of this compact, the commission's rules, and the bylaws. (6) Initiate and conclude legal proceedings or actions in the name of the commission, provided that the standing of a state licensing authority to sue or be sued under applicable law shall not be affected. (7) Maintain and certify records and information provided to a participating state as the authenticated business records of the commission, and designate a person to do so on the commission's behalf. (8) Purchase and maintain insurance and bonds. (9) Borrow, accept, or contract for services of personnel, including but not limited to employees of a participating state. (10) Conduct an annual financial review. (11) Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters. (12) As set forth in the commission rules, charge a fee to a licensee for the grant of a compact privilege in a remote state and thereafter, as may be established by commission rule, charge the licensee a compact privilege renewal fee for each renewal period in which that licensee exercises or intends to exercise the compact privilege in that remote state. Nothing herein shall be construed to prevent a remote state from charging a licensee a fee for a compact privilege or renewals of a compact privilege, or a fee for the jurisprudence requirement if the remote state imposes such a requirement for the grant of a compact privilege. (13) Accept any and all appropriate gifts, donations, grants of money, other sources of revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of the same, provided that at all times the commission shall avoid any appearance of impropriety or conflict of interest. (14) Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or mixed, or any undivided interest therein. (15) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed. (16) Establish a budget or make expenditures. (17) Borrow money. (18) Appoint committees, including standing committees, which may be composed of members, state regulators, state

legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws. (19) Provide and receive information from, and cooperate with, law enforcement agencies. (20) Elect a chair, vice chair, secretary, and treasurer, and such other officers of the commission as provided in the commission's bylaws. (21) Establish and elect an executive board. (22) Adopt and provide to the participating states an annual report. (23) Determine whether a state's enacted compact is materially different from the model compact language such that the state would not qualify for participation in the compact. (24) Perform such other functions as may be necessary or appropriate to achieve the purposes of this compact.

d. Meetings of the commission. (1) All meetings of the commission that are not closed pursuant to this paragraph shall be open to the public. Notice of public meetings shall be posted on the commission's internet site at least thirty days prior to the public meeting. (2) Notwithstanding subparagraph (1), the commission may convene an emergency public meeting by providing at least twenty-four hours prior notice on the commission's internet site, and any other means as provided in the commission's rules, for any of the reasons it may dispense with notice of proposed rulemaking under subsection 9, paragraph "l". The commission's legal counsel shall certify that one of the reasons justifying an emergency public meeting has been met. (3) Notice of all commission meetings shall provide the time, date, and location of the meeting, and if the meeting is to be held or accessible via telecommunication, video conference, or other electronic means, the notice shall include the mechanism for access to the meeting through such means. (4) The commission may convene in a closed, nonpublic meeting for the commission to receive legal advice or to discuss any of the following: (a) Noncompliance of a participating state with its obligations under the compact. (b) The employment, compensation, discipline, or other matters, practices, or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures. (c) Current or threatened discipline of a licensee or compact privilege holder by the commission or by a participating state's licensing authority. (d) Current, threatened, or reasonably anticipated litigation. (e) Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate. (f) Accusing any person of a crime or formally censuring any person. (g) Trade secrets or commercial or financial information that is privileged or confidential. (h) Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. (i) Investigative records compiled for law enforcement purposes. (j) Information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact. (k) Legal advice. (l) Matters specifically exempted from disclosure to the public by federal or participating state law. (m) Other matters as promulgated by the commission by rule. (5) If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the meeting will be closed and reference each relevant exempting provision, and such reference shall be recorded in the minutes. (6) The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the commission or order of a court of competent jurisdiction.

e. Financing of the commission. (1) The commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization, and ongoing activities. (2) The commission may accept any and all appropriate sources of revenue, donations, and grants of money, equipment, supplies, materials, and services. (3) The commission may levy on and collect an annual assessment from each participating state and impose fees on licensees of participating states when a compact privilege is granted to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each fiscal year for which sufficient revenue is not provided by other sources. The aggregate annual assessment amount for participating states shall be allocated based upon a formula that the commission shall promulgate by rule. (4) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same, nor shall the commission pledge the credit of any participating state, except by and with the authority of the participating state. (5) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the financial review and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the commission shall be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review shall be included in and become part of the annual report of the commission.

f. The executive board. (1) The executive board shall have the power to act on behalf of the commission according to the terms of this compact. The powers, duties, and responsibilities of the executive board shall include all of the following: (a) Overseeing the day-to-day activities of the administration of the compact including compliance with the provisions of the compact, the commission's rules, and bylaws. (b) Recommending to the commission changes to the rules or bylaws, changes to this compact legislation, fees charged to the compact participating states, fees charged to licensees, and other fees. (c) Ensuring compact administration services are appropriately provided, including by contract. (d) Preparing and recommending the budget. (e) Maintaining financial records on behalf of the commission. (f) Monitoring compact compliance of participating states and providing compliance reports to the commission. (g) Establishing additional committees as necessary. (h) Exercising the powers and duties of the commission during the interim between commission meetings, except for adopting or amending rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the commission by rule or bylaw. (i) Other duties as provided in the rules or bylaws of the commission. (2) The executive board shall be composed of up to seven members: (a) The chair, vice chair, secretary, and treasurer of the commission, and any other members of the commission who serve on the executive board shall be voting members of the executive board. (b) Other than the chair, vice chair, secretary, and treasurer of the commission, the commission may elect up to three voting members from the current membership of the commission. (3) The commission may remove any member of the executive board as provided in the commission's bylaws. (4) The executive board shall

meet at least annually. (a) An executive board meeting at which it takes or intends to take formal action on a matter shall be open to the public, except that the executive board may meet in a closed, nonpublic session of a public meeting when dealing with any of the matters covered under paragraph "d", subparagraph (4). (b) The executive board shall give five business days' notice of its public meetings, posted on its internet site and as it may otherwise determine to provide notice to persons with an interest in the public matters the executive board intends to address at those meetings. (5) The executive board may hold an emergency meeting when acting for the commission to do any of the following: (a) Meet an imminent threat to public health, safety, or welfare. (b) Prevent a loss of commission or participating state funds. (c) Protect public health and safety. g. Qualified immunity, defense, and indemnification. (1) The members, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional, willful, or wanton misconduct of that person. The procurement of insurance of any type by the commission shall not in any way compromise or limit the immunity granted hereunder. (2) The commission shall defend any member, officer, executive director, employee, and representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or as determined by the commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing in this paragraph shall be construed to prohibit that person from retaining counsel at that person's own expense; and provided further that the actual or alleged act, error, or omission did not result from that person's intentional, willful, or wanton misconduct. (3) Notwithstanding subparagraph (1), should any member, officer, executive director, employee, or representative of the commission be held liable for the amount of any settlement or judgment arising out of any actual or alleged act, error, or omission that occurred within the scope of that individual's employment, duties, or responsibilities for the commission, or that the person to whom the individual is liable had a reasonable basis for believing occurred within the scope of the individual's employment, duties, or responsibilities for the commission, the commission shall indemnify and hold harmless such individual, provided that the actual or alleged act, error, or omission did not result from the intentional, willful, or wanton misconduct of the individual. (4) Nothing in this compact shall be construed as a limitation on the liability of any licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable state laws. (5) Nothing in this compact shall be interpreted to waive or otherwise abrogate a participating state's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman Act, Clayton Act, or any other state or federal antitrust or anticompetitive law or regulation. (6) Nothing in this compact shall be construed to be a waiver of sovereign immunity by the participating states or by the commission. 8. Data system. a. The commission shall provide for the development, maintenance, operation, and utilization of a coordinated database and reporting system containing licensure, adverse action, and the presence of significant investigative information on all licensees and applicants for a license in participating states. b. Notwithstanding any other provision of state law to the contrary, a participating state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable as required by the rules of the commission, including all of the following: (1) Identifying information. (2) Licensure data. (3) Adverse actions against a licensee, license applicant, or compact privilege, and information related thereto. (4) Nonconfidential information related to alternative program participation, the beginning and ending dates of such participation, and other information related to such participation. (5) Any denial of an application for licensure and the reason for such denial, excluding the reporting of any criminal history record information where prohibited by law. (6) The presence of significant investigative information. (7) Other information that may facilitate the administration of this compact or the protection of the public, as determined by the rules of the commission. c. The records and information provided to a participating state pursuant to this compact or through the data system, when certified by the commission or an agent thereof, shall constitute the authenticated business records of the commission, and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial, or administrative proceedings in a participating state. d. Significant investigative information pertaining to a licensee in any participating state will only be available to other participating states. e. It is the responsibility of the participating states to monitor the database to determine whether adverse action has been taken against a licensee or license applicant. Adverse action information pertaining to a licensee or license applicant in any participating state will be available to any other participating state. f. Participating states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state. g. Any information submitted to the data system that is subsequently expunged pursuant to federal law or the laws of the participating state contributing the information shall be removed from the data system. 9. Rulemaking. a. The commission shall promulgate reasonable rules in order to effectively and efficiently implement and administer the purposes and provisions of the compact. A commission rule shall be invalid and have no force or effect only if a court of competent jurisdiction holds that the rule is invalid because the commission exercised its rulemaking authority in a manner that is beyond the scope and purposes of the compact or the powers granted hereunder, or based upon another applicable standard of review. b. The rules of the commission shall have the force of law in each participating state, provided however that where the rules of the commission conflict with the laws of the participating state that establish the participating state's scope of practice as held by a court of competent jurisdiction, the rules of the commission shall be ineffective in that state to the extent of the conflict. c. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules shall become binding as of the date specified by the

commission for each rule. d. If a majority of the legislatures of the participating states rejects a commission rule or portion of a commission rule, by enactment of a statute or resolution in the same manner used to adopt the compact, within four years of the date of adoption of the rule, then such rule shall have no further force and effect in any participating state or to any state applying to participate in the compact. e. Rules shall be adopted at a regular or special meeting of the commission. f. Prior to adoption of a proposed rule, the commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions, and arguments. g. Prior to adoption of a proposed rule by the commission, and at least thirty days in advance of the meeting at which the commission will hold a public hearing on the proposed rule, the commission shall provide a notice of proposed rulemaking as follows: (1) On the internet site of the commission or other publicly accessible platform. (2) To persons who have requested notice of the commission's notices of proposed rulemaking. (3) In such other ways as the commission may by rule specify. h. The notice of proposed rulemaking shall include all of the following: (1) The time, date, and location of the public hearing at which the commission will hear public comments on the proposed rule and, if different, the time, date, and location of the meeting where the commission will consider and vote on the proposed rule. (2) If the hearing is held via telecommunication, video conference, or other electronic means, the commission shall include the mechanism for access to the hearing in the notice of proposed rulemaking. (3) The text of the proposed rule and the reason for the proposed rule. (4) A request for comments on the proposed rule from any interested person. (5) The manner in which interested persons may submit written comments. i. All hearings will be recorded. A copy of the recording and all written comments and documents received by the commission in response to the proposed rule shall be available to the public. j. Nothing in this subsection shall be construed as requiring a separate hearing on each commission rule. Rules may be grouped for convenience of the commission at hearings required by this section. k. The commission shall, by a majority vote of all commissioners, take final action on the proposed rule based on the rulemaking record. (1) The commission may adopt changes to the proposed rule provided the changes do not enlarge the original purposes of the proposed rule. (2) The commission shall provide an explanation of the reasons for substantive changes made to the proposed rule as well as reasons for substantive changes not made that were recommended by commenters. (3) The commission shall determine a reasonable effective date for the rule. Except for an emergency as provided in paragraph "l", the effective date of the rule shall be no sooner than thirty days after the commission issuing the notice that it adopted or amended the rule. l. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule with twenty-four hours' notice, with opportunity to comment, provided that the usual rulemaking procedures provided in the compact and in this subsection shall be retroactively applied to the rule as soon as reasonably possible, but in no event later than ninety days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to do any of the following: (1) Meet an imminent threat to public health, safety, or welfare. (2) Prevent a loss of commission or participating state funds. (3) Meet a deadline for the promulgation of a rule that is established by federal law or rule. (4) Protect public health and safety. m. The commission or an authorized committee of the commission may direct revisions to a previously adopted rule for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the internet site of the commission. The revision shall be subject to challenge by any person for a period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission. n. No participating state's rulemaking requirements shall apply under this compact. 10. Oversight, dispute resolution, and enforcement. a. Oversight. (1) The executive and judicial branches of state government in each participating state shall enforce this compact and take all actions necessary and appropriate to implement the compact. (2) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct, or any such similar matter. (3) The commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the compact or commission rule and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the commission service of process shall render a judgment or order void as to the commission, this compact, or promulgated rules. b. Default, technical assistance, and termination. (1) If the commission determines that a participating state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall provide written notice to the defaulting state. The notice of default shall describe the default, the proposed means of curing the default, and any other action that the commission may take, and shall offer training and specific technical assistance regarding the default. (2) The commission shall provide a copy of the notice of default to the other participating states. c. If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the commissioners, and all rights, privileges, and benefits conferred on that state by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default. d. Termination of participation in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, the defaulting state's state licensing authority or authorities, as applicable, and each of the participating states' state licensing authority or authorities, as applicable. e. A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination. f. Upon the

termination of a state's participation in this compact, that state shall immediately provide notice to all licensees of the state, including licensees of other participating states issued a compact privilege to practice within that state, of such termination. The terminated state shall continue to recognize all compact privileges then in effect in that state for a minimum of one hundred eighty days after the date of said notice of termination. g. The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact unless agreed upon in writing between the commission and the defaulting state. h. The defaulting state may appeal the action of the commission by petitioning the United States district court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees. i. Dispute resolution. (1) Upon request by a participating state, the commission shall attempt to resolve disputes related to the compact that arise among participating states and between participating states and nonparticipating states. (2) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate. j. Enforcement. (1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions of this compact and the commission's rules. (2) By a majority vote, the commission may initiate legal action against a participating state in default in the United States district court for the District of Columbia or the federal district where the commission has its principal offices to enforce compliance with the provisions of the compact and its promulgated rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees. The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or the defaulting participating state's law. (3) A participating state may initiate legal action against the commission in the United States district court for the District of Columbia or the federal district where the commission has its principal offices to enforce compliance with the provisions of the compact and its promulgated rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees. (4) No individual or entity other than a participating state may enforce this compact against the commission. 11. Effective date, withdrawal, and amendment. a. The compact shall come into effect on the date on which the compact statute is enacted into law in the seventh participating state. (1) On or after the effective date of the compact, the commission shall convene and review the enactment of each of the states that enacted the compact prior to the commission convening, who shall be known as charter participating states, to determine if the statute enacted by each such charter participating state is materially different from the model compact. (a) A charter participating state whose enactment is found to be materially different from the model compact shall be entitled to the default process set forth in subsection 10. (b) If any participating state is later found to be in default, or is terminated or withdraws from the compact, the commission shall remain in existence and the compact shall remain in effect even if the number of participating states should be less than seven. (2) Participating states enacting the compact subsequent to the charter participating states shall be subject to the process set forth in subsection 7, paragraph "c", subparagraph (23), to determine if their enactments are materially different from the model compact and whether they qualify for participation in the compact. (3) All actions taken for the benefit of the commission or in furtherance of the purposes of the administration of the compact prior to the effective date of the compact or the commission coming into existence shall be considered to be actions of the commission unless specifically repudiated by the commission. (4) Any state that joins the compact subsequent to the commission's initial adoption of the rules and bylaws shall be subject to the commission's rules and bylaws as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state. b. Any participating state may withdraw from this compact by enacting a statute repealing the state's enactment of the compact. (1) A participating state's withdrawal shall not take effect until one hundred eighty days after enactment of the repealing statute. (2) Withdrawal shall not affect the continuing requirement of the withdrawing state's licensing authority or authorities to comply with the investigative and adverse action reporting requirements of this compact prior to the effective date of withdrawal. (3) Upon the enactment of a statute withdrawing from this compact, the state shall immediately provide notice of such withdrawal to all licensees within that state. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing state shall continue to recognize all compact privileges to practice within that state granted pursuant to this compact for a minimum of one hundred eighty days after the date of such notice of withdrawal. c. Nothing contained in this compact shall be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a participating state and a nonparticipating state that does not conflict with the provisions of this compact. d. This compact may be amended by the participating states. No amendment to this compact shall become effective and binding upon any participating state until it is enacted into the laws of all participating states. 12. Construction and severability. a. This compact and the commission's rulemaking authority shall be liberally construed so as to effectuate the purposes and the implementation and administration of the compact. Provisions of the compact expressly authorizing or requiring the promulgation of rules shall not be construed to limit the commission's rulemaking authority solely for those purposes. b. The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision of this compact is held by a court of competent jurisdiction to be contrary to the constitution of any participating state, a state seeking participation in the compact, or of the United States, or the applicability thereof to any government, agency, person, or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this compact and the applicability thereof to any other government, agency, person, or circumstance shall not be affected thereby. c. Notwithstanding paragraph "b", the commission may deny a state's participation in the compact or, in accordance with the requirements of subsection 10, paragraph "b", terminate a participating state's participation in the compact, if it determines that a constitutional requirement of a participating state is a material departure from the compact. Otherwise, if this compact shall be held to be contrary to the constitution of any

participating state, the compact shall remain in full force and effect as to the remaining participating states and in full force and effect as to the participating state affected as to all severable matters. 13. Consistent effect and conflict with other state laws. a. Nothing herein shall prevent or inhibit the enforcement of any other law of a participating state that is not inconsistent with the compact. b. Any laws, statutes, regulations, or other legal requirements in a participating state in conflict with the compact are superseded to the extent of the conflict. c. All permissible agreements between the commission and the participating states are binding in accordance with their terms. 2023 Acts, ch 24, §1 NEW section

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 147H - PROFESSIONAL COUNSELORS LICENSURE COMPACT Section 147H.1 - Professional counselors licensure compact.

147H.1 Professional counselors licensure compact. 1. Purpose. The purpose of this compact is to facilitate the interstate practice of licensed professional counselors with the goal of improving public access to professional counseling services. The practice of professional counseling occurs in the state where the client is located at the time of the counseling services. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure. This compact is designed to achieve the following objectives: a. Increase public access to professional counseling services by providing for the mutual recognition of other member state licenses. b. Enhance the states' ability to protect the public's health and safety. c. Encourage the cooperation of member states in regulating multistate practice for licensed professional counselors. d. Support spouses of relocating active duty military personnel. e. Enhance the exchange of licensure, investigative, and disciplinary information among member states. f. Allow for the use of telehealth technology to facilitate increased access to professional counseling services. g. Support the uniformity of professional counseling licensure requirements throughout the states to promote public safety and public health benefits. h. Invest all member states with the authority to hold a licensed professional counselor accountable for meeting all state practice laws in the state in which the client is located at the time care is rendered through the mutual recognition of member state licenses. i. Eliminate the necessity for licenses in multiple states. j. Provide opportunities for interstate practice by licensed professional counselors who meet uniform licensure requirements. 2. Definitions. As used in this compact, and except as otherwise provided: a. "Active duty military" means full-time duty status in the active uniformed service of the United States, including members of the national guard and reserves on active duty orders pursuant to 10 U.S.C. §1209 and 10 U.S.C. §1211.* b. "Adverse action" means any administrative, civil, equitable, or criminal action permitted by a state's laws which is imposed by a licensing board or other authority against a licensed professional counselor, including actions against an individual's license or privilege to practice such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice, or any other encumbrance on licensure affecting a licensed professional counselor's authorization to practice, including issuance of a cease and desist action. c. "Alternative program" means a nondisciplinary monitoring or practice remediation process approved by a professional counseling licensing board to address impaired practitioners. d. "Continuing competence" and/or "continuing education" means a requirement, as a condition of license renewal, to provide evidence of participation in, or completion of, educational and professional activities relevant to practice or area of work. e. "Counseling compact commission" or "commission" means the national administrative body whose membership consists of all states that have enacted the compact. f. "Current significant investigative information" means all of the following: (1) Investigative information that a licensing board, after a preliminary inquiry that includes notification and an opportunity for the licensed professional counselor to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction. (2) Investigative information that indicates that the licensed professional counselor represents an immediate threat to public health and safety regardless of whether the licensed professional counselor has been notified and had an opportunity to respond. g. "Data system" means a repository of information about licensees, including but not limited to continuing education, examination, licensure, investigative, privilege to practice, and adverse action information. h. "Encumbered license" means a license in which an adverse action restricts the practice of licensed professional counseling by the licensee and said adverse action has been reported to the national practitioners data bank. i. "Encumbrance" means a revocation or suspension of, or any limitation on, the full and unrestricted practice of licensed professional counseling by a licensing board. j. "Executive committee" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission. k. "Home state" means the member state that is the licensee's primary state of residence. l. "Impaired practitioner" means an individual who has a condition that may impair the individual's ability to practice as a licensed professional counselor without some type of intervention and may include but is not limited to alcohol and drug dependence, mental health impairment, and neurological or physical impairments. m. "Investigative information" means information, records, and documents received or generated by a professional counseling licensing board pursuant to an investigation. n. "Jurisprudence requirement", if required by a member state, means the assessment of an individual's knowledge of the laws and rules governing the practice of professional counseling in a state. o. "Licensed professional counselor" means a counselor licensed by a member state, regardless of the title used by that state, to independently assess, diagnose, and treat behavioral health conditions. p. "Licensee" means an individual who currently holds an authorization from the state to practice as a licensed professional counselor. q. "Licensing board" means the agency of a state, or equivalent, that is responsible for the licensing and regulation of licensed professional counselors. r. "Member state" means a state that has enacted the compact. s. "Privilege to practice" means a legal authorization, which is equivalent to a license, permitting the practice of professional counseling in a remote state. t. "Professional counseling" means the assessment, diagnosis, and treatment of behavioral health conditions by a licensed professional counselor. u. "Remote state" means a member state other than the home state, where a licensee is exercising or seeking to exercise the privilege to practice. v. "Rule" means a regulation promulgated by the commission

that has the force of law. w. “Single-state license” means a licensed professional counselor license issued by a member state that authorizes practice only within the issuing state and does not include a privilege to practice in any other member state. x. “State” means any state, commonwealth, district, or territory of the United States that regulates the practice of professional counseling. y. “Telehealth” means the application of telecommunication technology to deliver professional counseling services remotely to assess, diagnose, and treat behavioral health conditions. z. “Unencumbered license” means a license that authorizes a licensed professional counselor to engage in the full and unrestricted practice of professional counseling. 3. State participation in the compact. a. To participate in the compact, a state must currently do all of the following: (1) License and regulate licensed professional counselors. (2) Require a licensee to pass a nationally recognized exam approved by the commission. (3) Require a licensee to have a sixty semester-hour or ninety quarter-hour master’s degree in counseling or sixty semester-hours or ninety quarter-hours of graduate course work including the following topic areas: (a) Professional counseling orientation and ethical practice. (b) Social and cultural diversity. (c) Human growth and development. (d) Career development. (e) Counseling and helping relationships. (f) Group counseling and group work. (g) Diagnosis, treatment, assessment, and testing. (h) Research and program evaluation. (i) Other areas as determined by the commission. (4) Require a licensee to complete a supervised postgraduate professional experience as defined by the commission. (5) Have a mechanism in place for receiving and investigating complaints about licensees. b. A member state shall do all of the following: (1) Participate fully in the commission’s data system, including using the commission’s unique identifier as defined in rules. (2) Notify the commission, in compliance with the terms of the compact and rules, of any adverse action or the availability of investigative information regarding a licensee. (3) Implement or utilize procedures for considering the criminal history records of applicants for an initial privilege to practice. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant’s criminal history record information from the federal bureau of investigation and the agency responsible for retaining that state’s criminal records. (a) A member state must fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the federal bureau of investigation record search and shall use the results in making licensure decisions. (b) Communication between a member state, the commission, and among member states regarding the verification of eligibility for licensure through the compact shall not include any information received from the federal bureau of investigation relating to a federal criminal records check performed by a member state under Pub. L. No. 92-544. (4) Comply with the rules of the commission. (5) Require an applicant to obtain or retain a license in the home state and meet the home state’s qualifications for licensure or renewal of licensure, as well as all other applicable state laws. (6) Grant the privilege to practice to a licensee holding a valid unencumbered license in another member state in accordance with the terms of the compact and rules. (7) Provide for the attendance of the state’s commissioner at commission meetings. c. A member state may charge a fee for granting the privilege to practice. d. An individual not residing in a member state shall continue to be able to apply for a member state’s single-state license as provided under the laws of each member state. However, the single-state license granted to these individuals shall not be recognized as granting a privilege to practice professional counseling in any other member state. e. Nothing in this compact shall affect the requirements established by a member state for the issuance of a single-state license. f. A license issued to a licensed professional counselor by a home state to a resident in that state shall be recognized by each member state as authorizing a licensed professional counselor to practice professional counseling, under a privilege to practice, in each member state. 4. Privilege to practice. a. To exercise the privilege to practice under the terms of the compact, the licensee shall do all of the following: (1) Hold a license in the home state. (2) Have a valid United States social security number or national practitioner identifier. (3) Be eligible for a privilege to practice in any member state in accordance with paragraphs “d”, “g”, and “h”. (4) Have not had any encumbrance or restriction against any license or privilege to practice within the previous two years from the date of application. (5) Notify the commission that the licensee is seeking the privilege to practice within a remote state. (6) Pay any applicable fees, including any state fee, for the privilege to practice. (7) Meet any continuing competence or continuing education requirements established by the home state. (8) Meet any jurisprudence requirements established by the remote state in which the licensee is seeking a privilege to practice. (9) Report to the commission any adverse action, encumbrance, or restriction on any license taken by any nonmember state within thirty days from the date the action is taken. b. The privilege to practice is valid until the expiration date of the home state license. The licensee must comply with the requirements of paragraph “a” to maintain the privilege to practice in the remote state. c. A licensee providing professional counseling in a remote state under the privilege to practice shall adhere to the laws and regulations of the remote state. d. A licensee providing professional counseling services in a remote state is subject to that state’s regulatory authority. A remote state may, in accordance with due process and that state’s laws, remove a licensee’s privilege to practice in the remote state for a specific period of time, impose fines, or take any other necessary actions to protect the health and safety of its citizens. The licensee may be ineligible for a privilege to practice in any member state until the specific time for removal has passed and all fines are paid. e. If a home state license is encumbered, the licensee shall lose the privilege to practice in any remote state until all of the following occur: (1) The home state license is no longer encumbered. (2) The licensee has not had any encumbrance or restriction against any license or privilege to practice within the previous two years. f. Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of paragraph “a” to obtain a privilege to practice in any remote state. g. If a licensee’s privilege to practice in any remote state is removed, the individual may lose the privilege to practice in all other remote states until all of the following occur: (1) The specific period of time for which the privilege to practice was removed has ended. (2) All fines have been paid. (3) The licensee has not had any encumbrance or restriction against any license or privilege to practice within the previous two years. h. Once the requirements of paragraph “g” have been met, the licensee must meet the requirements of paragraph “a” to obtain a privilege to practice in a remote state. 5. Obtaining a new home state license

based on a privilege to practice. a. A licensed professional counselor may hold a home state license, which allows for a privilege to practice in other member states, in only one member state at a time. b. If a licensed professional counselor changes primary state of residence by moving between two member states: (1) The licensed professional counselor shall file an application for obtaining a new home state license based on a privilege to practice, pay all applicable fees, and notify the current and new home state in accordance with applicable rules adopted by the commission. (2) Upon receipt of an application for obtaining a new home state license by virtue of a privilege to practice, the new home state shall verify that the licensed professional counselor meets the pertinent criteria outlined in subsection 4 via the data system, without need for primary source verification except for the following: (a) A federal bureau of investigation fingerprint-based criminal background check if not previously performed or updated pursuant to applicable rules adopted by the commission in accordance with Pub. L. No. 92-544. (b) Other criminal background checks as required by the new home state. (c) Completion of any requisite jurisprudence requirements of the new home state. (3) The former home state shall convert the former home state license into a privilege to practice once the new home state has activated the new home state license in accordance with applicable rules adopted by the commission. (4) Notwithstanding any other provision of this compact, if the licensed professional counselor cannot meet the criteria in subsection 4, the new home state may apply its requirements for issuing a new single state license. (5) The licensed professional counselor shall pay all applicable fees to the new home state in order to be issued a new home state license. c. If a licensed professional counselor changes primary state of residence by moving from a member state to a nonmember state, or from a nonmember state to a member state, the state criteria shall apply for issuance of a single state license in the new state. d. Nothing in this compact shall interfere with a licensee's ability to hold a single state license in multiple states; however, for the purposes of this compact, a licensee shall have only one home state license. e. Nothing in this compact shall affect the requirements established by a member state for the issuance of a single state license. 6. Active duty military personnel or their spouses. Active duty military personnel or their spouses shall designate a home state where the individual has a current license in good standing. The individual may retain the home state designation during the period the service member is on active duty. Subsequent to designating a home state, the individual shall only change their home state through application for licensure in the new state or through the process outlined in subsection 5. 7. Compact privilege to practice telehealth. a. Member states shall recognize the right of a licensed professional counselor, licensed by a home state in accordance with subsection 3 and under rules promulgated by the commission, to practice professional counseling in any member state via telehealth under a privilege to practice as provided in the compact and rules promulgated by the commission. b. A licensee providing professional counseling services in a remote state under the privilege to practice shall adhere to the laws and regulations of the remote state. 8. Adverse actions. a. In addition to the other powers conferred by state law, a remote state shall have the authority, in accordance with existing state due process law, to do all of the following: (1) Take adverse action against a licensed professional counselor's privilege to practice within that member state. (2) Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing board in a member state for the attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or evidence are located. (3) Only the home state shall have the power to take adverse action against a licensed professional counselor's license issued by the home state. b. For purposes of taking adverse action, the home state shall give the same priority and effect to reported conduct received from a member state as it would if the conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action. c. The home state shall complete any pending investigations of a licensed professional counselor who changes primary state of residence during the course of the investigations. The home state shall also have the authority to take appropriate action and shall promptly report the conclusions of the investigations to the administrator of the data system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any adverse actions. d. A member state, if otherwise permitted by state law, may recover from the affected licensed professional counselor the costs of investigations and dispositions of cases resulting from any adverse action taken against that licensed professional counselor. e. A member state may take adverse action based on the factual findings of the remote state, provided that the member state follows its own procedures for taking the adverse action. f. Joint investigations. (1) In addition to the authority granted to a member state by its respective professional counseling practice act or other applicable state law, any member state may participate with other member states in joint investigations of licensees. (2) Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact. g. If adverse action is taken by the home state against the license of a licensed professional counselor, the licensed professional counselor's privilege to practice in all other member states shall be deactivated until all encumbrances have been removed from the state license. All home state disciplinary orders that impose adverse action against the license of a licensed professional counselor shall include a statement that the licensed professional counselor's privilege to practice is deactivated in all member states during the pendency of the order. h. If a member state takes adverse action, it shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify the home state of any adverse actions by remote states. i. Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action. 9. Establishment of counseling compact commission. a. The compact member states hereby create and establish a joint public agency known as the counseling compact commission. (1) The commission is an instrumentality of the compact states. (2) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The

commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. (3) Nothing in this compact shall be construed to be a waiver of sovereign immunity. b. Membership, voting, and meetings. (1) Each member state shall have and be limited to one delegate selected by that member state's licensing board. (2) The delegate shall be one of the following: (a) A current member of the licensing board at the time of appointment who is a licensed professional counselor or public member. (b) An administrator of the licensing board. (3) Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed. (4) The member state licensing board shall fill any vacancy occurring on the commission within sixty days of a vacancy. (5) Each delegate shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. (6) A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication. (7) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws. (8) The commission shall by rule establish a term of office for delegates and may by rule establish term limits. c. The commission shall have the following powers and duties: (1) Establish the fiscal year of the commission. (2) Establish bylaws. (3) Maintain its financial records in accordance with the bylaws. (4) Meet and take such actions as are consistent with the provisions of this compact and the bylaws. (5) Promulgate rules which shall be binding to the extent and in the manner provided for in the compact. (6) Bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state licensing board to sue or be sued under applicable law shall not be affected. (7) Purchase and maintain insurance and bonds. (8) Borrow, accept, or contract for services of personnel, including but not limited to employees of a member state. (9) Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters. (10) Accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and receive, utilize, and dispose of the same; provided that at all times the commission shall avoid any appearance of impropriety or conflict of interest. (11) Lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve, or use, any property, real, personal, or mixed; provided that at all times the commission shall avoid any appearance of impropriety. (12) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed. (13) Establish a budget and make expenditures. (14) Borrow money. (15) Appoint committees, including standing committees composed of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws. (16) Provide and receive information from, and cooperate with, law enforcement agencies. (17) Establish and elect an executive committee. (18) Perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of professional counseling licensure and practice. d. The executive committee. (1) The executive committee shall have the power to act on behalf of the commission according to the terms of this compact. (2) The executive committee shall be composed of up to eleven members: (a) Seven voting members who are elected by the commission from the current membership of the commission. (b) Up to four ex officio, nonvoting members from four recognized national professional counselor organizations. (c) The ex officio, nonvoting members shall be selected by their respective organizations. (3) The commission may remove any member of the executive committee as provided in bylaws. (4) The executive committee shall meet at least annually. (5) The executive committee shall have the following duties and responsibilities: (a) Recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation, fees paid by compact member states such as annual dues, and any commission compact fee charged to licensees for the privilege to practice. (b) Ensure compact administration services are appropriately provided, contractual or otherwise. (c) Prepare and recommend the budget. (d) Maintain financial records on behalf of the commission. (e) Monitor compact compliance of member states and provide compliance reports to the commission. (f) Establish additional committees as necessary. (g) Other duties as provided in rules or bylaws. e. Meetings of the commission. (1) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in subsection 11. (2) The commission or the executive committee or other committees of the commission may convene in a closed, nonpublic meeting if the commission or executive committee or other committees of the commission must discuss any of the following: (a) Noncompliance of a member state with its obligations under the compact. (b) The employment, compensation, discipline, or other matters, practices, or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures. (c) Current, threatened, or reasonably anticipated litigation. (d) Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate. (e) Accusing any person of a crime or formally censuring any person. (f) Disclosure of trade secrets or commercial or financial information that is privileged or confidential. (g) Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. (h) Disclosure of investigative records compiled for law enforcement purposes. (i) Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact. (j) Matters specifically exempted from disclosure by federal or member state statute. (3) If a meeting, or portion of a meeting, is closed pursuant to this paragraph "e", the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. (4) The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the

commission or order of a court of competent jurisdiction. f. Financing the commission. (1) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities. (2) The commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services. (3) The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states. (4) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state. (5) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the commission. g. Qualified immunity, defense, and indemnification. (1) The members, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing in this paragraph "g" shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. (2) The commission shall defend any member, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining the person's own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct. (3) The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional, willful, or wanton misconduct of that person. 10. Data system. a. The commission shall provide for the development, maintenance, operation, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states. b. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable as required by the rules of the commission, including all of the following: (1) Identifying information. (2) Licensure data. (3) Adverse actions against a license or privilege to practice. (4) Nonconfidential information related to alternative program participation. (5) Any denial of application for licensure, and the reason for such denial. (6) Current significant investigative information. (7) Other information that may facilitate the administration of this compact, as determined by the rules of the commission. c. Investigative information pertaining to a licensee in any member state will only be available to other member states. d. The commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state will be available to any other member state. e. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state. f. Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system. 11. Rulemaking. a. The commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purpose of the compact. Notwithstanding the foregoing, in the event the commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of the compact, or the powers granted hereunder, then such an action by the commission shall be invalid and have no force or effect. b. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this subsection and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment. c. If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within four years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state. d. Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission. e. Prior to promulgation and adoption of a final rule by the commission, and at least thirty days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking in all of the following places: (1) On the internet site of the commission or other publicly accessible platform. (2) On the internet site of each member state professional counseling licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules. f. The notice of proposed rulemaking shall include all of the following: (1) The proposed time, date, and location of the meeting in which the rule will be considered and voted upon. (2) The text of the proposed rule or amendment and the reason for the proposed rule. (3) A request for comments on the proposed rule from any interested person. (4) The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments. g. Prior to adoption of a proposed

rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public. h. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by any of the following: (1) At least twenty-five persons. (2) A state or federal governmental subdivision or agency. (3) An association having at least twenty-five members. i. If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the commission shall publish the mechanism for access to the electronic hearing. (1) All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing. (2) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing. (3) All hearings shall be recorded. A copy of the recording shall be made available on request. (4) Nothing in this paragraph "h" shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this subsection. j. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received. k. If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing. l. The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule. m. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the compact and in this subsection shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to do any of the following: (1) Meet an imminent threat to public health, safety, or welfare. (2) Prevent a loss of commission or member state funds. (3) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule. (4) Protect public health and safety. n. The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the internet site of the commission. The revision shall be subject to challenge by any person for a period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision shall take effect without further action. If the revision is challenged, the revision shall not take effect without the approval of the commission. 12. Oversight, dispute resolution, and enforcement. a. Oversight. (1) The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law. (2) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the commission. (3) The commission shall be entitled to receive service of process in any such proceeding and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact, or the promulgated rules. b. Default, technical assistance, and termination. If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall do all of the following: (1) Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default, or any other action to be taken by the commission. (2) Provide remedial training and specific technical assistance regarding the default. c. If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the member states, and all rights, privileges, and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default. d. Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states. e. A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination. f. The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact unless agreed upon in writing between the commission and the defaulting state. g. The defaulting state may appeal the action of the commission by petitioning the United States district court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing member shall be awarded all costs of such litigation including reasonable attorney fees. h. Dispute resolution. (1) Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states. (2) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate. i. Enforcement. (1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact. (2) By majority vote, the commission may initiate legal action in the United States district court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation including reasonable attorney fees. (3) The remedies herein shall not

be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

13. Date of implementation of the counseling compact commission and associated rules, withdrawal, and amendment. a. The compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact. b. Any state that joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state. c. Any member state may withdraw from this compact by enacting a statute repealing the same. (1) A member state's withdrawal shall not take effect until six months after enactment of the repealing statute. (2) Withdrawal shall not affect the continuing requirement of the withdrawing state's professional counseling licensing board to comply with the investigative and adverse action reporting requirements of this compact prior to the effective date of withdrawal. d. Nothing contained in this compact shall be construed to invalidate or prevent any professional counseling licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact. e. This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states. 14. Construction and severability. This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any member state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any member state, the compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters. 15. Binding effect of compact and other laws. a. A licensee providing professional counseling services in a remote state under the privilege to practice shall adhere to the laws and regulations, including scope of practice, of the remote state. b. Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with the compact. c. All laws in a member state in conflict with the compact are superseded to the extent of the conflict. d. All lawful actions of the commission, including all rules and bylaws properly promulgated by the commission, are binding upon the member states. e. All permissible agreements between the commission and the member states are binding in accordance with their terms. f. In the event any provision of the compact exceeds the constitutional limits imposed on the legislature of any member state, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state. 2023 Acts, ch 156, §1 *Reference to "10 U.S.C. ch. 1209 and 10 U.S.C. ch. 1211" probably intended; corrective legislation is pending NEW section

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148 - MEDICINE AND SURGERY AND OSTEOPATHIC MEDICINE AND SURGERY Section 148.1 - Persons engaged in practice.

148.1 Persons engaged in practice. For the purpose of this subtitle, the following classes of persons shall be deemed to be engaged in the practice of medicine and surgery or osteopathic medicine and surgery: 1. Persons who publicly profess to be physicians and surgeons or osteopathic physicians and surgeons, or who publicly profess to assume the duties incident to the practice of medicine and surgery or osteopathic medicine and surgery. 2. Persons who prescribe, or prescribe and furnish, medicine for human ailments or treat the same by surgery. 3. Persons who act as representatives of any person in doing any of the things mentioned in this section. [C97, §2579; C24, 27, 31, 35, 39, §2538; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §148.1] 2008 Acts, ch 1088, §44; 2009 Acts, ch 41, §170, 264 Referred to in §148.2

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148 - MEDICINE AND SURGERY AND OSTEOPATHIC MEDICINE AND SURGERY Section 148.10 - Temporary license.

148.10 Temporary license. 1. The board may, in its discretion, issue a temporary license authorizing the licensee to practice medicine and surgery or osteopathic medicine and surgery in a specific location or locations and for a specified period of time if, in the opinion of the board, a need exists and the person possesses the qualifications prescribed by the board for the license, which shall be substantially equivalent to those required for licensure under this chapter. The board shall determine in each instance those eligible for the license, whether or not examinations shall be given, and the type of examinations. No requirements of the law pertaining to regular permanent licensure are mandatory for the temporary license except as specifically designated by the board. The granting of a temporary license does not in any way indicate that the person so licensed is necessarily eligible for regular licensure or that the board in any way is obligated to so license the person. 2. The temporary license shall be issued for a period not to exceed one year and may be renewed, but a person shall not practice medicine and surgery or osteopathic medicine and surgery in excess of three years while holding a temporary license. The fee for the license and the fee for renewal of the license shall be set by the board. The fees shall be based on the administrative costs of issuing and renewing the licenses. [C66, 71, 73, 75, 77, 79, 81, §148.10] 87 Acts, ch 128, §1; 2004 Acts, ch 1167, §5; 2007 Acts, ch 10, §95; 2007 Acts, ch 215, §248; 2008 Acts, ch 1088, §53

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148 - MEDICINE AND SURGERY AND OSTEOPATHIC MEDICINE AND SURGERY Section 148.11 - Special license to practice medicine and surgery or osteopathic medicine and

surgery.

148.11 Special license to practice medicine and surgery or osteopathic medicine and surgery. 1. Whenever the need exists, the board may issue a special license. The special license shall authorize the licensee to practice medicine and surgery or osteopathic medicine and surgery under the policies and standards applicable to the health care services of a medical or osteopathic medical school academic staff member or as otherwise specified in the special license. 2. A person applying for a special license shall: a. Be a physician in a professional specialty. b. Present a diploma issued by a medical or osteopathic medical college. c. Present evidence of an unrestricted license to practice medicine and surgery or osteopathic medicine and surgery which has been issued by a foreign state or territory or an alien country. d. Present a letter of recommendation from the dean of a medical or osteopathic medical school in this state indicating that the applicant has been invited to serve on the academic staff of the medical or osteopathic medical school. e. Present letters of recommendation from universities, other educational institutions, or research facilities that indicate the noteworthy professional attainment by the applicant. f. Present biographical background information concerning the applicant's education and qualifications. 3. The board shall establish a fee for initial issuance and renewal of a special license. The board shall establish rules for granting and renewing a special license consistent with those for permanent licenses. 4. A special license issued under this section shall automatically expire upon the special licensee discontinuing service on the academic staff of a medical or osteopathic medical school in this state. An expired special license shall not be renewed. However, a former special licensee may reapply for a special license. [C77, 79, 81, §148.11] 2007 Acts, ch 10, §96; 2008 Acts, ch 1088, §54

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148 - MEDICINE AND SURGERY AND OSTEOPATHIC MEDICINE AND SURGERY Section 148.11A - Administrative medicine license.

148.11A Administrative medicine license. 1. As used in this section: a. "Administrative medicine" means administration or management utilizing the medical and clinical knowledge, skill, and judgment of a person licensed to practice medicine and surgery or osteopathic medicine and surgery and capable of affecting the health and safety of the public or any person. b. "Administrative medicine license" means a license issued by the board pursuant to this section. 2. An application for an administrative medicine license shall be made to the board. An applicant for an administrative medicine license shall meet all of the requirements established in section 148.3 and any additional requirements established by the board by rule. The board shall also adopt rules governing the initial issuance and renewal of administrative medicine licenses and establishing fees therefor. All license and renewal fees shall be paid to the board. 3. a. A physician with an administrative medicine license may do any of the following: (1) Advise public or private organizations on health care matters. (2) Authorize or deny payments for care. (3) Organize or direct research programs. (4) Review care provided for quality. (5) Perform other similar duties that do not require direct patient care. b. An administrative medicine license does not convey the authority to do any of the following, unless the person is otherwise licensed to perform such duties: (1) Practice clinical medicine. (2) Examine, care for, or treat patients. (3) Prescribe medications including controlled substances. (4) Delegate medical acts or prescriptive authority to others. 4. A person issued an administrative medicine license is subject to the same laws and rules governing the practice of medicine as a person issued a license to practice medicine and surgery or osteopathic medicine and surgery under this chapter unless otherwise provided by the board by rule. 2015 Acts, ch 41, §2

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148 - MEDICINE AND SURGERY AND OSTEOPATHIC MEDICINE AND SURGERY Section 148.12 - Voluntary agreements.

148.12 Voluntary agreements. The board, after due notice and hearing, may issue an order to revoke, suspend, or restrict a license to practice medicine and surgery or osteopathic medicine and surgery, or to issue a restricted license on application if the board determines that a physician licensed to practice medicine and surgery or osteopathic medicine and surgery or an applicant for licensure has entered into a voluntary agreement to restrict the practice of medicine and surgery or osteopathic medicine and surgery in another state, district, territory, country, or an agency of the federal government. A certified copy of the voluntary agreement shall be considered prima facie evidence. 86 Acts, ch 1211, §17; 92 Acts, ch 1183, §19; 2005 Acts, ch 89, §14; 2007 Acts, ch 10, §97; 2008 Acts, ch 1088, §55

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148 - MEDICINE AND SURGERY AND OSTEOPATHIC MEDICINE AND SURGERY Section 148.13A - Board authority over physicians supervising certain psychologists.

148.13A Board authority over physicians supervising certain psychologists. The board of medicine shall, in consultation with the board of psychology, establish by rule all of the following: 1. Specific minimum standards for the appropriate supervision of a psychologist prescribing medication pursuant to a conditional prescription certificate under chapter 154B. Such standards shall include requiring a physician serving as a supervising licensed physician to notify the board of medicine of the identity of the psychologist the physician is supervising and any change in the status of the supervisory relationship. 2. The process for initiating and conducting disciplinary proceedings under chapter 17A if a licensed physician fails to adequately supervise a psychologist prescribing psychotropic medications pursuant to a prescription certificate under chapter 154B. The rule shall take into account the deliberations of the board in making such a determination. 2016 Acts, ch 1112, §4 Referred to in §154B.10

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148 - MEDICINE AND SURGERY AND OSTEOPATHIC MEDICINE AND SURGERY Section 148.13B - Requirements for prescription certificates for psychologists — joint rules.

148.13B Requirements for prescription certificates for psychologists — joint rules. 1. The board of medicine and the board of psychology shall adopt joint rules in regard to the following: a. Education and training requirements for prescription certificates pursuant to sections 154B.10 and 154B.11. b. Specific minimum standards for the terms, conditions, and framework governing the collaborative practice agreement and for governing the limitations on the prescriptions eligible to be prescribed and populations eligible to be prescribed to as specified in section 154B.1, subsection 2. 2. The board of medicine shall consult with the university of Iowa Carver college of medicine and clinical and counseling psychology doctoral programs at regents institutions in the development of the rules pertaining to education and training requirements in sections 154B.10 and 154B.11. 3. The joint rules, and any amendments thereto, adopted by the board of medicine and the board of psychology pursuant to this section and section 154B.14 shall only be adopted by agreement of both boards through a joint rule-making process. 2016 Acts, ch 1112, §5 Referred to in §154B.14

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148 - MEDICINE AND SURGERY AND OSTEOPATHIC MEDICINE AND SURGERY Section 148.14 - Board of medicine investigators.

148.14 Board of medicine investigators. The board of medicine may appoint investigators, who shall not be members of the board, and whose compensation shall be determined pursuant to chapter 8A, subchapter IV. Investigators appointed by the board have the powers and status of peace officers when enforcing this chapter, chapter 147, and chapter 272C. 2008 Acts, ch 1088, §56; 2009 Acts, ch 133, §55

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148 - MEDICINE AND SURGERY AND OSTEOPATHIC MEDICINE AND SURGERY Section 148.2 - Persons not engaged in practice.

148.2 Persons not engaged in practice. Section 148.1 shall not be construed to include the following classes of persons: 1. Persons who advertise or sell patent or proprietary medicines. 2. Persons who advertise, sell, or prescribe natural mineral waters flowing from wells or springs. 3. Students of medicine and surgery or osteopathic medicine and surgery who have completed at least two years' study in a medical school or a college of osteopathic medicine and surgery, approved by the board, and who prescribe medicine under the supervision of a licensed physician and surgeon or licensed osteopathic physician and surgeon, or who render gratuitous service to persons in case of emergency. 4. Licensed podiatric physicians, chiropractors, physical therapists, nurses, dentists, optometrists, and pharmacists who are exclusively engaged in the practice of their respective professions. 5. Physicians and surgeons or osteopathic physicians and surgeons of the United States army, navy, air force, marines, public health service, or other uniformed service when acting in the line of duty in this state, and holding a current, active permanent license in good standing in another state, district, or territory of the United States, or physicians and surgeons or osteopathic physicians and surgeons licensed in another state, when incidentally called into this state in consultation with a physician and surgeon or osteopathic physician and surgeon licensed in this state. [C97, §2579, 2581; S13, §2581; C24, 27, 31, 35, 39, §2539; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §148.2] 96 Acts, ch 1034, §68; 2006 Acts, ch 1184, §90; 2007 Acts, ch 10, §86; 2008 Acts, ch 1088, §45

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148 - MEDICINE AND SURGERY AND OSTEOPATHIC MEDICINE AND SURGERY Section 148.2A - Board of medicine — alternate members.

148.2A Board of medicine — alternate members. 1. As used in this chapter, “board” means the board of medicine established in chapter 147. 2. Notwithstanding sections 17A.11, 69.16, 69.16A, 147.12, 147.14, and 147.19, the board may have a pool of up to ten alternate members, including members licensed to practice under this chapter and members not licensed to practice under this chapter, to substitute for board members who are disqualified or become unavailable for any other reason for contested case hearings. a. The board may recommend, subject to approval by the governor, up to ten people to serve in a pool of alternate members. b. A person serves in the pool of alternate members at the discretion of the board; however, the length of time an alternate member may serve in the pool shall not exceed nine years. A person who serves as an alternate member may later be appointed to the board and may serve nine years, in accordance with sections 147.12 and 147.19. A former board member may serve in the pool of alternate members. c. An alternate member licensed under this chapter shall hold an active license and shall have been actively engaged in the practice of medicine and surgery or osteopathic medicine and surgery in the preceding three years, with the two most recent years of practice being in Iowa. d. When a sufficient number of board members are unavailable to hear a contested case, the board may request alternate members to serve. e. Notwithstanding section 17A.11, section 147.14, subsection 2, and section 272C.6, subsection 5: (1) An alternate member is deemed a member of the board only for the hearing panel for which the alternate member serves. (2) A hearing panel containing alternate members must include at least six people. (3) At least half of the members of a hearing panel containing alternate members shall be current members of the board. (4) At least half of the members of a hearing panel containing alternate members shall be licensed to practice under this chapter. (5) A decision of a hearing panel containing alternate members is considered a final decision of the board. f. An alternate member shall not receive compensation in excess of that authorized by law for a board member. 92 Acts, ch 1183, §11; 2007 Acts, ch 10, §87; 2008 Acts, ch 1088, §46; 2009 Acts, ch 133, §52; 2014 Acts, ch 1106, §21 Referred to in §148.7

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148 - MEDICINE AND SURGERY AND OSTEOPATHIC MEDICINE AND SURGERY Section 148.2B - Executive director.

148.2B Executive director. The salary of the executive director of the board shall be established by the governor with approval of the executive council pursuant to section 8A.413, subsection 3, under the pay plan for exempt positions in the executive branch of government. 2008 Acts, ch 1088, §47

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148 - MEDICINE AND SURGERY AND OSTEOPATHIC MEDICINE AND SURGERY Section 148.3 - License to practice.

148.3 License to practice. 1. An applicant for a license to practice medicine and surgery or osteopathic medicine and surgery shall present to the board all of the following: a. Evidence of a diploma issued by a medical college or college of osteopathic medicine and surgery approved by the board, or other evidence of equivalent medical education approved by the board. The board may accept, in lieu of a diploma from a medical college or college of osteopathic medicine and surgery approved by the board, all of the following: (1) A diploma issued by a medical college or college of osteopathic medicine and surgery which has been neither approved nor disapproved by the board. (2) A valid standard certificate issued by the educational commission for foreign medical graduates or similar accrediting agency. b. Evidence of having passed an examination prescribed by the board which shall include subjects which determine the applicant's qualifications to practice medicine and surgery or osteopathic medicine and surgery and which shall be given according to the methods deemed by the board to be the most appropriate and practicable. However, one or more examinations as prescribed by the board or any other national standardized examination which the board approves may be administered to any or all applicants in lieu of or in conjunction with other examinations which the board prescribes. The board may establish necessary achievement levels on all examinations for a passing grade and adopt rules relating to examinations. c. Satisfactory evidence that the applicant has successfully completed one year of postgraduate internship or resident training in a hospital approved for such training by the board. An applicant who holds a valid certificate issued by the educational commission for foreign medical graduates shall submit satisfactory evidence of successful completion of two years of such training. 2. An application for a license shall be made to the board of medicine. All license and renewal fees shall be paid to the board. 3. The board shall give priority to the processing of applications for licensure submitted by physicians and surgeons and osteopathic physicians and surgeons whose practice will primarily involve provision of service to underserved populations, including but not limited to minorities or low-income persons, or who live in rural areas. 4. The issuance of reciprocal agreements pursuant to section 147.44 is not required and is subject to the discretion of the board. 1. [C97, §2582; S13, §2582; C24, 27, 31, 35, 39, §2540; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §148.3; 82 Acts, ch 1005, §4] 2. [C97, §2576; S13, §2576; C24, 27, 31, 35, 39, §2540; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §148.3] 3. [C27, 31, 35, 39, §2540; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §148.3] 90 Acts, ch 1086, §9, 10; 92 Acts, ch 1183, §12; 2004 Acts, ch 1168, §7; 2007 Acts, ch 10, §88; 2008 Acts, ch 1088, §48; 2009 Acts, ch 41, §55; 2009 Acts, ch 133, §53; 2010 Acts, ch 1069, §19; 2010 Acts, ch 1163, §2 Referred to in §147.49, 148.8A, 148.11A, 272C.2C

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148 - MEDICINE AND SURGERY AND OSTEOPATHIC MEDICINE AND SURGERY Section 148.5 - Resident physician license.

148.5 Resident physician license. A physician, who is a graduate of a medical school or college of osteopathic medicine and surgery and is serving as a resident physician who is not otherwise licensed to practice medicine and surgery or osteopathic medicine and surgery in this state, shall be required to obtain from the board a license to practice as a resident physician. The license shall be designated "Resident Physician License" and shall authorize the licensee to serve as a resident physician only, under the supervision of a licensed practitioner of medicine and surgery or osteopathic medicine and surgery, in an institution approved for such training by the board. A license shall be valid for a duration as determined by the board. The fee for each license shall be set by the board to cover the administrative costs of issuing the license. The board shall determine in each instance those eligible for a license, whether or not examinations shall be given, and the type of examinations. Requirements of the law pertaining to regular permanent licensure shall not be mandatory for a resident physician license except as specifically designated by the board. The granting of a resident physician license does not in any way indicate that the person licensed is necessarily eligible for regular permanent licensure, or that the board in any way is obligated to license the individual. [C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §148.5] 90 Acts, ch 1086, §11; 92 Acts, ch 1183, §14; 2000 Acts, ch 1140, §32; 2007 Acts, ch 10, §90; 2008 Acts, ch 1088, §49

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148 - MEDICINE AND SURGERY AND OSTEOPATHIC MEDICINE AND SURGERY Section 148.6 - Licensee discipline — criminal penalty.

148.6 Licensee discipline — criminal penalty. 1. The board, after due notice and hearing in accordance with chapter 17A, may issue an order to discipline a licensee for any of the grounds set forth in section 147.55, chapter 272C, or this subsection. Notwithstanding section 272C.3, licensee discipline may include a civil penalty not to exceed ten thousand dollars. 2. Pursuant to this section, the board may discipline a licensee who is guilty of any of the following acts or offenses: a. Knowingly making misleading, deceptive, untrue, or fraudulent representation in the practice of the physician's profession. b. Violating a statute or law of this state, another state, or the United States, without regard to its designation as either felony or misdemeanor, which statute or law relates to the practice of medicine. c. Having the license to practice medicine and surgery or osteopathic medicine and surgery revoked or suspended, or having other disciplinary action taken by a licensing authority of another state, territory, or country. A certified copy of the record or order of suspension, revocation, or disciplinary action is prima facie evidence. d. Knowingly aiding, assisting, procuring, or advising a person to unlawfully practice medicine and surgery or osteopathic medicine and surgery. e. Being adjudged mentally incompetent by a court of competent jurisdiction. Such adjudication shall automatically suspend a license for the duration

of the license unless the board orders otherwise. f. Being guilty of a willful or repeated departure from, or the failure to conform to, the minimal standard of acceptable and prevailing practice of medicine and surgery or osteopathic medicine and surgery in which proceeding actual injury to a patient need not be established; or the committing by a physician of an act contrary to honesty, justice, or good morals, whether the same is committed in the course of the physician's practice or otherwise, and whether committed within or without this state. g. Inability to practice medicine and surgery or osteopathic medicine and surgery with reasonable skill and safety by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or other type of material or as a result of a mental or physical condition. (1) The board may, upon probable cause, compel a physician to submit to a mental or physical examination by designated physicians or to submit to alcohol or drug screening within a time specified by the board. (2) A person licensed to practice medicine and surgery or osteopathic medicine and surgery who makes application for the renewal of a license, as required by section 147.10, gives consent to submit to a mental or physical examination as provided by this paragraph "g" when directed in writing by the board. All objections shall be waived as to the admissibility of an examining physicians' testimony or examination reports on the grounds that they constitute privileged communication. The medical testimony or examination reports shall not be used against a physician in another proceeding and shall be confidential, except for other actions filed against a physician to revoke or suspend a license. h. Willful or repeated violation of lawful rule or regulation adopted by the board or violating a lawful order of the board, previously entered by the board in a disciplinary or licensure hearing, or violating the terms and provisions of a consent agreement or informal settlement between a licensee and the board. 3. A person violating the provisions of section 147.2, 147.84, or 147.85, shall upon conviction be guilty of a class "D" felony. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §148.6] 90 Acts, ch 1086, §12 – 14; 92 Acts, ch 1183, §15; 2007 Acts, ch 10, §91; 2008 Acts, ch 1088, §50; 2009 Acts, ch 133, §54; 2020 Acts, ch 1103, §14, 31 Referred to in §146A.1, 148.7, 148H.7, 272C.3, 272C.4, 272C.5 Service of notice, R.C.P. 1.305 and 1.306

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148 - MEDICINE AND SURGERY AND OSTEOPATHIC MEDICINE AND SURGERY Section 148.7 - Procedure for licensee discipline.

148.7 Procedure for licensee discipline. A proceeding for the revocation or suspension of a license to practice medicine and surgery or osteopathic medicine and surgery or to discipline a person licensed to practice medicine and surgery or osteopathic medicine and surgery shall be substantially in accord with the following procedure: 1. The board may, upon its own motion or upon receipt of a complaint in writing, order an investigation. The board may, upon its own motion, order a hearing. A written notice of the time and place of the hearing together with a statement of the charges shall be served upon the licensee at least ten days before the hearing in the manner required for the service of notice of the commencement of an ordinary action or by restricted certified mail. 2. If the whereabouts of the licensee is unknown, service may be had by publication as provided in the rules of civil procedure upon filing the affidavit required by the rules. In case the licensee fails to appear, either in person or by counsel at the time and place designated in the notice, the board shall proceed with the hearing as provided in this section. 3. a. The hearing shall be before a member or members designated by the board or before an administrative law judge appointed by the board according to the requirements of section 17A.11, subsection 1. The presiding board member or administrative law judge may issue subpoenas, administer oaths, and take or cause depositions to be taken in connection with the hearing. The presiding board member or administrative law judge shall issue subpoenas at the request and on behalf of the licensee. b. The administrative law judge shall be an attorney vested with full authority of the board to schedule and conduct hearings. The administrative law judge shall prepare and file with the board the administrative law judge's findings of fact and conclusions of law, together with a complete written transcript of all testimony and evidence introduced at the hearing and all exhibits, pleas, motions, objections, and rulings of the administrative law judge. 4. Disciplinary hearings held pursuant to section 272C.6, subsection 1, shall be heard by the board, or by a panel of not less than six members, at least three of whom are board members, and the remaining appointed pursuant to section 148.2A, with no more than three of the six being public members. Notwithstanding chapters 17A and 21, a disciplinary hearing shall be open to the public at the discretion of the licensee. 5. A record of the proceedings shall be kept. The licensee shall have the opportunity to appear personally and by an attorney, with the right to produce evidence on the licensee's own behalf, to examine and cross-examine witnesses, and to examine documentary evidence produced against the licensee. 6. If a person refuses to obey a subpoena issued by the presiding member or administrative law judge or to answer a proper question during the hearing, the presiding member or administrative law judge may invoke the aid of a court of competent jurisdiction or judge of this court in requiring the attendance and testimony of the person and the production of papers. A failure to obey the order of the court may be punished by the court as a civil contempt may be punished. 7. Unless the hearing is before the entire board, a transcript of the proceeding, together with exhibits presented, shall be considered by the entire board at the earliest practicable time. The licensee and the licensee's attorney shall have the opportunity to appear personally to present the licensee's position and arguments to the board. The board shall determine the charge or charges upon the merits on the basis of the evidence in the record before it. 8. If a majority of the members of the board vote in favor of finding the licensee guilty of an act or offense specified in section 147.55 or 148.6, the board shall prepare written findings of fact and its decision imposing one or more of the following disciplinary measures: a. Suspend the licensee's license to practice the profession for a period to be determined by the board. b. Revoke the licensee's license to practice the profession. c. Suspend imposition of judgment and penalty or impose the judgment and penalty, but suspend enforcement and place the physician on probation. The probation ordered may be vacated upon noncompliance. The board may restore and reissue a license to practice medicine and surgery or osteopathic medicine and surgery, but may impose a disciplinary or corrective measure which the board might originally have imposed. A copy of the board's order, findings of fact, and decision, shall be served on the licensee in the

manner of service of an original notice or by certified mail return receipt requested. 9. Judicial review of the board's action may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A. 10. The board's order revoking or suspending a license to practice medicine and surgery or osteopathic medicine and surgery or to discipline a licensee shall remain in force and effect until the appeal is finally determined and disposed of upon its merit. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §148.7] 88 Acts, ch 1109, §16; 90 Acts, ch 1086, §15; 92 Acts, ch 1183, §16, 17; 98 Acts, ch 1202, §31, 46; 2003 Acts, ch 44, §114; 2007 Acts, ch 10, §92; 2008 Acts, ch 1088, §51 Referred to in §272C.5 Manner of service, R.C.P. 1.302 – 1.315

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148 - MEDICINE AND SURGERY AND OSTEOPATHIC MEDICINE AND SURGERY Section 148.8 - Voluntary surrender of license.

148.8 Voluntary surrender of license. The board may accept the voluntary surrender of a license if accompanied by a written statement of intention. A voluntary surrender, when accepted, has the same force and effect as an order of revocation. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §148.8] 92 Acts, ch 1183, §18; 2007 Acts, ch 10, §93 Referred to in §272C.5

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148 - MEDICINE AND SURGERY AND OSTEOPATHIC MEDICINE AND SURGERY Section 148.8A - Relinquishment of a license — failure to renew or reinstate.

148.8A Relinquishment of a license — failure to renew or reinstate. A person's license to practice medicine and surgery or osteopathic medicine and surgery shall be deemed relinquished if the person fails to apply for renewal or reinstatement of the license within five years after its expiration. A license shall not be reinstated, reissued, or restored once it is relinquished. The person may apply for a new license pursuant to section 148.3 and applicable administrative rules. 2015 Acts, ch 41, §1 Referred to in §272C.5

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148 - MEDICINE AND SURGERY AND OSTEOPATHIC MEDICINE AND SURGERY Section 148.9 - Reinstatement.

148.9 Reinstatement. Any person whose license has been suspended may apply to the board for reinstatement at any time and the board may hold a hearing on any such petition and may order reinstatement and impose terms and conditions thereof and issue a certificate of reinstatement. [C58, 62, 66, 71, 73, 75, 77, 79, 81, §148.9] 2007 Acts, ch 10, §94; 2008 Acts, ch 1088, §52 Referred to in §272C.5

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148A - PHYSICAL THERAPY Section 148A.1 - Definitions — referral — authorization.

148A.1 Definitions — referral — authorization. 1. As used in this chapter: a. "Board" means the board of physical and occupational therapy created under chapter 147. b. "Physical therapy" means the branch of science that deals with the evaluation and treatment of human capabilities and impairments. Physical therapy uses the effective properties of physical agents including but not limited to mechanical devices, heat, cold, air, light, water, electricity, and sound, and therapeutic exercises, and rehabilitative procedures to prevent, correct, minimize, or alleviate a physical impairment. (1) Physical therapy includes the interpretation of performances, tests, and measurements, the establishment and modification of physical therapy programs, treatment planning, consultative services, instructions to the patients, and the administration and supervision attendant to physical therapy facilities. (2) Physical therapy permits the referral of a patient by a physical therapist for diagnostic imaging, including plain radiographs and magnetic resonance imaging, provided the diagnostic imaging is performed and the results are interpreted by an appropriately licensed and qualified health care professional. The physical therapist who ordered the diagnostic imaging shall report the results of the diagnostic imaging to the patient's designated primary care provider within seven days following receipt of the results to ensure patient coordination of care, unless the patient does not have a designated primary care provider or the health care professional who performed and interpreted the diagnostic imaging previously provided the results to the primary care provider. 2. Physical therapy evaluation and treatment may be rendered by a physical therapist with or without a referral from a physician, podiatric physician, dentist, or chiropractor, except that a hospital may require that physical therapy evaluation and treatment provided in the hospital shall be done only upon prior review by and authorization of a member of the hospital's medical staff. [C66, 71, 73, 75, 77, 79, 81, §148A.1] 84 Acts, ch 1268, §1; 86 Acts, ch 1238, §7; 87 Acts, ch 65, §3; 88 Acts, ch 1002, §1; 95 Acts, ch 108, §8; 2007 Acts, ch 10, §99; 2023 Acts, ch 122, §1 Referred to in §148A.3 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148A - PHYSICAL THERAPY Section 148A.2 - Who engaged in practice.

148A.2 Who engaged in practice. For the purpose of this chapter the following classes of persons shall be deemed to be engaged in the practice of physical therapy: 1. Persons who treat human ailments by physical therapy as defined in this chapter. 2. Persons who publicly profess to be physical therapists or who publicly profess to perform the functions incident to the practice of physical therapy. [C66, 71, 73, 75, 77, 79, 81, §148A.2]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148A - PHYSICAL THERAPY Section 148A.3 - Persons not included.

148A.3 Persons not included. Section 148A.1 shall not be construed to include the following classes of persons: 1. Licensed physicians and surgeons, osteopathic physicians and surgeons, podiatric physicians, chiropractors, nurses, dentists, cosmetologists,

and barbers, who are engaged in the practice of their respective professions. 2. Students of physical therapy who practice physical therapy under the supervision of a licensed physical therapist in connection with the regular course of instruction at a school of physical therapy. 3. Physical therapists of the United States army, navy, or public health service, or physical therapists licensed in another state, when incidentally called into this state in consultation with a physician and surgeon or physical therapists licensed in this state. 4. Nonprofessional workers not held out as physical therapists who are employed in hospitals, clinics, offices or health care facilities as defined in section 135C.1 working under the supervision and direction of a physical therapist or physician licensed pursuant to chapter 148. 5. Massage therapists, massage technicians, masseurs and masseuses who administer body massage by Swedish or other massage technique, including modalities, in a massage establishment, health club, athletic club or school athletic department, but in no instance shall they designate themselves as physical therapists. [C66, 71, 73, 75, 77, 79, 81, §148A.3] 84 Acts, ch 1268, §2; 96 Acts, ch 1034, §68; 2008 Acts, ch 1088, §100

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148A - PHYSICAL THERAPY Section 148A.4 - Requirements to practice.

148A.4 Requirements to practice. Each applicant for a license to practice physical therapy shall: 1. Complete a course of study in, and hold a diploma or certificate issued by, a school of physical therapy accredited by the American physical therapy association or another appropriate accrediting body, and meet requirements as established by rules of the board. 2. Have passed an examination administered by the board. [C66, 71, 73, 75, 77, 79, 81, §148A.4] 83 Acts, ch 101, §27; 84 Acts, ch 1268, §3; 2007 Acts, ch 10, §100

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148A - PHYSICAL THERAPY Section 148A.5 - Limitations.

148A.5 Limitations. A license to practice physical therapy does not authorize the licensee to practice operative surgery or osteopathic or chiropractic manipulation, or to administer or prescribe any drug or medicine included in materia medica. 88 Acts, ch 1002, §2

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148A - PHYSICAL THERAPY Section 148A.6 - Physical therapist assistant.

148A.6 Physical therapist assistant. 1. A licensed physical therapist assistant is required to function under the direction and supervision of a licensed physical therapist to perform physical therapy procedures delegated and supervised by the licensed physical therapist in a manner consistent with the rules adopted by the board. Selected and delegated tasks of physical therapist assistants may include but are not limited to therapeutic procedures and related tasks, routine operational functions, documentation of treatment progress, and the use of selected physical agents. The ability of the licensed physical therapist assistant to perform the selected and delegated tasks shall be assessed on an ongoing basis by the supervising physical therapist. The licensed physical therapist assistant shall not interpret referrals, perform initial evaluation or reevaluations, initiate physical therapy treatment programs, change specified treatment programs, or discharge a patient from physical therapy services. 2. Each applicant for a license to practice as a physical therapist assistant shall: a. Successfully complete a course of study for the physical therapist assistant accredited by the commission on accreditation in education of the American physical therapy association, or another appropriate accrediting body, and meet other requirements established by the rules of the board. b. Have passed an examination administered by the board. 3. This section does not prevent a person not licensed as a physical therapist assistant from performing services ordinarily performed by a physical therapy aide, assistant, or technician, provided that the person does not represent to the public that the person is a licensed physical therapist assistant, or use the title “physical therapist assistant” or the letters “P.T.A.”, and provided that the person performs services consistent with the supervision requirements of the board for persons not licensed as physical therapist assistants. 91 Acts, ch 228, §3; 2000 Acts, ch 1140, §33; 2004 Acts, ch 1068, §2; 2007 Acts, ch 10, §101

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148A - PHYSICAL THERAPY Section 148A.7 - False use of titles prohibited.

148A.7 False use of titles prohibited. 1. A person or business entity, including the employees, agents, or representatives of the business entity, shall not use in connection with that person’s or business entity’s business activity the words “physical therapy”, “physical therapist”, “licensed physical therapist”, “registered physical therapist”, “doctor of physical therapy”, “physical therapist assistant”, “licensed physical therapist assistant”, “registered physical therapist assistant”, or the letters “P.T.”, “L.P.T.”, “R.P.T.”, “D.P.T.”, “P.T.A.”, “L.P.T.A.”, “R.P.T.A.”, or any other words, abbreviations, or insignia indicating or implying that physical therapy is provided or supplied, unless such services are provided by or under the direction and supervision of a physical therapist licensed pursuant to this chapter. 2. Notwithstanding section 147.74, a person or the owner, officer, or agent of an entity that violates this section is guilty of a serious misdemeanor, and a license to practice shall be revoked or suspended pursuant to section 147.55. 3. This section shall not apply to the use of the term “physiotherapy” by a provider licensed under this chapter, chapter 151, or by an individual under the direction and supervision of a provider licensed under this chapter or chapter 151. 2004 Acts, ch 1068, §1; 2009 Acts, ch 133, §56

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148B - OCCUPATIONAL THERAPY Section 148B.1 - Title and purpose.

148B.1 Title and purpose. 1. This chapter may be cited and referred to as the “Occupational Therapy Practice Act”. 2. The purpose of this chapter is to provide for the regulation of persons offering occupational therapy services to the public in order to safeguard the public health, safety and welfare. [C81, §148B.1] 2021 Acts, ch 76, §150

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148B - OCCUPATIONAL THERAPY Section 148B.2 - Definitions.

148B.2 Definitions. As used in this chapter: 1. “Board” means the board of physical and occupational therapy created under chapter 147. 2. “Occupational therapist” means a person licensed under this chapter to practice occupational therapy. 3. “Occupational therapy” means the therapeutic use of occupations, including everyday life activities with individuals, groups, populations, or organizations to support participation, performance, and function in roles and situations in home, school, workplace, community, and other settings. Occupational therapy services are provided for habilitation, rehabilitation, and the promotion of health and wellness to those who have or are at risk for developing an illness, injury, disease, disorder, condition, impairment, disability, activity limitation, or participation restriction. Occupational therapy addresses the physical, cognitive, psychosocial, sensory-perceptual, and other aspects of performance in a variety of contexts and environments to support engagement in occupations that affect physical and mental health, well-being, and quality of life. “Occupational therapy” includes but is not limited to providing assessment, design, fabrication, application, and fitting of selected orthotic devices and training in the use of prosthetic devices. 4. “Occupational therapy assistant” means a person licensed under this chapter to assist in the practice of occupational therapy. [C81, §148B.2] 2007 Acts, ch 10, §102; 2012 Acts, ch 1101, §6

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148B - OCCUPATIONAL THERAPY Section 148B.3 - Persons and practices not affected.

148B.3 Persons and practices not affected. This chapter does not prevent or restrict the practice, services or activities of any of the following: 1. A person licensed in this state by any other law from engaging in the profession or occupation for which the person is licensed. 2. A person employed as an occupational therapist or occupational therapy assistant by the government of the United States, if that person provides occupational therapy solely under the direction or control of the organization by which the person is employed. 3. A person pursuing a course of study leading to a degree or certificate in occupational therapy in an accredited or approved educational program, if the activities and services constitute a part of a supervised course of study and the person is designated by a title which clearly indicates the person’s status as a student or trainee. 4. A person fulfilling the supervised field work experience requirements of section 148B.5, if the activities and services constitute a part of the experience necessary to meet the requirements of that section. 5. A nonresident performing occupational therapy services in the state who is not licensed under this chapter, if the services are performed for not more than thirty days in a calendar year in association with an occupational therapist licensed under this chapter, and the nonresident meets either of the following requirements: a. The nonresident is licensed under the law of another state which has licensure requirements at least as stringent as the requirements of this chapter. b. The nonresident meets the requirements for certification as an occupational therapist registered (O.T.R.), or a certified occupational therapy assistant (C.O.T.A.) established by the national board for certification in occupational therapy. [C81, §148B.3] 2012 Acts, ch 1101, §7, 8

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148B - OCCUPATIONAL THERAPY Section 148B.3A - Referral.

148B.3A Referral. Occupational therapy may be provided by an occupational therapist without referral from a physician, podiatric physician, dentist, or chiropractor, except that a hospital may require that occupational therapy provided in the hospital be performed only following prior review by and authorization of the performance of the occupational therapy by a member of the hospital medical staff. 2000 Acts, ch 1140, §34

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148B - OCCUPATIONAL THERAPY Section 148B.4 - Limited permit.

148B.4 Limited permit. 1. A limited permit to practice occupational therapy may be granted to a person who has completed the academic and field work requirements for occupational therapists under this chapter and has not yet taken or received the results of the entry-level certification examination. A permit granted pursuant to this subsection shall be valid for a period of time as determined by the board by rule and shall allow the person to practice occupational therapy under the direction and appropriate supervision of an occupational therapist licensed under this chapter. The permit shall expire when the person is issued a license under section 148B.5 or if the person is notified that the person did not pass the examination. The limited permit shall not be renewed. 2. A limited permit to assist in the practice of occupational therapy may be granted to a person who has completed the academic and field work requirements for occupational therapy assistants under this chapter and has not yet taken or received the results of the entry-level certification examination. A permit granted pursuant to this subsection shall be valid for a period of time as determined by the board by rule and shall allow the person to assist in the practice of occupational therapy under the direction and appropriate supervision of an occupational therapist licensed under this chapter. The permit shall expire when the person is issued a license under section 148B.5 or if the person is notified that the person did not pass the examination. The limited permit shall not be renewed. [C81, §148B.4] 2012 Acts, ch 1101, §9

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148B - OCCUPATIONAL THERAPY Section 148B.5 - Requirements

for licensure.

148B.5 Requirements for licensure. An applicant applying for a license as an occupational therapist or as an occupational therapy assistant must file a written application on forms provided by the board, showing to the satisfaction of the board that the applicant meets the following requirements: 1. Successful completion of the academic requirements of an educational program in occupational therapy recognized by the board. a. For an occupational therapist, the program must be one accredited by the accreditation council for occupational therapy education of the American occupational therapy association. b. For an occupational therapy assistant, the program must be one approved by the American occupational therapy association. 2. Successful completion of a period of supervised field work experience at a recognized educational institution or a training program approved by the educational institution where the applicant met the academic requirements. a. For an occupational therapist, a minimum of six months of supervised field work experience is required. b. For an occupational therapy assistant, a minimum of two months of supervised field work experience is required. 3. Pass an examination, either in electronic or written form, satisfactory to the board and in accordance with rules. [C81, §148B.5] 2000 Acts, ch 1140, §35; 2002 Acts, ch 1108, §14; 2004 Acts, ch 1167, §6 Referred to in §148B.3, 148B.4

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148B - OCCUPATIONAL THERAPY Section 148B.6 - Waiver of examination requirement.

148B.6 Waiver of examination requirement. The board may waive the examination and grant a license: 1. To a person certified prior to January 1, 1981, as an occupational therapist registered (O.T.R.) or a certified occupational therapy assistant (C.O.T.A.) by the American occupational therapy association. 2. To an applicant who presents proof of current licensure as an occupational therapist or occupational therapy assistant in another state, the District of Columbia, or a territory of the United States which requires standards for licensure considered by the board to be equivalent to the requirements for licensure of this chapter. [C81, §148B.6] 2012 Acts, ch 1101, §10

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148B - OCCUPATIONAL THERAPY Section 148B.7 - Board of physical and occupational therapy — powers and duties.

148B.7 Board of physical and occupational therapy — powers and duties. The board shall adopt rules relating to professional conduct to carry out the policy of this chapter, including but not limited to rules relating to professional licensing and to the establishment of ethical standards of practice for persons holding a license to practice occupational therapy in this state. [C81, §148B.7] 2007 Acts, ch 10, §103 Referred to in §272C.3, 272C.4

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148B - OCCUPATIONAL THERAPY Section 148B.8 - Unlawful practice.

148B.8 Unlawful practice. 1. A person shall not practice occupational therapy or assist in the practice of occupational therapy, provide occupational therapy services, hold oneself out as an occupational therapist or occupational therapy assistant or as being able to practice occupational therapy or assist in the practice of occupational therapy, or provide occupational therapy services in this state unless the person is licensed under this chapter. 2. It is unlawful for any person not licensed as an occupational therapist in this state or whose license is suspended or revoked to use in connection with the person's name or place of business in this state the words "occupational therapist", "licensed occupational therapist", or any word, title, letters, or designation that implies that the person is an occupational therapist. 3. It is unlawful for any person not licensed as an occupational therapy assistant in this state or whose license is suspended or revoked to use in connection with the person's name or place of business in this state, the words "occupational therapy assistant", "licensed occupational therapy assistant", or any word, title, letters, or designation that implies that the person is an occupational therapy assistant. 2012 Acts, ch 1101, §11

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148B - OCCUPATIONAL THERAPY Section 148B.9 - False use of titles prohibited.

148B.9 False use of titles prohibited. A person or business entity, including the employees, agents, or representatives of the business entity, shall not use in connection with that person or business entity's business activity, the words "occupational therapy", "occupational therapist", "licensed occupational therapist", "doctor of occupational therapy", "occupational therapy assistant", "licensed occupational therapy assistant", or the letters "O.T.", "O.T./L.", "O.T.D.", "O.T.A.", "O.T.A./L.", or any words, abbreviations, or insignia indicating or implying that occupational therapy is provided or supplied unless such services are provided by or under the direction and supervision of an occupational therapist licensed pursuant to this chapter. 2012 Acts, ch 1101, §12

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148C - PHYSICIAN ASSISTANTS Section 148C.1 - Definitions.

148C.1 Definitions. 1. "Approved program" means a program for the education of physician assistants which has been accredited by the accreditation review commission on education for the physician assistant or its successor, or, if accredited prior to 2001, either by the committee on allied health education and accreditation, or the commission on accreditation of allied health education programs. 2. "Board" means the board of physician assistants created under chapter 147. 3. "Collaboration" means consultation with or referral to the appropriate physician or other health care professional by a physician assistant as indicated by the patient's

condition; the education, competencies, and experience of the physician assistant; and the standard of care. 4. “Department” means the department of inspections, appeals, and licensing. 5. “Independent practice” means the practice of a physician assistant that is organized as a professional corporation under chapter 496C or a professional limited liability company under chapter 489. 6. “Physician” means a person who is currently licensed in Iowa to practice medicine and surgery or osteopathic medicine and surgery. 7. “Physician assistant” or “P.A.” means a person who meets the qualifications under this chapter and is licensed to practice medicine by the board. 8. “Supervising physician” means a physician who supervises the medical services provided by a physician assistant engaged in independent practice consistent with the physician assistant’s education, training, and experience. [C73, 75, 77, 79, §148B.1; C81, §148C.1] 88 Acts, ch 1225, §15; 2003 Acts, ch 93, §6 – 8, 14; 2004 Acts, ch 1101, §23; 2007 Acts, ch 10, §105; 2008 Acts, ch 1088, §141; 2020 Acts, ch 1020, §4, 12; 2023 Acts, ch 19, §1625; 2023 Acts, ch 73, §9 – 11 Referred to in §228.1, 237A.5, 321J.11, 462A.14A Subsections 4 and 6 amended Subsections 5 and 8 stricken and rewritten

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148C - PHYSICIAN ASSISTANTS Section 148C.10 - Applicability of other provisions of law.

148C.10 Applicability of other provisions of law. The provisions of chapter 147, not otherwise inconsistent with the provisions of this chapter, shall apply to the provisions of this chapter. [C73, 75, 77, 79, §148B.10; C81, §148C.10]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148C - PHYSICIAN ASSISTANTS Section 148C.11 - Prohibition — crime.

148C.11 Prohibition — crime. A person not licensed as required by this chapter who practices as a physician assistant is guilty of a serious misdemeanor. [82 Acts, ch 1005, §7] 88 Acts, ch 1225, §24; 2003 Acts, ch 93, §11, 14

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148C - PHYSICIAN ASSISTANTS Section 148C.13 - Investigators for physician assistants.

148C.13 Investigators for physician assistants. 1. The board may appoint investigators, who shall not be members of the board, to administer and aid in the enforcement of the provisions of law relating to physician assistants. The amount of compensation for the investigators shall be determined pursuant to chapter 8A, subchapter IV. 2. Investigators authorized by the board have the powers and status of peace officers when enforcing this chapter and chapters 147 and 272C. 2008 Acts, ch 1088, §57

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148C - PHYSICIAN ASSISTANTS Section 148C.3 - Licensure.

148C.3 Licensure. 1. The board shall adopt rules to govern the licensure of physician assistants. An applicant for licensure shall submit the fee prescribed by the board and shall meet the requirements established by the board with respect to each of the following: a. Academic qualifications, including evidence of graduation from an approved program. A physician assistant who is not a graduate of an approved program, but who passed the national commission on certification of physician assistants’ national certifying examination prior to 1986, is exempt from this graduation requirement. b. Evidence of passing the national commission on the certification of physician assistants’ national certifying examination or an equivalent examination approved by the board. c. Hours of continuing medical education necessary to become or remain licensed. 2. a. Joint rules shall be adopted by the board and the board of medicine pursuant to this chapter requiring a licensed physician assistant to be supervised by a physician during the first two years of independent practice if the physician assistant has not previously practiced under a supervising physician or in collaboration with the appropriate physician or other health care professional for a period of at least two years. The rules shall determine the terms of collaboration for a physician assistant engaged in independent practice after the conclusion of two years of practice under a supervising physician. The rules shall also provide that a physician assistant shall notify the board of the identity of the physician assistant’s supervising physician and of any change in the status of the supervisory relationship. b. For purposes of this chapter, “supervision” does not require the personal presence of the physician at the place where medical services are rendered except insofar as the personal presence is expressly required by this chapter or by rules of the board adopted pursuant to chapter 17A. 3. A licensed physician assistant shall perform only those services for which the licensed physician assistant is qualified by training or education and which are not prohibited by the board. 4. The board may issue a temporary license under special circumstances and upon conditions prescribed by the board. A temporary license shall not be valid for more than one year and shall not be renewed more than once. 5. The board may issue an inactive license under conditions prescribed by rules adopted by the board. 6. The board shall adopt rules pursuant to this section after consultation with the board of medicine. [C73, 75, 77, 79, §148B.3; C81, §148C.3; 82 Acts, ch 1005, §5] 88 Acts, ch 1225, §17; 2003 Acts, ch 93, §9, 14; 2004 Acts, ch 1101, §24; 2007 Acts, ch 10, §106; 2012 Acts, ch 1037, §1; 2020 Acts, ch 1020, §5, 12; 2023 Acts, ch 73, §12 Referred to in §272C.2C Subsection 2 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148C - PHYSICIAN ASSISTANTS Section 148C.4 - Services performed by physician assistants.

148C.4 Services performed by physician assistants. 1. A physician assistant may provide any legal medical service for which the physician assistant has been prepared by the physician assistant’s education, training, or experience and is competent to perform. For the purposes of this section, “legal medical service for which the physician assistant has been prepared by the physician assistant’s

education, training, or experience and is competent to perform” includes but is not limited to making a pronouncement of death for a patient whose death is anticipated if the death occurs in a licensed hospital, a licensed health care facility, a correctional institution listed in section 904.102, a Medicare-certified home health agency, or a Medicare-certified hospice program or facility. 2. Notwithstanding subsection 1, a physician assistant licensed pursuant to this chapter or authorized to practice in any other state or federal jurisdiction who voluntarily and gratuitously, and other than in the ordinary course of the physician assistant’s employment or practice, responds to a need for medical care created by an emergency or a state or local disaster may render such care that the physician assistant is able to provide. A physician assistant, who voluntarily and gratuitously, and other than in the ordinary course of the physician assistant’s employment or practice, responds to a need for medical care created by an emergency or a state or local disaster shall not be subject to criminal liability by reason of having provided such care, and shall not be liable for civil damages for acts or omissions relating to such care unless the acts or omissions constitute recklessness. 3. The degree of collaboration between a physician assistant and the appropriate member of a health care team shall be determined at the practice level, and may involve decisions made by the medical group, hospital service, supervising physician, or employer of the physician assistant, or the credentialing and privileging system of a licensed health care facility. A physician assistant shall be responsible for the services performed by the physician assistant that are not performed under the supervision of a physician. [C73, 75, 77, 79, §148B.4; C81, §148C.4] 88 Acts, ch 1225, §18; 2001 Acts, ch 113, §1; 2003 Acts, ch 93, §10, 14; 2009 Acts, ch 41, §263; 2017 Acts, ch 96, §2; 2020 Acts, ch 1020, §6, 7, 12; 2021 Acts, ch 80, §80; 2023 Acts, ch 73, §13 Referred to in §147.107 Subsections 2 and 3 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148C - PHYSICIAN ASSISTANTS Section 148C.5 - Supervising physicians — board of medicine — rulemaking requirements.

148C.5 Supervising physicians — board of medicine — rulemaking requirements. 1. If the board commences a contested case hearing against a physician assistant by delivering a statement of charges and notice of hearing to the physician assistant, the board shall deliver a copy of the statement of charges and notice of hearing to the physician assistant’s supervising physician, if applicable. 2. The board shall adopt rules pursuant to chapter 17A to establish specific procedures for consulting with and sharing information with the board of medicine regarding complaints that a physician assistant may have been inadequately supervised by the physician assistant’s supervising physician. 2017 Acts, ch 60, §1, 5; 2021 Acts, ch 80, §81; 2023 Acts, ch 73, §14, 15 Subsection 1 amended Subsection 3 stricken

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148C - PHYSICIAN ASSISTANTS Section 148C.8 - Right to delegate.

148C.8 Right to delegate. Nothing in this chapter affects or limits a physician’s existing right to delegate various medical tasks to aides, assistants or others acting under the physician’s supervision or direction, including orthopedic physician assistant technologists. Such aides, assistants, orthopedic physician assistant technologists, and others who perform only those tasks which can be so delegated shall not be required to qualify as physician assistants under this chapter. [C73, 75, 77, 79, §148B.8; C81, §148C.8] 88 Acts, ch 1225, §22; 2015 Acts, ch 29, §114

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148C - PHYSICIAN ASSISTANTS Section 148C.9 - Eye examination restricted.

148C.9 Eye examination restricted. A physician assistant engaged in independent practice shall not be permitted to measure the visual power and visual efficiency of the human eye, as distinguished from routine visual screening, except in the personal presence of a supervising physician at the place where such services are rendered. [C73, 75, 77, 79, §148B.9; C81, §148C.9] 88 Acts, ch 1225, §23; 2023 Acts, ch 73, §16 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148D - RESIDENT PHYSICIANS Section 148D.1 - Definitions.

148D.1 Definitions. As used in this chapter unless the context otherwise requires: 1. “Affiliated” means established or developed by the college of medicine. 2. “College of medicine” means the university of Iowa college of medicine. 3. “Family practice unit” means the community facility or classroom for the teaching of ambulatory health care skills within a residency program. 4. The “medical profession” means medical and osteopathic physicians. 5. “Residency program” means a community based family practice residency education program presently in existence or established under this chapter. [C75, 77, 79, §148C.1; C81, §148D.1] 86 Acts, ch 1245, §2051; 2001 Acts, ch 74, §7

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148D - RESIDENT PHYSICIANS Section 148D.2 - Establishment.

148D.2 Establishment. 1. A statewide medical education system is established for the purpose of training resident physicians in family practice. The dean of the college of medicine is responsible for implementing the development and expansion of residency programs in cooperation with the medical profession, hospitals, and clinics located throughout the state. The head of the department of family practice in the college of medicine shall determine where affiliated residency programs shall be established, giving consideration to communities in the state where the population, hospital facilities, number of physicians and interest in medical education indicate the potential success of the residency programs. The medical education systems shall provide financial support for residents in training in accredited affiliated residency programs and shall establish positions for a director, assistant director, and other faculty in the programs. 2. To assure continued growth, development, and academic essentials in ongoing programs,

nonaffiliated residency programs which are accredited by a recognized national accrediting organization, shall be funded under this chapter at a level commensurate with the support of the affiliated residency programs having a comparable number of residents in training or, if there are no affiliated residency programs having a comparable number of residents in training, then a nonaffiliated program shall be funded in an amount determined on a pro rata capitation basis for each resident in training, equivalent to the per capita funding for each resident in training in an affiliated program having the nearest number of residents in training. As used in this subsection, “support” means both cash grants and the value of service directly provided to affiliated residency programs by the college of medicine. [C75, 77, 79, §148C.2; C81, §148D.2] 88 Acts, ch 1134, §30; 2018 Acts, ch 1041, §47

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148D - RESIDENT PHYSICIANS Section 148D.6 - Use of funds.

148D.6 Use of funds. 1. Moneys appropriated for the residency program shall be in addition to all the income of the state university of Iowa, and shall not be used to supplant funds for other programs under the administration of the college of medicine. 2. The allocation of state funds for a residency program shall not exceed fifty percent of the total cost of the program and shall be used for: a. The salaries of the director, assistant director and other faculty and auxiliary personnel on the community level. b. The stipends for the residents in training. c. The initial construction or remodeling of a facility which serves as a family practice unit within a residency program. d. The purchase of equipment for use in the family practice unit. e. Travel expenses for consultative visits by faculty. 3. No more than twenty percent of the appropriation for each fiscal year for affiliated programs shall be authorized for expenditures made in support of the faculty and staff of the college of medicine who are associated with the affiliated residency program. 4. No funds appropriated under this chapter shall be used to subsidize the cost of care incurred by patients. 5. Allocations for the renovation or construction of a family practice unit shall not exceed thirty-five thousand dollars per program. [C75, 77, 79, §148C.6; C81, §148D.6]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148E - ACUPUNCTURE Section 148E.1 - Definitions.

148E.1 Definitions. As used in this chapter, unless the context otherwise requires: 1. “Acupuncture” means a form of health care developed from traditional and modern oriental medical concepts that employs oriental medical diagnosis and treatment, and adjunctive therapies and diagnostic techniques, for the promotion, maintenance, and restoration of health and the prevention of disease. 2. “Acupuncturist” means a person who is engaged in the practice of acupuncture. 3. “Board” means the board of medicine established in chapter 147. 4. “Practice of acupuncture” means the insertion of acupuncture needles and the application of moxibustion to specific areas of the human body based upon oriental medical diagnosis as a primary mode of therapy. Adjunctive therapies within the scope of acupuncture may include manual, mechanical, thermal, electrical, and electromagnetic treatment, and the recommendation of dietary guidelines and therapeutic exercise based on traditional oriental medicine concepts. 93 Acts, ch 86, §1; 2000 Acts, ch 1053, §5; 2007 Acts, ch 10, §107

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148E - ACUPUNCTURE Section 148E.2 - License required — renewal.

148E.2 License required — renewal. 1. In order to obtain a license to practice acupuncture, an applicant shall present evidence to the board of all of the following: a. Current active status as a diplomate in acupuncture of the national commission for the certification of acupuncturists. b. Successful completion of a three-year postsecondary training program or acupuncture college program which is accredited by, in candidacy for accreditation by, or which meets the standards of the accreditation commission for acupuncture and oriental medicine. c. Successful completion of a course in clean needle technique approved by the national certification commission for acupuncture and oriental medicine. 2. Notwithstanding subsection 1, a license to practice acupuncture shall be granted by the board to a resident of this state who has successfully completed an acupuncture degree program approved by the board, or an apprenticeship or tutorial program approved by the board, on or before July 1, 2001. 3. A license granted pursuant to this section shall be renewed every two years. Renewal shall require evidence of current active membership in the national commission for the certification of acupuncturists. 93 Acts, ch 86, §2; 2000 Acts, ch 1053, §6; 2016 Acts, ch 1011, §36 Referred to in §148E.6

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148E - ACUPUNCTURE Section 148E.3 - Scope of chapter.

148E.3 Scope of chapter. This chapter does not apply to the following: 1. A person otherwise licensed to practice medicine and surgery, osteopathic medicine and surgery, chiropractic, podiatry, or dentistry who is exclusively engaged in the practice of the person’s profession. 2. A student practicing acupuncture under the direct supervision of a licensed acupuncturist as part of a course of study approved by the board. 93 Acts, ch 86, §3; 2000 Acts, ch 1053, §7; 2000 Acts, ch 1232, §49; 2008 Acts, ch 1088, §141

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148E - ACUPUNCTURE Section 148E.4 - Standard of care.

148E.4 Standard of care. A person licensed under this chapter shall be held to the same standard of care as a person licensed to practice medicine and surgery or osteopathic medicine and surgery. 93 Acts, ch 86, §4; 2000 Acts, ch 1053, §8; 2008 Acts, ch 1088, §141

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148E - ACUPUNCTURE Section 148E.5 - Use and disposal of needles.

148E.5 Use and disposal of needles. An acupuncturist shall use only presterilized, disposable needles, and shall provide for adequate

disposal of used needles. 93 Acts, ch 86, §5; 2000 Acts, ch 1053, §9

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148E - ACUPUNCTURE Section 148E.6 - Display of certificate and disclosure of information to patients.

148E.6 Display of certificate and disclosure of information to patients. An acupuncturist shall display the license issued pursuant to section 148E.2 in a conspicuous place in the acupuncturist's place of business. An acupuncturist shall provide to each patient upon initial contact with the patient the following information in written form: 1. The name, business address, and business telephone number of the acupuncturist. 2. A fee schedule. 3. A listing of the acupuncturist's education, experience, degrees, certificates, or credentials related to acupuncture awarded by professional acupuncture organizations, the length of time required to obtain the degrees or credentials, and experience. 4. A statement indicating any license, certificate, or registration in a health care occupation which was revoked by any local, state, or national health care agency. 5. A statement that the acupuncturist is complying with statutes and rules adopted by the board, including a statement that only presterilized, disposable needles are used by the acupuncturist. 6. A statement indicating that the practice of acupuncture is regulated by the board. 7. A statement indicating that a license to practice acupuncture does not authorize a person to practice medicine and surgery in this state, and that the services of an acupuncturist must not be regarded as diagnosis and treatment by a person licensed to practice medicine and must not be regarded as medical opinion or advice. 93 Acts, ch 86, §6; 2000 Acts, ch 1053, §10 Referred to in §148E.8

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148E - ACUPUNCTURE Section 148E.7 - Duties of board.

148E.7 Duties of board. The board shall adopt rules consistent with this chapter and chapter 147 which are necessary for the performance of its duties. 93 Acts, ch 86, §7; 2000 Acts, ch 1053, §11

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148E - ACUPUNCTURE Section 148E.8 - License revocation or suspension.

148E.8 License revocation or suspension. In addition to the grounds for revocation or suspension referred to in section 147.55, a license to practice acupuncture shall be revoked or suspended when the acupuncturist is guilty of any of the following acts or offenses: 1. Failure to provide information as required in section 148E.6 or provision of false information to patients. 2. Acceptance of remuneration for referral of a patient to other health professionals. 3. Offering of or giving of remuneration for the referral of patients, not including paid advertisements or marketing services. 4. Failure to comply with this chapter, rules adopted pursuant to this chapter, or applicable provisions of chapter 147. 5. Engaging in sexual activity or genital contact with a patient while acting or purporting to act within the scope of practice, whether or not the patient consented to the sexual activity or genital contact. 6. Disclosure of confidential information regarding the patient. 93 Acts, ch 86, §8; 2000 Acts, ch 1053, §12

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148E - ACUPUNCTURE Section 148E.9 - Accident and health insurance coverage.

148E.9 Accident and health insurance coverage. This chapter shall not be construed to require accident and health insurance coverage for acupuncture services under an existing or future contract or policy for insurance issued or issued for delivery in this state, unless otherwise provided by the contract or policy. 93 Acts, ch 86, §9; 2000 Acts, ch 1053, §13

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148F - ORTHOTICS, PROSTHETICS, AND PEDORTHICS Section 148F.1 - Title and purpose.

148F.1 Title and purpose. 1. This chapter may be cited and referred to as the "Orthotics, Prosthetics, and Pedorthics Practice Act". 2. The purpose of this chapter is to provide for the regulation of persons offering orthotic, prosthetic, and pedorthic services to the public in order to safeguard the public health, safety, and welfare. 2012 Acts, ch 1101, §13

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148F - ORTHOTICS, PROSTHETICS, AND PEDORTHICS Section 148F.2 - Definitions.

148F.2 Definitions. As used in this chapter: 1. "Board" means the board of podiatry. 2. "Orthosis" means a custom-fabricated or custom-fitted brace or support designed to provide for alignment, correction, or prevention of neuromuscular or musculoskeletal dysfunction, disease, injury, or deformity. "Orthosis" does not include fabric or elastic supports, corsets, arch supports, low temperature plastic splints, trusses, elastic hose, canes, crutches, soft cervical collars, dental appliances, or other similar devices carried in stock and sold as "over-the-counter" items by a drug store, department store, corset shop, or surgical supply facility. 3. "Orthotic and prosthetic education program" means a course of instruction accredited by the commission on accreditation of allied health education programs, consisting of both of the following: a. A basic curriculum of college level instruction in math, physics, biology, chemistry, and psychology. b. A specific curriculum in orthotic or prosthetic courses, including but not limited to: (1) Lectures covering pertinent anatomy, biomechanics, pathomechanics, prosthetic-orthotic components and materials, training and functional capabilities, prosthetic or orthotic performance evaluation, prescription considerations, etiology of amputations and disease processes necessitating prosthetic or orthotic use, and medical management. (2) Subject matter related to pediatric and geriatric problems. (3) Instruction in acute care techniques, such as immediate and early post-surgical prosthetics and fracture

bracing techniques. (4) Lectures, demonstrations, and laboratory experiences related to the entire process of measuring, casting, fitting, fabricating, aligning, and completing prostheses or orthoses. 4. "Orthotic and prosthetic scope of practice" means a list of tasks, with relative weight given to such factors as importance, criticality, and frequency, based on nationally accepted standards of orthotic and prosthetic care as outlined by the American board for certification in orthotics, prosthetics, and pedorthics, incorporated. 5. "Orthotics" means the science and practice of evaluating, measuring, designing, fabricating, assembling, fitting, adjusting, or servicing an orthosis under an order from a licensed physician or podiatric physician for the correction or alleviation of neuromuscular or musculoskeletal dysfunction, disease, injury, or deformity. 6. "Orthotist" means a health care professional, specifically educated and trained in orthotic patient care, who measures, designs, fabricates, fits, or services orthoses and may assist in the formulation of the order and treatment plan of orthoses for the support or correction of disabilities caused by neuromusculoskeletal diseases, injuries, or deformities. 7. "Pedorthic device" means therapeutic shoes, such as diabetic shoes and inserts, shoe modifications made for therapeutic purposes, below-the-ankle partial foot prostheses, and foot orthoses for use at the ankle or below. The term also includes subtalar-control foot orthoses designed to manage the function of the anatomy by controlling the range of motion of the subtalar joint. Excluding pedorthic devices which are footwear, the proximal height of a custom pedorthic device does not extend beyond the junction of the gastrocnemius and the Achilles tendon. "Pedorthic device" does not include nontherapeutic inlays or footwear regardless of method of manufacture; unmodified, nontherapeutic over-the-counter shoes; or prefabricated foot care products. 8. "Pedorthic education program" means an educational program approved by the national commission on orthotic and prosthetic education consisting of all of the following: a. A basic curriculum of instruction in foot-related pathology of diseases, anatomy, and biomechanics. b. A specific curriculum in pedorthic courses, including lectures covering shoes, foot orthoses, and shoe modifications, pedorthic components and materials, training and functional capabilities, pedorthic performance evaluation, prescription considerations, etiology of disease processes necessitating use of pedorthic devices, medical management, subject matter related to pediatric and geriatric problems, and lectures, demonstrations, and laboratory experiences related to the entire process of measuring and casting, fitting, fabricating, aligning, and completing pedorthic devices. 9. "Pedorthic scope of practice" means a list of tasks with relative weight given to such factors as importance, criticality, and frequency based on nationally accepted standards of pedorthic care as outlined by the American board for certification in orthotics, prosthetics, and pedorthics, incorporated. 10. "Pedorthics" means the science and practice of evaluating, measuring, designing, fabricating, assembling, fitting, adjusting, or servicing a pedorthic device under an order from a licensed physician or podiatric physician for the correction or alleviation of neuromuscular or musculoskeletal dysfunction, disease, injury, or deformity. 11. "Pedorthist" means a health care professional, specifically educated and trained in pedorthic patient care, who measures, designs, fabricates, fits, or services pedorthic devices and may assist in the formulation of the order and treatment plan of pedorthic devices for the support or correction of disabilities caused by neuromusculoskeletal diseases, injuries, or deformities. 12. "Prosthesis" means an artificial medical device that is not surgically implanted and that is used to replace a missing limb, appendage, or any other external human body part including an artificial limb, hand, or foot. 13. "Prosthetics" means the science and practice of evaluating, measuring, designing, fabricating, assembling, fitting, adjusting, or servicing a prosthesis under an order from a licensed physician. 14. "Prosthetist" means a health care professional, specifically educated and trained in prosthetic patient care, who measures, designs, fabricates, fits, or services prostheses and may assist in the formulation of the order and treatment plan of prostheses for the replacement of external parts of the human body lost due to amputation or congenital deformities or absences. 15. "Residency" means an approved supervised program of a minimum duration of one year to acquire practical clinical training in orthotics or prosthetics in a patient care setting. 16. "Resident" means a person who has completed an education program in either orthotics or prosthetics and is continuing the person's clinical education in a residency accredited by the national commission on orthotic and prosthetic education. 2012 Acts, ch 1101, §14; 2013 Acts, ch 32, §1 – 4

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148F - ORTHOTICS, PROSTHETICS, AND PEDORTHICS Section 148F.3 - Duties of the board.

148F.3 Duties of the board. The board shall administer this chapter. The board's duties shall include but are not limited to the following: 1. Adoption of rules to administer and interpret this chapter, chapter 147, and chapter 272C with respect to the education and licensing of orthotists, prosthetists, and pedorthists. 2. Adoption of rules to establish accepted standards of orthotic and prosthetic scope of practice, including the classification of devices and supervision of nonlicensed caregivers. Any changes to the nationally accepted standards by the American board for certification in orthotics, prosthetics and pedorthics which impact scope of practice may be approved by the board along with the adoption of rules as required in this section. 3. Adoption of rules relating to professional conduct and licensing and the establishment of ethical and professional standards of practice. 4. Acting on matters concerning licensure and the process of applying for, granting, suspending, imposing supervisory or probationary conditions upon, reinstating, revoking, or renewing a license. 5. Establishing and collecting licensure fees as provided in section 147.80. 6. Developing continuing education requirements as a condition of license renewal. 7. Evaluating requirements for licensure in other states to determine if reciprocity may be granted. 2012 Acts, ch 1101, §15; 2021 Acts, ch 76, §36; 2022 Acts, ch 1021, §44

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148F - ORTHOTICS, PROSTHETICS, AND PEDORTHICS Section 148F.4 - Persons and practices not affected.

148F.4 Persons and practices not affected. This chapter does not prevent or restrict the practice, services, or activities of any of the following: 1. A person licensed in this state by any other law from engaging in the profession or occupation for which the person is

licensed, including but not limited to persons set out in section 147.1, subsections 3 and 6. 2. A person employed as an orthotics, prosthetics, or pedorthics practitioner by the government of the United States if that person practices solely under the direction or control of the organization by which the person is employed. 3. A person pursuing a course of study leading to a degree or certificate in orthotics, prosthetics, or pedorthics in an educational program accredited or approved according to rules adopted by the board, if the activities and services constitute a part of a supervised course of study and the person is designated by a title which clearly indicates the person's status as a student, resident, or trainee. 2012 Acts, ch 1101, §16

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148F - ORTHOTICS, PROSTHETICS, AND PEDORTHICS Section 148F.5 - Qualifications for licensure as orthotist, prosthetist, or pedorthist.

148F.5 Qualifications for licensure as orthotist, prosthetist, or pedorthist. 1. To qualify for a license to practice orthotics or prosthetics, a person shall meet the following requirements: a. Possess a baccalaureate degree from a college or university. b. Have completed the amount of formal training, including but not limited to an orthotic and prosthetic education program, and clinical practice established and approved by the board. c. Complete a clinical residency in the professional area for which a license is sought in accordance with standards, guidelines, or procedures for residencies established and approved by the board. The majority of training must be devoted to services performed under the supervision of a licensed practitioner of orthotics or prosthetics or a person certified as a certified orthotist, certified prosthetist, or certified prosthetist orthotist whose practice is located outside the state. d. Pass all written, practical, and oral examinations that are required and approved by the board. e. Be qualified to practice in accordance with accepted standards of orthotic and prosthetic care as established by the board. 2. To qualify for a license to practice pedorthics, a person shall meet the following requirements: a. Submit proof of a high school diploma or its equivalent. b. Have completed the amount of formal training, including but not limited to a pedorthic education program, and clinical practice established and approved by the board. c. Complete a qualified clinical experience program in pedorthics that has a minimum of one thousand hours of pedorthic patient care experience in accordance with any standards, guidelines, or procedures established and approved by the board. The majority of training must be devoted to services performed under the supervision of a licensed orthotist or licensed practitioner of pedorthics or a person certified as a certified pedorthist whose practice is located outside the state. d. Pass all examinations that are required and approved by the board. e. Be qualified to practice in accordance with accepted standards of pedorthic care as established by the board. 3. The standards and requirements for licensure established by the board shall be substantially equal to or in excess of standards commonly accepted in the professions of orthotics, prosthetics, or pedorthics, as applicable. The board shall adopt rules as necessary to set the standards and requirements. 4. A person may be licensed in more than one discipline. 2012 Acts, ch 1101, §17; 2013 Acts, ch 32, §5

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148F - ORTHOTICS, PROSTHETICS, AND PEDORTHICS Section 148F.6 - Assistants and technicians.

148F.6 Assistants and technicians. 1. a. A person shall not work as an assistant to an orthotist or prosthetist or provide fabrication of orthoses or prostheses unless the work or fabrication is performed under the supervision of a licensed orthotist or licensed prosthetist. A person shall not provide patient care services regulated by this chapter unless provided under the supervision of a licensed orthotist or licensed prosthetist. b. An assistant may perform orthotic or prosthetic procedures and related tasks in the management of patient care. An assistant may also fabricate, repair, and maintain orthoses and prostheses. 2. A technician may assist a person licensed under this chapter with fabrication of orthoses, prostheses, or pedorthic devices but shall not provide direct patient care. 2012 Acts, ch 1101, §18; 2014 Acts, ch 1042, §1

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148F - ORTHOTICS, PROSTHETICS, AND PEDORTHICS Section 148F.7 - Limitation on provision of care and services.

148F.7 Limitation on provision of care and services. A licensed orthotist, prosthetist, or pedorthist may provide care or services only if the care or services are provided pursuant to an order from a licensed physician, a licensed podiatric physician, an advanced registered nurse practitioner licensed pursuant to chapter 152 or 152E, or a physician assistant licensed under chapter 148C. 2012 Acts, ch 1101, §19; 2013 Acts, ch 32, §6; 2023 Acts, ch 73, §17 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148F - ORTHOTICS, PROSTHETICS, AND PEDORTHICS Section 148F.8 - Penalties.

148F.8 Penalties. 1. If any person, company, or other entity violates a provision of this chapter, the attorney general may petition for an order enjoining the violation or for an order enforcing compliance with this chapter. Upon the filing of a verified petition in court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin the violation. If it is established that the person, company, or other entity has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this section shall be in addition to, and not in lieu of, all other remedies and penalties provided in this chapter. 2. If a person practices as an orthotist, prosthetist, or pedorthist or represents the person as such without being licensed under the provisions of this chapter, then any other licensed orthotist, pedorthist, or prosthetist, any interested party, or any person injured by the person may petition for relief as provided in subsection 1. 3. If a company or other entity holds itself out to provide orthotic, prosthetic, or pedorthic services without having an orthotist, prosthetist, or pedorthist licensed under

the provisions of this chapter on its staff to provide those services, then any other licensed orthotist, prosthetist, or pedorthist or any interested party or injured person may petition for relief as provided in subsection 1. 2012 Acts, ch 1101, §20

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148G - POLYSOMNOGRAPHY Section 148G.1 - Definitions.

148G.1 Definitions. As used in this chapter, unless the context otherwise requires: 1. “Board” means the board of respiratory care and polysomnography established in chapter 147. 2. “Direct supervision” means that the respiratory care and polysomnography practitioner or the polysomnographic technologist providing supervision must be present where the polysomnographic procedure is being performed and immediately available to furnish assistance and direction throughout the performance of the procedure. 3. “General supervision” means that the polysomnographic procedure is provided under a physician’s or qualified health care professional prescriber’s overall direction and control, but the physician’s or qualified health care professional prescriber’s presence is not required during the performance of the procedure. 4. “Physician” means a person who is currently licensed in Iowa to practice medicine and surgery or osteopathic medicine and surgery and who is board certified and who is actively involved in the sleep medicine center or laboratory. 5. “Polysomnographic student” means a person who is enrolled in a program approved by the board and who may provide sleep-related services under the direct supervision of a respiratory care and polysomnography practitioner or a polysomnographic technologist as a part of the person’s educational program. 6. “Polysomnographic technician” means a person who has graduated from a program approved by the board, but has not yet received an accepted national credential awarded from an examination program approved by the board and who may provide sleep-related services under the direct supervision of a licensed respiratory care and polysomnography practitioner or a licensed polysomnographic technologist for a period of up to thirty days following graduation while awaiting credentialing examination scheduling and results. 7. “Polysomnographic technologist” means a person licensed by the board to engage in the practice of polysomnography under the general supervision of a physician or a qualified health care professional prescriber. 8. “Practice of polysomnography” means as described in section 148G.2. 9. “Qualified health care practitioner” means an individual who is licensed under section 147.2, and who holds a credential listed on the board of registered polysomnographic technologists list of accepted allied health credentials. 10. “Qualified health care professional prescriber” means a physician assistant operating under the prescribing authority granted in section 147.107 or an advanced registered nurse practitioner operating under the prescribing authority granted in section 147.107. 11. “Sleep-related services” means acts performed by polysomnographic technicians, polysomnographic students, and other persons permitted to perform those services under this chapter, in a setting described in this chapter that would be considered the practice of polysomnography if performed by a respiratory care and polysomnography practitioner or a polysomnographic technologist. 2015 Acts, ch 70, §7

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148G - POLYSOMNOGRAPHY Section 148G.2 - Practice of polysomnography.

148G.2 Practice of polysomnography. The practice of polysomnography consists of but is not limited to the following tasks as performed for the purpose of polysomnography, under the general supervision of a licensed physician or qualified health care professional prescriber: 1. Monitoring, recording, and evaluating physiologic data during polysomnographic testing and review during the evaluation of sleep-related disorders, including sleep-related respiratory disturbances, by applying any of the following techniques, equipment, or procedures: a. Noninvasive continuous, bilevel positive airway pressure, or adaptive servo-ventilation titration on spontaneously breathing patients using a mask or oral appliance; provided, that the mask or oral appliance does not extend into the trachea or attach to an artificial airway. b. Supplemental low-flow oxygen therapy of less than six liters per minute, utilizing a nasal cannula or incorporated into a positive airway pressure device during a polysomnogram. c. Capnography during a polysomnogram. d. Cardiopulmonary resuscitation. e. Pulse oximetry. f. Gastroesophageal pH monitoring. g. Esophageal pressure monitoring. h. Sleep stage recording using surface electroencephalography, surface electrooculography, and surface submental electromyography. i. Surface electromyography. j. Electrocardiography. k. Respiratory effort monitoring, including thoracic and abdominal movement. l. Plethysmography blood flow monitoring. m. Snore monitoring. n. Audio and video monitoring. o. Body movement monitoring. p. Nocturnal penile tumescence monitoring. q. Nasal and oral airflow monitoring. r. Body temperature monitoring. 2. Monitoring the effects that a mask or oral appliance used to treat sleep disorders has on sleep patterns; provided, however, that the mask or oral appliance shall not extend into the trachea or attach to an artificial airway. 3. Observing and monitoring physical signs and symptoms, general behavior, and general physical response to polysomnographic evaluation and determining whether initiation, modification, or discontinuation of a treatment regimen is warranted. 4. Analyzing and scoring data collected during the monitoring described in this section for the purpose of assisting a physician in the diagnosis and treatment of sleep and wake disorders that result from developmental defects, the aging process, physical injury, disease, or actual or anticipated somatic dysfunction. 5. Implementation of a written or verbal order from a physician or qualified health care professional prescriber to perform polysomnography. 6. Education of a patient regarding the treatment regimen that assists the patient in improving the patient’s sleep. 7. Use of any oral appliance used to treat sleep-disordered breathing while under the care of a licensed polysomnographic technologist during the performance of a sleep study, as directed by a licensed dentist. 2015 Acts, ch 70, §8 Referred to in §148G.1

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148G - POLYSOMNOGRAPHY Section 148G.3 - Location of services.

148G.3 Location of services. The practice of polysomnography shall take place only in a facility that is accredited by a nationally recognized sleep medicine laboratory or center accrediting agency, in a facility operated by a hospital or a hospital licensed under

chapter 135B, or in a patient's home pursuant to rules adopted by the board; provided, however, that the scoring of data and the education of patients may take place in another setting. 2015 Acts, ch 70, §9

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148G - POLYSOMNOGRAPHY Section 148G.4 - Scope of chapter.

148G.4 Scope of chapter. Nothing in this chapter shall be construed to limit or restrict a health care practitioner licensed in this state from engaging in the full scope of practice of the individual's profession. 2015 Acts, ch 70, §10

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148G - POLYSOMNOGRAPHY Section 148G.5 - Rulemaking.

148G.5 Rulemaking. The board shall adopt rules necessary for the implementation and administration of this chapter and the applicable provisions of chapters 147 and 272C. 2015 Acts, ch 70, §11

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148G - POLYSOMNOGRAPHY Section 148G.6 - Licensing requirements.

148G.6 Licensing requirements. 1. Beginning January 1, 2017, a person seeking licensure as a respiratory care and polysomnography practitioner or as a polysomnographic technologist shall apply to the board and pay the fees established by the board for the type of license for which the applicant is applying. Beginning with the March 31, 2016, license renewal period, a person licensed as a respiratory care practitioner who seeks a respiratory care and polysomnography practitioner license shall make such application with the application for license renewal and pay the fees established by the board. The fees established by the board for a respiratory care and polysomnography practitioner license shall not exceed one hundred twenty percent of the cost of a respiratory care practitioner license issued pursuant to chapter 152B or a polysomnographic technologist license issued pursuant to this section. The application for a respiratory care and polysomnography practitioner license must meet the requirements of this section. Upon receipt of an application, the board shall conduct a background check of the applicant. An application for either type of licensure shall show that the applicant is of good moral character and is at least eighteen years of age, and shall include proof that the person has satisfied one of the following educational requirements: a. Graduation from a polysomnographic educational program that is accredited by the committee on accreditation for polysomnographic technologist education or an equivalent program as determined by the board. b. Graduation from a respiratory care educational program that is accredited by the commission on accreditation for respiratory care or by a committee on accreditation for the commission on accreditation of allied health education programs, and any of the following: (1) Completion of the curriculum for a polysomnographic certificate established and accredited by the commission on accreditation of allied health education programs as an extension of the respiratory care program. (2) Obtaining the sleep disorder specialist credential from the national board for respiratory care. (3) Obtaining the registered polysomnographic technologist credential from the board of registered polysomnographic technologists. (4) Completing or obtaining any other certificate or credential program as recognized by the board. c. Graduation from an electroneurodiagnostic technologist educational program that is accredited by the committee on accreditation for education in electroneurodiagnostic technology or by a committee on accreditation for the commission on accreditation of allied health education programs, and completion of the curriculum for a polysomnographic certificate established and accredited by the commission on accreditation of allied health education programs as an extension of the electroneurodiagnostic educational program or an equivalent program as determined by the board. 2. Notwithstanding subsection 1, beginning January 1, 2017, the board shall issue a license to perform polysomnography to an individual who holds an active license under section 147.2 in a profession other than polysomnography and who is in good standing with the board for that profession upon application to the board demonstrating any of the following: a. Successful completion of an educational program in polysomnography approved by the board. b. Successful completion of an examination in polysomnography approved by the board. c. Verification from the medical director of the individual's current employer or the medical director's designee that the individual has completed on-the-job training in the field of polysomnography, along with written verification from the medical director of the individual's current employer or the medical director's designee that the individual is competent to perform polysomnography. 3. Notwithstanding subsection 1, beginning January 1, 2017, a person who is working in the field of sleep medicine on January 1, 2017, may apply to the board for a license to perform polysomnography. The board shall issue a license to the person, without examination, provided the application contains verification that the person has completed five hundred hours of paid clinical or nonclinical polysomnographic work experience within the three years prior to submission of the application. The application shall also contain verification from the medical director of the person's current employer or the medical director's designee that the person is competent to perform polysomnography. 4. A person who is working in the field of sleep medicine on January 1, 2017, who is not otherwise eligible to obtain a license pursuant to this section shall have until January 1, 2018, to achieve a passing score on an examination as designated by the board. The board shall allow the person to attempt the examination and be awarded a license as a polysomnographic technologist by meeting or exceeding the passing point established by the board. After January 1, 2018, only persons licensed as respiratory care and polysomnography practitioners or as polysomnographic technologists pursuant to this chapter, or excepted from the requirements of this chapter may perform sleep-related services. 5. The fees assessed by the board shall be sufficient to cover all costs associated with the administration of this chapter. 2015 Acts, ch 70, §12

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148G - POLYSOMNOGRAPHY Section 148G.7 - Persons exempt from licensing requirement.

148G.7 Persons exempt from licensing requirement. 1. The following persons may provide sleep-related services without being licensed as a respiratory care and polysomnography practitioner or as a polysomnographic technologist under this chapter: a. A qualified health care practitioner may provide sleep-related services under the direct supervision of a licensed respiratory care and polysomnography practitioner or a licensed polysomnographic technologist for a period of up to six months while gaining the clinical experience necessary to meet the admission requirements for a polysomnographic credentialing examination. The board may grant a one-time extension of up to six months. b. A polysomnographic student may provide sleep-related services under the direct supervision of a respiratory care and polysomnography practitioner or a polysomnographic technologist as a part of the student's educational program while actively enrolled in a polysomnographic educational program that is accredited by the commission on accreditation of allied health education programs or an equivalent program as determined by the board. 2. Before providing any sleep-related services, a polysomnographic technician or polysomnographic student who is obtaining clinical experience shall give notice to the board that the person is working under the direct supervision of a respiratory care and polysomnography practitioner or a polysomnographic technologist in order to gain the experience to be eligible to sit for a national certification examination. The person shall wear a badge that appropriately identifies the person while providing such services. 2015 Acts, ch 70, §13

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148G - POLYSOMNOGRAPHY Section 148G.8 - Licensing sanctions.

148G.8 Licensing sanctions. The board may impose sanctions for violations of this chapter as provided in chapters 147 and 272C. 2015 Acts, ch 70, §14

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148H - GENETIC COUNSELING Section 148H.1 - Definitions.

148H.1 Definitions. 1. "Active candidate status" means a person has met the requirements established by the American board of genetic counseling or its equivalent or successor organization to take the American board of genetic counseling certification examination in general genetics and genetic counseling or its equivalent or successor examination and has been granted this designation by the American board of genetic counseling or its equivalent or successor organization. 2. "Board" means the board of medicine. 3. "Genetic counseling" means the provision of services by an individual who qualifies for a license under this chapter. 4. "Genetic counseling intern" means a student enrolled in a genetic counseling program accredited by the accreditation council for genetic counseling or its equivalent or successor organization, or the American board of medical genetics and genomics or its equivalent or successor organization. 5. "Genetic counselor" means an individual who is licensed under this chapter to engage in the practice of genetic counseling. 6. "Qualified supervisor" means any person who is a genetic counselor licensed under this chapter, a physician licensed under chapter 148, or an advanced registered nurse practitioner licensed under chapter 152. 7. "Supervision" means supervision by a qualified supervisor who has the overall responsibility of assessing the work of a provisional licensee, provided that an annual supervision contract signed by the qualified supervisor and the provisional licensee is on file with both parties. "Supervision" does not require the qualified supervisor's presence during the performance of services. 2018 Acts, ch 1052, §5, 12; 2018 Acts, ch 1172, §21

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148H - GENETIC COUNSELING Section 148H.2 - Scope of practice.

148H.2 Scope of practice. A person licensed under this chapter may do any of the following: 1. Obtain and evaluate individual, family, and medical histories to determine genetic risk for genetic and medical conditions and diseases in a patient, the patient's offspring, and other family members. 2. Discuss the features, history, means of diagnosis, genetic and environmental factors, and management of risk for genetic and medical conditions and diseases. 3. Identify, order, and coordinate genetic laboratory tests and other diagnostic studies as appropriate for the genetic assessment of a patient. 4. Refer a patient to a specialty or subspecialty department as necessary for the purpose of collaborating on diagnosis and treatment involving multiple body systems and general medical management. 5. Integrate genetic laboratory test results and other diagnostic studies with personal and family medical history to assess and communicate risk factors for genetic and medical conditions and diseases. 6. Explain the clinical implications of genetic laboratory tests and other diagnostic studies and their results. 7. Evaluate the responses of a patient or patient's family to the condition or risk of recurrence and provide patient-centered genetic counseling and anticipatory guidance. 8. Identify and utilize community resources that provide medical, educational, financial, and psychosocial support and advocacy. 9. Provide written documentation of medical, genetic, and counseling information for families and health care professionals. 2018 Acts, ch 1052, §6, 12

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148H - GENETIC COUNSELING Section 148H.3 - Qualifications for licensure — provisional licensure.

148H.3 Qualifications for licensure — provisional licensure. 1. Each applicant for licensure under this chapter shall: a. Submit an application form as prescribed by the board. b. Provide satisfactory evidence of certification as a genetic counselor by the American board of genetic counseling or its equivalent or successor organization, the American board of medical genetics and genomics or its equivalent or successor organization, or as a medical geneticist by the American board of medical genetics and genomics or its equivalent or successor organization. 2. A license shall be issued for a two-year period and shall be renewed upon the filing of a renewal application as prescribed by the board. 3. A licensee shall maintain active certification as a genetic counselor by the American board of genetic counseling or its equivalent or successor organization, the American board of medical genetics and

genomics or its equivalent or successor organization, or as a medical geneticist by the American board of medical genetics and genomics, or its equivalent or successor organization. 4. a. The board may issue a provisional license to an applicant who meets all of the requirements for licensure except for the certification component and who has been granted active candidate status by the American board of genetic counseling or its equivalent or successor organization. b. The applicant shall submit a provisional license application form prescribed by the board as determined by the board. c. A provisional license shall expire upon the earlier of issuance of a full license by the board or the loss of active candidate status from the American board of genetic counseling or its equivalent or successor organization by the holder of the provisional license. d. A person with a provisional license shall only practice genetic counseling under the supervision of a qualified supervisor. 2018 Acts, ch 1052, §7, 12

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148H - GENETIC COUNSELING Section 148H.4 - Scope of chapter.

148H.4 Scope of chapter. This chapter shall not be construed to apply to any of the following: 1. A physician or surgeon or an osteopathic physician or surgeon licensed under chapter 148, a registered nurse or an advanced registered nurse practitioner licensed under chapter 152, a physician assistant licensed under chapter 148C, or other persons licensed under chapter 147 when acting within the scope of the person's profession and doing work of a nature consistent with the person's education and training. 2. A person who is certified by the American board of medical genetics and genomics or its equivalent or successor organization as a doctor of philosophy and is not a genetic counselor licensed pursuant to this chapter. 3. A person employed as a genetic counselor by the federal government or an agency thereof if the person provides genetic counseling services solely under the direction and control of the entity by which the person is employed. 4. A genetic counseling intern. 2018 Acts, ch 1052, §8, 12

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148H - GENETIC COUNSELING Section 148H.5 - Continuing education.

148H.5 Continuing education. An applicant for renewal of a license under this chapter shall submit satisfactory evidence to the board that in the period since the license was issued or last renewed, the applicant has completed thirty hours of national society of genetic counselors or its equivalent or successor organization or American board of medical genetics and genomics or its equivalent or successor organization continuing education units as approved by the board. 2018 Acts, ch 1052, §9, 12

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148H - GENETIC COUNSELING Section 148H.6 - Rules — authority of board.

148H.6 Rules — authority of board. The board shall adopt rules consistent with this chapter and chapters 147 and 148 which are necessary for the performance of its duties under this chapter. The board may consult with genetic counselors during an investigative or disciplinary proceeding as it deems necessary. 2018 Acts, ch 1052, §10, 12

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148H - GENETIC COUNSELING Section 148H.7 - Licensee discipline.

148H.7 Licensee discipline. 1. In addition to the grounds for revocation or suspension referred to in section 147.55 and in accordance with the disciplinary process established for the board by section 148.6, the board may discipline a person licensed under this chapter who is guilty of any of the following acts or offenses: a. Having been adjudged mentally ill or incompetent by a court of competent jurisdiction. b. Engaging in unethical or unprofessional conduct including but not limited to negligence or incompetence in the course of professional practice. c. Violating any lawful order, rule, or regulation rendered or adopted by the board. d. Having been refused issuance of or disciplined in connection with a license issued by any other jurisdiction. 2. A genetic counselor whose license is suspended or revoked or whose surrender of license with or without prejudice has been accepted by the board shall promptly deliver the original license to the board. 3. A provisional licensee who loses active candidate status with the American board of genetic counseling or its equivalent or successor organization shall surrender the provisional license to the board immediately. 2018 Acts, ch 1052, §11, 12; 2020 Acts, ch 1103, §15, 31

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148I - MIDWIFERY Section 148I.1 - Definitions.

148I.1 Definitions. As used in this chapter, unless the context otherwise requires: 1. "Board" means the board of nursing created pursuant to chapter 147. 2. "Certified nurse midwife" or "CNM" means a registered nurse who holds a current, valid certification from the American midwifery certification board. 3. "Certified professional midwife" or "CPM" means a person who holds a current, valid certification with the North American registry of midwives or its successor organization. 4. "Client" means a person under the care of a midwife and such person's fetus or newborn. 5. "Licensed midwife" means a person licensed under this chapter to practice midwifery in Iowa. 6. "Midwife" means a person practicing midwifery. 7. "Midwifery" means the practice of providing primary maternity care to a client during the preconception, antepartum, intrapartum, and postpartum periods and newborn care up to six weeks. 8. "Midwifery bridge certificate" or "MBC" means a certificate issued by the North American registry of midwives or its successor organization that documents completion of accredited continuing education for certified professional midwives based upon identified areas to address education in emergency skills and other competencies set by the international confederation of midwives. 2023 Acts, ch 127, §4 NEW section

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148I - MIDWIFERY Section 148I.2 - Licensure — licensed midwifery.

148I.2 Licensure — licensed midwifery. 1. Except as provided in section 148I.3, beginning July 1, 2024, every person practicing midwifery in this state shall be licensed pursuant to this chapter. The board shall adopt rules pursuant to chapters 17A, 147, and 272C establishing procedures for the licensure of new and practicing midwives. 2. Prior to obtaining a license to practice midwifery, an applicant shall meet all of the following requirements: a. Be at least twenty-one years old. b. Submit proof of a high school diploma or its equivalent. c. Submit proof of a current national certification as a certified professional midwife from the North American registry of midwives or its successor organization. d. (1) Submit proof of completion of an educational program or pathway accredited by the midwifery education accreditation council, except as otherwise provided in this paragraph. (2) A certified professional midwife certified before July 1, 2024, and who received certification other than through completion of an educational program or pathway described in subparagraph (1) shall obtain a midwifery bridge certificate from the North American registry of midwives or its successor organization in order to obtain licensure in Iowa. (3) A person licensed to practice midwifery for at least two years in a state that does not require completion of an educational program or pathway described in subparagraph (1), shall obtain a midwifery bridge certificate from the North American registry of midwives or its successor organization in order to obtain licensure in Iowa. e. Submit an application fee as prescribed by the board by rule. 3. The board may request, at the applicant's expense, that the department of public safety perform a criminal history check and the department of health and human services perform child and dependent adult abuse record checks of the applicant. If an applicant has a criminal record or a record of founded child or dependent adult abuse, the board shall perform an evaluation to determine whether the record warrants denial of licensure. 2023 Acts, ch 19, §1358; 2023 Acts, ch 127, §5 NEW section

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148I - MIDWIFERY Section 148I.3 - Exceptions.

148I.3 Exceptions. 1. This chapter does not do any of the following: a. Limit or regulate the practice of qualified members of other professions including but not limited to advanced registered nurse practitioner midwives under chapter 152, advanced practice registered nurse midwives under chapter 152E, or certified nurse midwives, from providing services that would constitute midwifery under this chapter. b. Apply to a person who is a member of a Native American, Mennonite, or Amish community who provides traditional midwife services to such a community. c. Apply to a person who, in good faith, engages in the practice of the religious tenets of a church or a religious act if no fee is contemplated, charged, or received. d. Apply to a person rendering aid in an emergency. e. Apply to a student midwife currently enrolled in an accredited midwifery education program and providing services to clients under the direct, on-site, in-person supervision of a certified professional midwife who is licensed and registered as a preceptor with the North American registry of midwives or its successor organization. f. Apply to an advanced registered nurse practitioner licensed under chapter 152, an advanced practice registered nurse under chapter 152E, or a certified nurse midwife. 2. The practice of midwifery shall not constitute the practice of medicine, certified nurse midwifery, certified midwifery, or emergency medical care to the extent that a midwife advises, attends, or assists a person during pregnancy, labor, childbirth, or the postpartum period. 2023 Acts, ch 127, §6 Referred to in §148I.2 NEW section

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148I - MIDWIFERY Section 148I.4 - Board — rules.

148I.4 Board — rules. 1. The board shall adopt rules consistent with this chapter and chapter 147 which are necessary for the performance of the board's duties. The rules shall do all of the following: a. Regulate the practice of midwifery based on rules established by the national association of certified professional midwives and the North American registry of midwives or its successor organization. b. Define professional and unprofessional conduct. c. Permit a licensee to obtain appropriate screening and testing for clients, including but not limited to laboratory tests and ultrasounds. d. Permit a licensee to obtain and administer all of the following during the practice of midwifery: (1) Antihemorrhagic agents including but not limited to oxytocin, misoprostol, and methylergonovine. (2) Intravenous fluids for stabilization of the laboring person. (3) Neonatal injectable vitamin K. (4) Newborn antibiotic eye prophylaxis. (5) Oxygen. (6) Intravenous antibiotics for group B streptococcal antibiotic prophylaxis. (7) Rho (D) immune globulin. (8) Local anesthetic. (9) Epinephrine. (10) Other drugs consistent with the practice of certified professional midwifery, as approved by the board. e. Permit a licensee to administer a drug prescribed by a licensed health care provider for a client of a licensee. f. Prohibit a licensee from using forceps or a vacuum extractor. g. Require a licensee to develop a written plan for the consultation, collaboration, emergency transfer, and transport of the birthing client and newborn when necessary, and to submit that plan to the board. h. Require a licensee to provide each client with, and maintain a record of, a signed consent form that describes the licensee's qualifications, a copy of the licensee's emergency plan, whether the licensee carries professional liability insurance and a copy of the licensee's professional liability insurance, if any, and the benefits and risks of birth in the client's setting of choice. i. Require a licensee to report client data to the department of health and human services, the midwives alliance of North America statistics registry, the American association of birth centers perinatal data registry, or other similar databases, and to verify the submission of such data with the board. j. Adopt continuing education requirements consistent with those required by the North American registry of midwives or its successor organization. k. Establish requirements for peer review. l. Require a licensee to file a birth certificate for each birth. m. Establish an annual license fee. n. Require a licensee to comply with sections 136A.5 and 136A.5A. 2. The board shall not adopt rules that do any of the following: a. Permit a licensee to order or administer narcotic drugs. b. Limit the location where a licensee may practice midwifery. c. Require a licensee to practice under the supervision of or under a collaborative practice agreement with another health care provider. 3. The board shall adopt rules requiring a licensee to consult with a licensed physician or certified nurse midwife according to the appropriate standard of care for high-risk pregnancies and births in the United States. Such rules shall not require an in-hospital birth due merely to a consultation and shall, to the greatest

degree medically responsible, allow a licensee to maintain care of a client according to the client's wishes. 2023 Acts, ch 127, §7
NEW section

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148I - MIDWIFERY Section 148I.5 - Liability — limitation.

148I.5 Liability — limitation. A health care provider accepting a transfer of a client from a licensed midwife shall not be civilly or criminally liable for outcomes arising from actions or omissions of the licensed midwife. 2023 Acts, ch 127, §8 NEW section

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148I - MIDWIFERY Section 148I.6 - Use of title — penalty.

148I.6 Use of title — penalty. A person shall not use the title “licensed midwife”, or describe or imply that the person is a licensed midwife, or represent that person as a licensed midwife unless the person is licensed under this chapter. 2023 Acts, ch 127, §9 NEW section

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 148I - MIDWIFERY Section 148I.7 - Midwifery advisory council.

148I.7 Midwifery advisory council. 1. A midwifery advisory council is established. The board shall appoint members of the council, including four members who are certified professional midwives eligible for licensure under this chapter; one member who is licensed under chapter 148 and is certified by the American college of obstetrics and gynecology; one member who is a certified nurse midwife; and one member who is not a licensed midwife or a licensed health care provider and who shall represent the general public. 2. Members of the council shall serve for terms of four years. Vacancies on the council shall be filled for the remainder of the term of the original appointment. Members whose terms expire may be reappointed. 3. The council shall advise the board regarding licensure and continuing education requirements, standards of practice, professional ethics, disciplinary actions, and other issues relating to midwifery. 2023 Acts, ch 127, §10 NEW section

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 149 - PODIATRY Section 149.1 - Persons engaged in practice — definitions.

149.1 Persons engaged in practice — definitions. 1. For the purpose of this subtitle the following classes of persons shall be deemed to be engaged in the practice of podiatry: a. Persons who publicly profess to be podiatric physicians or who publicly profess to assume the duties incident to the practice of podiatry. b. Persons who diagnose, prescribe, or prescribe and furnish medicine for ailments of the human foot, or treat such ailments by medical, mechanical, or surgical treatments. 2. As used in this chapter: a. “Board” means the board of podiatry, created under chapter 147. b. “Human foot” means the ankle and soft tissue which insert into the foot as well as the foot. c. “Podiatric physician” means a physician or surgeon licensed under this chapter to engage in the practice of podiatric medicine and surgery. [C24, 27, 31, 35, 39, §2542; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §149.1] 88 Acts, ch 1199, §2; 95 Acts, ch 108, §9; 2007 Acts, ch 10, §108; 2009 Acts, ch 133, §199 Referred to in §149.5

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 149 - PODIATRY Section 149.2 - Exceptions.

149.2 Exceptions. This chapter shall not apply to the following: 1. Physicians and surgeons or osteopathic physicians and surgeons who are authorized to practice in this state and are not licensed podiatric physicians. 2. Podiatric physicians licensed to practice in the state prior to July 4, 1937. 3. Nothing herein shall affect or alter the existing right now held by retailers, manufacturers or others to sell corrective shoes, arch supports, drugs or medicines for use on feet. [C24, 27, 31, 35, 39, §2543; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §149.2] 88 Acts, ch 1199, §3; 96 Acts, ch 1034, §68; 2008 Acts, ch 1088, §141

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 149 - PODIATRY Section 149.3 - License.

149.3 License. Every applicant for a license to practice podiatry shall: 1. Be a graduate of an accredited school of podiatry. 2. Present an official transcript issued by a school of podiatry approved by the board. 3. Pass an examination as determined by the board by rule. 4. a. For an applicant who graduates from a school of podiatry on or after January 1, 1995, have successfully completed a residency approved by the council on podiatric medical education as determined by the board by rule, except as provided in paragraph “b”. b. (1) For an applicant who graduates from a school of podiatry on or after January 1, 2013, present evidence that the applicant has successfully completed two years of a residency approved by the council on podiatric medical education. (2) As part of the initial license renewal, a licensee pursuant to this paragraph shall provide documentation showing completion of a residency program approved by the council on podiatric medical education. The board shall not renew or reactivate the license of a licensee licensed pursuant to this paragraph if the licensee does not provide documentation showing completion of a residency program approved by the council on podiatric medical education. [C24, 27, 31, 35, 39, §2544; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §149.3] 89 Acts, ch 43, §1; 92 Acts, ch 1212, §5; 2006 Acts, ch 1184, §91; 2007 Acts, ch 10, §109; 2007 Acts, ch 126, §36; 2023 Acts, ch 69, §1 Referred to in §272C.2C Subsection 4 stricken and rewritten

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 149 - PODIATRY Section 149.4 - Approved school.

149.4 Approved school. A school of podiatry shall not be approved by the board as a school of recognized standing unless the school: 1. Requires for graduation or the receipt of any podiatric degree the completion of a course of study covering a period of at least eight months in each of four calendar years. 2. A school of podiatry shall not be approved by the board which does not have as

an additional entrance requirement two years study in a recognized college, university, or academy. [C24, 27, 31, 35, 39, §2545; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §149.4] 90 Acts, ch 1253, §2; 2007 Acts, ch 10, §110

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 149 - PODIATRY Section 149.5 - Amputations — anesthesia — prescription drugs.

149.5 Amputations — anesthesia — prescription drugs. 1. A license to practice podiatry shall not authorize the licensee to amputate the human foot. 2. A licensed podiatric physician may do all of the following: a. Administer local anesthesia. b. Administer conscious sedation in a hospital or an ambulatory surgical center. c. Prescribe and administer drugs for the treatment of human foot ailments as provided in section 149.1. [C24, 27, 31, 35, 39, §2546; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §149.5] 88 Acts, ch 1199, §4; 95 Acts, ch 108, §10; 2003 Acts, ch 22, §1; 2009 Acts, ch 133, §200

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 149 - PODIATRY Section 149.6 - Title or abbreviation.

149.6 Title or abbreviation. Every licensee shall be designated as a licensed podiatric physician and shall not use any title or abbreviation without the designation “practice limited to the foot,” nor mislead the public in any way as to the limited field or practice. [C24, 27, 31, 35, 39, §2547; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §149.6] 88 Acts, ch 1199, §5; 95 Acts, ch 108, §11 Titles and degrees, §147.72 – 147.74

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 149 - PODIATRY Section 149.7 - Temporary license.

149.7 Temporary license. 1. The board may issue a temporary license authorizing the licensee to practice podiatry if, in the opinion of the board, a need exists and the person possesses the qualifications prescribed by the board for the temporary license, which shall be substantially equivalent to those required for permanent licensure under this chapter. The board shall determine in each instance the applicant’s eligibility for the temporary license, whether or not an examination shall be given, and the type of examination. The requirements of the law pertaining to permanent licensure shall not be mandatory for temporary licensure except as specifically designated by the board. The granting of a temporary license does not in any way indicate that the person licensed is necessarily eligible for permanent licensure, and the board is not obligated to issue a permanent license to the person. 2. The board shall determine the duration of time a person is qualified to practice podiatry while holding a temporary license. The fee for this license shall be set by the board, and if extended beyond one year, a renewal fee per year shall be set by the board. The fees shall be based on the administrative costs of issuing and renewing the temporary licenses. [82 Acts, ch 1040, §1] 87 Acts, ch 128, §2; 2006 Acts, ch 1184, §92, 93; 2007 Acts, ch 10, §111; 2009 Acts, ch 56, §4

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 151 - CHIROPRACTIC Section 151.1 - “Chiropractic” defined.

151.1 “Chiropractic” defined. For the purpose of this subtitle the following classes of persons shall be deemed to be engaged in the practice of chiropractic: 1. Persons publicly professing to be chiropractors or publicly professing to assume the duties incident to the practice of chiropractic. 2. Persons who treat human ailments by the adjustment of the neuromusculoskeletal structures, primarily, by hand or instrument, through spinal care. 3. Persons utilizing differential diagnosis and procedures related thereto, withdrawing or ordering withdrawal of the patient’s blood for diagnostic purposes, performing or utilizing routine laboratory tests, performing physical examinations, rendering nutritional advice, utilizing chiropractic physiotherapy procedures, all of which are subject to and authorized by section 151.8. [C24, 27, 31, 35, 39, §2555; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §151.1] 83 Acts, ch 83, §1, 2; 99 Acts, ch 141, §27 Referred to in §151.2, 151.10, 151.11

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 151 - CHIROPRACTIC Section 151.10 - Education requirements.

151.10 Education requirements. A person who is an applicant for a license to practice chiropractic shall only be required to be tested for the adjunctive procedures specified in section 151.1, subsection 3, which the person chooses to utilize. A person licensed to practice chiropractic shall only be required to complete continuing education requirements for the adjunctive procedures specified in section 151.1, subsection 3, which the person chooses to utilize. A person who is an applicant for a license to practice chiropractic or a person licensed to practice chiropractic shall not be required to utilize any of the adjunctive procedures specified in section 151.1, subsection 3, to obtain a license or continue to practice chiropractic, respectively. 83 Acts, ch 83, §6; 2023 Acts, ch 64, §23 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 151 - CHIROPRACTIC Section 151.11 - Rules.

151.11 Rules. The board shall adopt rules necessary to administer section 151.1, to protect the health, safety, and welfare of the public, including rules governing the practice of chiropractic and defining any terms, whether or not specified in section 151.1, subsection 3. Such rules shall not be inconsistent with the practice of chiropractic and shall not expand the scope of practice of chiropractic or authorize the use of procedures not authorized by this chapter. These rules shall conform with chapter 17A. 83 Acts, ch 83, §7; 2007 Acts, ch 10, §124

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 151 - CHIROPRACTIC Section 151.12 - Temporary certificate.

151.12 Temporary certificate. 1. The board may, in its discretion, issue a temporary certificate for one year authorizing the

certificate holder to practice chiropractic if, in the opinion of the board, a need exists and the person possesses the qualifications prescribed by the board for the certificate, which shall be substantially equivalent to those required for licensure under this chapter. No requirements of the law pertaining to regular permanent licensure are mandatory for the temporary certificate except as specifically designated by the board. The granting of a temporary certificate does not in any way indicate that the person is eligible for regular licensure or that the board is obligated to issue the person a regular license. 2. The fee for the temporary certificate shall be based on the administrative costs of issuing the certificates. 86 Acts, ch 1127, §1; 2006 Acts, ch 1184, §94; 2007 Acts, ch 10, §125; 2007 Acts, ch 126, §37; 2007 Acts, ch 215, §250; 2008 Acts, ch 1088, §64

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 151 - CHIROPRACTIC Section 151.1A - Board defined.

151.1A Board defined. As used in this chapter, “board” means the board of chiropractic created under chapter 147. 2007 Acts, ch 10, §119

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 151 - CHIROPRACTIC Section 151.2 - Persons not engaged in.

151.2 Persons not engaged in. Section 151.1 shall not be construed to include the following classes of persons: 1. Licensed physicians and surgeons, licensed osteopathic physicians and surgeons, and physical therapists who are exclusively engaged in the practice of their respective professions. 2. Physicians and surgeons of the United States army, navy, or public health service when acting in the line of duty in this state, or to chiropractors licensed in another state, when incidentally called into this state in consultation with a chiropractor licensed in this state. 3. Students of chiropractic who have entered upon a regular course of study in a chiropractic college approved by the board, who practice chiropractic under the direction of a licensed chiropractor and in accordance with the rules of the board. [C24, 27, 31, 35, 39, §2556; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §151.2] 2007 Acts, ch 10, §120; 2008 Acts, ch 1088, §58

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 151 - CHIROPRACTIC Section 151.3 - License.

151.3 License. Every applicant for a license to practice chiropractic shall do all of the following: 1. Present satisfactory evidence that the applicant possesses a preliminary education equal to the requirements for graduation from an accredited high school or other secondary school. 2. Present a diploma issued by a college of chiropractic approved by the board. 3. Pass an examination prescribed by the board. [C24, 27, 31, 35, 39, §2557; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §151.3] 83 Acts, ch 83, §3; 2007 Acts, ch 10, §121; 2008 Acts, ch 1088, §59

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 151 - CHIROPRACTIC Section 151.4 - Approved college.

151.4 Approved college. 1. A college of chiropractic shall not be approved by the board as a college of recognized standing unless the college requires for graduation or for the receipt of any chiropractic degree the completion of a course of study covering a period of four academic years. 2. An approved college of chiropractic may include but is not limited to offerings of courses of study in procedures for withdrawing a patient’s blood, performing or utilizing laboratory tests, and performing physical examinations for diagnostic purposes. A chiropractor, employed by an approved college of chiropractic and who has been trained to withdraw blood may withdraw blood and instruct, and supervise a student in the withdrawing of blood. [C24, 27, 31, 35, 39, §2558; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §151.4] 83 Acts, ch 83, §4; 2007 Acts, ch 10, §122; 2008 Acts, ch 1088, §60 Referred to in §256.203, 256.205

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 151 - CHIROPRACTIC Section 151.5 - Operative surgery — drugs.

151.5 Operative surgery — drugs. A license to practice chiropractic shall not authorize the licensee to practice operative surgery or administer or prescribe prescription drugs or controlled substances which can only be prescribed by persons authorized by law. [C24, 27, 31, 35, 39, §2559; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §151.5] 2008 Acts, ch 1088, §61 Drug dispensing, supplying, and prescribing, see §147.107

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 151 - CHIROPRACTIC Section 151.6 - Display of word “chiropractor”.

151.6 Display of word “chiropractor”. Every licensee shall place upon all signs used by the licensee, and display prominently in the licensee’s office the word “chiropractor”. [C24, 27, 31, 35, 39, §2560; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §151.6] Titles and degrees, §147.72 – 147.74

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 151 - CHIROPRACTIC Section 151.8 - Training in procedures used in practice.

151.8 Training in procedures used in practice. 1. A chiropractor shall not use in the chiropractor’s practice the procedures otherwise authorized by law unless the chiropractor has received training in their use by a college of chiropractic offering courses of instructions approved by the board or by curriculum taught on a postgraduate level approved by the board. 2. Any chiropractor licensed as of July 1, 1974, may use the procedures authorized by law if the chiropractor files with the board an affidavit that the chiropractor has completed the necessary training and is fully qualified in these procedures and possesses that degree of proficiency

and will exercise that care which is common to physicians in this state. 3. A chiropractor using the additional procedures and practices authorized by this chapter shall be held to the standard of care applicable to any other health care practitioner in this state. [C75, 77, 79, 81, §151.8] 83 Acts, ch 83, §5; 2007 Acts, ch 10, §123; 2008 Acts, ch 1088, §62 Referred to in §151.1

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 151 - CHIROPRACTIC Section 151.9 - Revocation or suspension of license.

151.9 Revocation or suspension of license. A license or certificate to practice as a chiropractor may be revoked or suspended when the licensee or certificate holder is guilty of the following acts or offenses: 1. Fraud in procuring a license. 2. Professional incompetency. 3. Knowingly making misleading, deceptive, untrue, or fraudulent representations in the practice of the licensee's profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established. 4. Habitual intoxication or addiction to the use of drugs. 5. Fraud in representations as to skill or ability. 6. Use of untruthful or improbable statements in advertisements. 7. Willful or repeated violations of the provisions of this chapter or chapter 272C. [C79, 81, §151.9] 2008 Acts, ch 1088, §63; 2018 Acts, ch 1026, §52; 2020 Acts, ch 1103, §16, 31

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152 - NURSING Section 152.1 - Definitions.

152.1 Definitions. As used in this chapter: 1. "Advanced registered nurse practitioner" means a person who is currently licensed as a registered nurse under this chapter or chapter 152E who is licensed by the board of nursing as an advanced registered nurse practitioner. 2. "Board" means the board of nursing, created under chapter 147. 3. As used in this section, "nursing diagnosis" means to identify and use discriminatory judgment concerning physical and psychosocial signs and symptoms essential to determining effective nursing intervention. 4. "Physician" means a person licensed in this state to practice medicine and surgery, osteopathic medicine and surgery, or a person licensed in this state to practice dentistry or podiatry when acting within the scope of the license. A physician licensed to practice medicine and surgery or osteopathic medicine and surgery in a state bordering this state shall be considered a physician for purposes of this chapter unless previously determined to be ineligible for such consideration by the board of medicine. 5. The "practice of a licensed practical nurse" means the practice of a natural person who is licensed by the board to do all of the following: a. Perform services in the provision of supportive or restorative care under the supervision of a registered nurse or a physician. b. Perform additional acts under emergency or other conditions which require education and training and which are recognized by the medical and nursing professions and are approved by the board, as being proper to be performed by a licensed practical nurse. c. Make the pronouncement of death for a patient whose death is anticipated if the death occurs in a licensed hospital, a licensed health care facility, a Medicare-certified home health agency, a Medicare-certified hospice program or facility, or an assisted living facility or residential care facility, with notice of the death to a physician, advanced registered nurse practitioner, or physician assistant. 6. The "practice of nursing" means the practice of a registered nurse, a licensed practical nurse, or an advanced registered nurse practitioner. It does not mean any of the following: a. The practice of medicine and surgery and the practice of osteopathic medicine and surgery, as defined in chapter 148, or the practice of pharmacy as defined in chapter 155A, except practices which are recognized by the medical and nursing professions and approved by the board as proper to be performed by a registered nurse. b. The performance of nursing services by an unlicensed student enrolled in a nursing education program if performance is part of the course of study. Individuals who have been licensed as registered nurses, licensed practical or vocational nurses, or advanced registered nurse practitioners in any state or jurisdiction of the United States are not subject to this exemption. c. The performance of services by unlicensed workers employed in offices, hospitals, or health care facilities, as defined in section 135C.1, under the supervision of a physician or a nurse licensed under this chapter, or employed in the office of a psychologist, podiatric physician, optometrist, chiropractor, speech pathologist, audiologist, or physical therapist licensed to practice in this state, and when acting while within the scope of the employer's license. d. The practice of a nurse licensed in another state and employed in this state by the federal government if the practice is in discharge of official employment duties. e. The care of the sick rendered in connection with the practice of the religious tenets of any church or order by the adherents thereof which is not performed for hire, or if performed for hire by those who depend upon prayer or spiritual means for healing in the practice of the religion of their church or denomination, so long as they do not otherwise engage in the practice of nursing as practical nurses. 7. The "practice of the profession of a registered nurse" means the practice of a natural person who is licensed by the board to do all of the following: a. Formulate nursing diagnosis and conduct nursing treatment of human responses to actual or potential health problems through services, such as case finding, referral, health teaching, health counseling, and care provision which is supportive to or restorative of life and well-being. b. Execute regimen prescribed by a physician, an advanced registered nurse practitioner, or a physician assistant. c. Supervise and teach other personnel in the performance of activities relating to nursing care. d. Perform additional acts or nursing specialties which require education and training under emergency or other conditions which are recognized by the medical and nursing professions and are approved by the board as being proper to be performed by a registered nurse. e. Make the pronouncement of death for a patient whose death is anticipated if the death occurs in a licensed hospital, a licensed health care facility, a correctional institution listed in section 904.102, a Medicare-certified home health agency, a Medicare-certified hospice program or facility, an assisted living facility, or a residential care facility, with notice of the death to a physician, advanced registered nurse practitioner, or physician assistant. f. Under a pharmacist's order and consistent with this subsection, assist in the administration of immunizations and vaccinations and the utilization of statewide protocols pursuant to section 155A.33B. g. Apply to the abilities enumerated in paragraphs "a" through "f" of this subsection scientific principles, including the principles of nursing skills and of biological, physical, and psychosocial sciences. [S13, §2575-a28, -a31, -a32; C24, 27, 31, 35, 39, §2561, 2562; C46,

50, 54, 58, 62, 66, 71, 73, 75, §152.1, 152.2; C77, 79, 81, §152.1] 87 Acts, ch 215, §41; 91 Acts, ch 100, §1; 95 Acts, ch 108, §12; 2001 Acts, ch 113, §2 – 4; 2003 Acts, ch 78, §4, 5; 2004 Acts, ch 1168, §8; 2007 Acts, ch 10, §126; 2007 Acts, ch 159, §29, 30; 2008 Acts, ch 1088, §101, 102; 2015 Acts, ch 56, §4 – 8; 2017 Acts, ch 96, §1; 2022 Acts, ch 1108, §1; 2023 Acts, ch 66, §40 Referred to in §155A.33B, 509.3, 514.7, 514B.1 Subsection 7, paragraphs f and g amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152 - NURSING Section 152.10 - License revocation or suspension.

152.10 License revocation or suspension. 1. Notwithstanding sections 147.87 through 147.89, the board may restrict, suspend, or revoke a license to practice nursing or place the licensee on probation. The board may also prescribe by rule conditions of license reinstatement. The board shall adopt rules of procedure by which to restrict, suspend, or revoke a license. These procedures shall conform to the provisions of chapter 17A. 2. In addition to the grounds stated in section 147.55, the following are grounds for suspension or revocation under subsection 1 of this section: a. Willful violation of the rules of the board. b. Continued practice while knowingly having an infectious or contagious disease which could be harmful to a patient's welfare. c. (1) Having a license to practice nursing as a registered nurse or licensed practical nurse revoked or suspended, or having other disciplinary action taken by a licensing authority of another state, territory, or country. A certified copy of the record or order of suspension, revocation, or disciplinary action is prima facie evidence of such fact. (2) Having a license to practice nursing as a registered nurse or licensed practical nurse revoked or suspended, or having other disciplinary action taken, by a licensing authority in another state which has adopted the nurse licensure compact contained in section 152E.1 or the advanced practice registered nurse compact contained in section 152E.3 and which has communicated information relating to such action pursuant to the coordinated licensure information system established by the compact. If the action taken by the licensing authority occurs in a jurisdiction which does not afford the procedural protections of chapter 17A, the licensee may object to the communicated information and shall be afforded the procedural protections of chapter 17A. d. Knowingly aiding, assisting, procuring, advising, or allowing a person to unlawfully practice nursing. e. Being adjudicated mentally incompetent by a court of competent jurisdiction. Such adjudication shall automatically suspend a license for the duration of the license, unless the board orders otherwise. f. Being guilty of willful or repeated departure from or the failure to conform to the minimum standard of acceptable and prevailing practice of nursing; however, actual injury to a patient need not be established. g. (1) Inability to practice nursing with reasonable skill and safety by reason of illness, excessive use of alcohol, drugs, narcotics, chemicals, or other type of material or as a result of a mental or physical condition. (2) The board may, upon probable cause, request a licensee to submit to an appropriate medical evaluation by a designated health care provider. If requested by the licensee, the licensee may also designate a health care provider for an independent medical evaluation. Refusal or failure of a licensee to complete such evaluations shall constitute an admission of any allegations relating to such condition. All objections shall be waived as to the admissibility of the examining health care provider's testimony or evaluation reports on the grounds that they constitute privileged communication. The medical testimony or evaluation reports shall not be used against a registered nurse, licensed practical nurse, or advanced registered nurse practitioner in another proceeding and shall be confidential. At reasonable intervals, a registered nurse, licensed practical nurse, or advanced registered nurse practitioner shall be afforded an opportunity to demonstrate that the registered nurse, licensed practical nurse, or advanced registered nurse practitioner can resume the competent practice of nursing with reasonable skill and safety to patients. [C77, 79, 81, §152.10] 2000 Acts, ch 1008, §7; 2005 Acts, ch 53, §7; 2008 Acts, ch 1088, §104; 2015 Acts, ch 56, §14; 2020 Acts, ch 1103, §17, 31; 2021 Acts, ch 80, §82 Referred to in §272C.3, 272C.4, 272C.5

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152 - NURSING Section 152.11 - Investigators for nurses.

152.11 Investigators for nurses. The board of nursing may appoint investigators, who shall not be members of the board, to administer and aid in the enforcement of the provisions of law related to those licensed to practice nursing. The amount of compensation for the investigators shall be determined pursuant to chapter 8A, subchapter IV. Investigators authorized by the board of nursing have the powers and status of peace officers when enforcing this chapter and chapters 147, 152E, and 272C. 93 Acts, ch 41, §1; 2003 Acts, ch 145, §199; 2018 Acts, ch 1026, §53 Referred to in §272C.5

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152 - NURSING Section 152.12 - Examination information.

152.12 Examination information. Notwithstanding section 147.21, individual pass or fail examination results made available from the authorized national testing agency may be disclosed to the appropriate licensing authority in another state, the District of Columbia, or a territory or country, and the board-approved education program, for purposes of verifying accuracy of national data and determining program approval. 97 Acts, ch 159, §22; 2008 Acts, ch 1088, §105; 2012 Acts, ch 1021, §47

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152 - NURSING Section 152.2 - Executive director.

152.2 Executive director. The board shall retain a full-time executive director, who shall be appointed pursuant to section 10A.504. The executive director shall be a registered nurse. The governor, with the approval of the executive council pursuant to section 8A.413, subsection 3, under the pay plan for exempt positions in the executive branch of government, shall set the salary of the executive director. [C35, §2537-g1; C39, §2537.1; C46, 50, 54, 58, 62, 66, 71, 73, 75, §147.105; C77, 79, 81, §152.2] 2003 Acts, ch 145, §197; 2008 Acts, ch 1031, §106; 2019 Acts, ch 85, §61; 2020 Acts, ch 1063, §64 Referred to in §152E.2 Section not amended; internal reference change applied

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152 - NURSING Section 152.3 - Director's duties.

152.3 Director's duties. The duties of the executive director shall be as follows: 1. To receive all applications to be licensed for the practice of nursing. 2. To collect and receive all fees. 3. To keep all records pertaining to the licensing of nurses, including a record of all board proceedings. 4. To perform such other duties as may be prescribed by the board. 5. To appoint assistants to the director and persons necessary to administer this chapter. Any appointments shall be merit appointments made pursuant to chapter 8A, subchapter IV. [C35, §2537-g2, -g3; C39, §2537.2, 2537.3; C46, 50, 54, 58, 62, 66, 71, 73, 75, §147.106, 147.107; C77, 79, 81, §152.3] 88 Acts, ch 1134, §31; 2003 Acts, ch 145, §198, 286; 2006 Acts, ch 1155, §8, 9, 15

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152 - NURSING Section 152.4 - Appropriations.

152.4 Appropriations. The board may apply appropriated funds to: 1. The administration and enforcement of the provisions of this chapter and chapters 147, 152E, and 272C. 2. The elevation of the standards of the schools of nursing. 3. The promotion of educational and professional standards of nurses in this state. 4. The collection, analysis, and dissemination of nursing workforce data. [C35, §2537-g3; C39, §2537.3; C46, 50, 54, 58, 62, 66, 71, 73, 75, §147.107; C77, 79, 81, §152.4] 2015 Acts, ch 56, §9

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152 - NURSING Section 152.5 - Education programs.

152.5 Education programs. 1. All programs preparing a person to be a registered nurse or a licensed practical nurse shall be approved by the board. The board shall not recognize a program unless it: a. Is of recognized standing. b. Has provisions for adequate physical and clinical facilities and other resources with which to conduct a sound education program. c. Requires, for graduation of a registered nurse applicant, the completion of at least a two academic year course of study. d. Requires, for graduation of a licensed practical nurse applicant, the completion of at least a one academic year course of study as prescribed by the board. 2. All postlicense formal academic nursing education programs shall also be approved by the board. [S13, §2575-a29; C24, 27, 31, 35, 39, §2564; C46, 50, 54, 58, 62, 66, 71, 73, 75, §152.4; C77, 79, 81, §152.5] 95 Acts, ch 79, §1; 2006 Acts, ch 1008, §1; 2015 Acts, ch 56, §10 Referred to in §152.5A, 152.7, 235A.15, 235B.6, 256.224

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152 - NURSING Section 152.5A - Student record checks.

152.5A Student record checks. 1. For the purposes of this section: a. "Comprehensive preliminary background check" means the same as defined in section 135C.1. b. "Nursing program" means a nursing program that is approved by the board pursuant to section 152.5. c. "Record check evaluation system" means the same as defined in section 135C.1. d. "Student" means a person applying for, enrolled in, or returning to the clinical education component of a nursing program. 2. Prior to a student beginning or returning to a nursing program, the nursing program shall do one of the following in substantial conformance with the provisions of section 135C.33: a. Request that the department of public safety perform a criminal history check and the record check evaluation system of the department of health and human services perform child and dependent adult abuse record checks of the student in this state. b. Access the single contact repository to perform the required record checks. 3. a. If a program accesses the single contact repository to perform the required record checks pursuant to subsection 2, the program may utilize a third-party vendor to perform a comprehensive preliminary background check to allow a student to provisionally participate in the clinical education component of the nursing program pending completion of the required record checks through the single contact repository and the evaluation by the record check evaluation system, as applicable, subject to all of the following: (1) If the comprehensive preliminary background check determines that the student being considered for provisional participation has been convicted of a crime, but the crime does not constitute a felony as defined in section 701.7 and is not a crime specified pursuant to chapter 708, 708A, 709, 709A, 710, 710A, 711, or 712, or pursuant to section 726.3, 726.27, or 726.28. (2) If the comprehensive preliminary background check determines the student being considered for provisional participation does not have a record of founded child abuse or dependent adult abuse, or if an exception pursuant to section 135C.33, subsection 4, is applicable to the student. (3) If the program has requested an evaluation in accordance with section 135C.33, subsection 2, paragraph "a", to determine whether the crime warrants prohibition of the student's provisional participation. b. The provisional participation under this subsection 3 may continue until such time as the required record checks through the single contact repository and the evaluation by the record check evaluation system, as applicable, are completed. 4. If a student has a criminal record or a record of founded child or dependent adult abuse, upon request of the nursing program, the record check evaluation system shall perform an evaluation to determine whether the record warrants prohibition of the student's involvement in a clinical education component of a nursing program involving children or dependent adults. The record check evaluation system shall utilize the criteria provided in section 135C.33 in performing the evaluation and shall report the results of the evaluation to the nursing program. The record check evaluation system has final authority in determining whether prohibition of the student's involvement in a clinical education component is warranted. 2015 Acts, ch 56, §11; 2020 Acts, ch 1029, §6; 2023 Acts, ch 19, §271 Referred to in §235A.15, 235B.6 Department of inspections, appeals, and licensing to post list of third-party vendors eligible to conduct comprehensive preliminary background checks; 2020 Acts, ch 1029, §7; 2023 Acts, ch 19, §1358 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152 - NURSING Section 152.6 - Licenses — professional abbreviations.

152.6 Licenses — professional abbreviations. The board may license a natural person to practice as a registered nurse, as a licensed practical nurse, or as an advanced registered nurse practitioner. However, only a person currently licensed as a registered nurse in

this state may use that title and the letters “R.N.” after the person’s name; only a person currently licensed as a licensed practical nurse in this state may use that title and the letters “L.P.N.” after the person’s name; and only a person currently licensed as an advanced registered nurse practitioner may use that title and the letters “A.R.N.P.” after the person’s name. For purposes of this section, “currently licensed” includes persons licensed in another state and recognized for licensure in this state pursuant to the nurse licensure compact contained in section 152E.1 or pursuant to the advanced practice registered nurse compact contained in section 152E.3. [C50, 54, 58, 62, 66, 71, 73, 75, §152.5; C77, 79, 81, §152.6] 2000 Acts, ch 1008, §4; 2005 Acts, ch 53, §4; 2014 Acts, ch 1019, §2; 2015 Acts, ch 56, §12 Referred to in §272C.2C

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152 - NURSING Section 152.7 - Applicant qualifications.

152.7 Applicant qualifications. 1. In addition to the provisions of section 147.3, an applicant to be licensed for the practice of nursing shall have the following qualifications: a. Be a graduate of an accredited high school or the equivalent. b. Pass an examination as prescribed by the board. c. Complete a course of study approved by the board pursuant to section 152.5. 2. An applicant to be licensed as an advanced registered nurse practitioner shall have the following qualifications: a. Hold a current license as a registered nurse. b. Satisfactory completion of a formal advanced practice educational program of study in a nursing specialty area approved by the board. c. Hold an advanced level certification by a recognized national certifying body. 3. For purposes of licensure pursuant to the nurse licensure compact contained in section 152E.1, the compact administrator may refuse to accept a change in the qualifications for licensure as a registered nurse or as a licensed practical or vocational nurse by a licensing authority in another state which is a party to the compact which substantially modifies that state’s qualifications for licensure in effect on July 1, 2000. For purposes of licensure pursuant to the advanced practice registered nurse compact contained in section 152E.3, the compact administrator may refuse to accept a change in the qualifications for licensure as an advanced practice registered nurse by a licensing authority in another state which is a party to the compact which substantially modifies that state’s qualifications for licensure in effect on July 1, 2005. A refusal to accept a change in a party state’s qualifications for licensure may result in submitting the issue to an arbitration panel or in withdrawal from the respective compact, at the discretion of the compact administrator. [S13, §2575-a29, -a30; C24, 27, 31, 35, 39, §2563; C46, 50, 54, 58, 62, 66, 71, 73, 75, §152.3; C77, 79, 81, §152.7] 95 Acts, ch 79, §2; 2000 Acts, ch 1008, §5; 2000 Acts, ch 1140, §37; 2000 Acts, ch 1232, §50; 2005 Acts, ch 53, §5; 2006 Acts, ch 1030, §15; 2007 Acts, ch 22, §37; 2015 Acts, ch 56, §13 Referred to in §152.8

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152 - NURSING Section 152.8 - Reciprocity.

152.8 Reciprocity. Notwithstanding the provisions of sections 147.44, 147.48, 147.49, and 147.53, the following shall apply regarding applicants for nurse licensure possessing a license from another state: 1. A license possessed by an applicant from a state which has not adopted the nurse licensure compact contained in section 152E.1 or the advanced practice registered nurse compact contained in section 152E.3 shall be recognized by the board under conditions specified which indicate that the licensee meets all the qualifications required under section 152.7. If a foreign license is recognized, the board may issue a license by endorsement without an examination being required. Recognition shall be based on whether the foreign licensee is qualified to practice nursing. The board may issue a temporary license to a natural person who has completed the requirements of and applied for licensure by endorsement. The board shall determine the length of time a temporary license shall remain effective. 2. A license possessed by an applicant and issued by a state which has adopted the nurse licensure compact contained in section 152E.1 or the advanced practice registered nurse compact contained in section 152E.3 shall be recognized pursuant to the provisions of that section. [C35, §2537-g3; C39, §2537.3; C46, 50, 54, 58, 62, §147.107; C66, 71, 73, 75, §147.107, 152.7; C77, 79, 81, §152.8] 2000 Acts, ch 1008, §6; 2005 Acts, ch 53, §6; 2008 Acts, ch 1088, §103

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152 - NURSING Section 152.9 - Temporary license.

152.9 Temporary license. The board may issue a temporary license to a natural person who has completed the requirements of and applied for licensure by endorsement. The board shall determine the length of time a temporary license shall remain effective. [C77, 79, 81, §152.9] 94 Acts, ch 1123, §1

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152 - NURSING Section 152.9A - Limited nursing authorization.

152.9A Limited nursing authorization. The board may issue a limited authorization to a nurse to complete the clinical component of a nurse refresher course. The board shall determine the length of time a limited nursing authorization shall remain effective. 2018 Acts, ch 1092, §1

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152A - DIETETICS Section 152A.1 - Definitions.

152A.1 Definitions. As used in this chapter, unless the context otherwise requires: 1. “Board” means the board of dietetics created under chapter 147. 2. “Licensed dietitian” or “dietitian” means a person who holds a valid license to practice dietetics pursuant to this chapter. 85 Acts, ch 168, §8; 2007 Acts, ch 10, §127

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152A - DIETETICS Section 152A.2 - License requirements.

152A.2 License requirements. 1. An applicant shall be issued a license to practice dietetics by the board when the applicant satisfies

all of the following: a. Possesses a baccalaureate degree or postbaccalaureate degree with a major course of study in human nutrition, food and nutrition, dietetics, or food systems management, or in an equivalent major course of study which meets minimum academic requirements as established by the accreditation council for education in nutrition and dietetics of the academy of nutrition and dietetics and approved by the board. b. Completes an accredited competency-based supervised experience program approved by the accreditation council for education in nutrition and dietetics of the academy of nutrition and dietetics and approved by the board. c. Satisfactorily completes the commission on dietetic registration of the academy of nutrition and dietetics examination approved by the board. 2. Renewal of a license granted under this chapter shall not be approved unless the applicant has satisfactorily completed the continuing education requirements for the license as prescribed by the board. 85 Acts, ch 168, §9; 2014 Acts, ch 1006, §1

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152A - DIETETICS Section 152A.3 - Exemptions.

152A.3 Exemptions. The following are not subject to this chapter: 1. Licensed physicians and surgeons, nurses, chiropractors, dentists, dental hygienists, pharmacists or physical therapists who make dietetic or nutritional assessments, or give dietetic or nutritional advice in the normal practice of their profession or as otherwise authorized by law. 2. Dietetics students who engage in clinical practice under the supervision of a dietitian as part of a dietetic education program or a competency-based supervised experience program approved by the accreditation council for education in nutrition and dietetics of the academy of nutrition and dietetics. 3. Dietitians who serve in the armed forces or the public health service of the United States or are employed by the United States department of veterans affairs, provided their practice is limited to that service or employment. 4. Dietitians who are licensed in another state, United States possession, or country, or have received at least a baccalaureate degree and are in this state for the purpose of: a. Consultation, provided the practice in this state is limited to consultation. b. Conducting a teaching clinical demonstration in connection with a program of basic clinical education, graduate education, or postgraduate education which is sponsored by a dietetic education program or a competency-based supervised experience program approved by the accreditation council for education in nutrition and dietetics of the academy of nutrition and dietetics. 5. Individuals who do not call themselves dietitians but routinely, in the course of doing business, market or distribute weight loss programs or sell nutritional products and provide explanations for customers regarding the use of the programs or products relative to normal nutritional needs. 6. Individuals who provide routine education and advice regarding normal nutritional requirements and sources of nutrients, including, but not limited to, persons who provide information as to the use and sale of food and food materials including dietary supplements. 85 Acts, ch 168, §10; 2009 Acts, ch 26, §9; 2014 Acts, ch 1006, §2, 3

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152B - RESPIRATORY CARE Section 152B.1 - Definitions.

152B.1 Definitions. As used in this chapter, unless otherwise defined or the context otherwise requires: 1. “Board” means the board of respiratory care and polysomnography created under chapter 147. 2. “Department” means the department of inspections, appeals, and licensing. 3. “Formal training” means a supervised, structured educational activity that includes preclinical didactic and laboratory activities and clinical activities approved by an accrediting agency recognized by the board, and including an evaluation of competence through a standardized testing mechanism that is determined by the board to be both valid and reliable. 4. “Qualified health care professional prescriber” means a physician assistant operating under the prescribing authority granted in section 147.107 or an advanced registered nurse practitioner operating under the prescribing authority granted in section 147.107. 5. “Qualified medical director” means a licensed physician or surgeon who is a member of a hospital’s or health care facility’s active medical staff and who has special interest and knowledge in the diagnosis and treatment of respiratory problems, is qualified by special training or experience in the management of acute and chronic respiratory disorders, is responsible for the quality, safety, and appropriateness of the respiratory care services provided, and is readily accessible to the respiratory care practitioners to assure their competency. 6. “Respiratory care” includes “respiratory therapy” or “inhalation therapy”. 7. “Respiratory care education program” means a course of study leading to eligibility for registration or certification in respiratory care which is recognized or approved by the board. 8. “Respiratory care practitioner” or “practitioner” means a person who meets all of the following: a. Is qualified in the practice of cardiorespiratory care and has the knowledge and skill necessary to administer respiratory care as defined in section 152B.3. b. Is capable of serving as a resource to the physician or surgeon in relation to the technical aspects of cardiorespiratory care and to safe and effective methods for administering respiratory care modalities. c. Is able to function in situations of unsupervised patient contact requiring individual judgment. d. Is capable of supervising, directing, or teaching less skilled personnel in the provision of respiratory care services. 9. “Respiratory therapist” means a person who has successfully completed a respiratory care education program for training respiratory therapists and has passed the registry examination for respiratory therapists administered by the national board for respiratory care or a respiratory therapy licensure examination approved by the board. 10. “Respiratory therapy technician” means a person who has successfully completed a respiratory care education program for training therapists and has passed the certification examination for respiratory therapy technicians administered by the national board for respiratory care or a respiratory therapist technicians’ licensure examination approved by the board. 85 Acts, ch 151, §1 CS85, §135F.1 90 Acts, ch 1193, §1 C93, §152B.1 96 Acts, ch 1036, §31; 2007 Acts, ch 10, §128; 2012 Acts, ch 1041, §1; 2013 Acts, ch 90, §30; 2015 Acts, ch 70, §15; 2023 Acts, ch 19, §1626 Subsection 2 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152B - RESPIRATORY CARE Section 152B.10 - Liability.

152B.10 Liability. A respiratory care practitioner who in good faith renders emergency care at the scene of an emergency is not

liable for civil damages as a result of acts or omissions by the person rendering the emergency care. This section does not grant immunity from liability for civil damages when the respiratory care practitioner is grossly negligent. 85 Acts, ch 151, §10 CS85, §135F.10 C93, §152B.10

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152B - RESPIRATORY CARE Section 152B.11 - Continuing education.

152B.11 Continuing education. 1. After July 1, 1991, a respiratory care practitioner shall submit evidence satisfactory to the board that during the year preceding renewal of licensure the practitioner has completed continuing education courses as prescribed by the board. In lieu of the continuing education, a person may successfully complete the most current version of the licensure examination. 2. Persons who are not licensed under this chapter but who perform respiratory care as defined by sections 152B.2 and 152B.3 shall comply with the continuing education requirements of this section. The board shall adopt rules for the administration of this requirement. 3. Except for those licensed by the board, this section does not apply to persons who are licensed to practice a health profession covered by chapter 147, when the licensee's performance of respiratory care practices falls within the scope of practice, as permitted by their respective licensing boards. 85 Acts, ch 151, §11 CS85, §135F.11 90 Acts, ch 1193, §6 C93, §152B.11 95 Acts, ch 41, §23; 96 Acts, ch 1036, §36; 97 Acts, ch 68, §3; 2017 Acts, ch 54, §76

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152B - RESPIRATORY CARE Section 152B.12 - Suspension and revocation of licenses.

152B.12 Suspension and revocation of licenses. The board may suspend, revoke or impose probationary conditions upon a license issued pursuant to rules adopted in accordance with section 152B.6. 85 Acts, ch 151, §12 CS85, §135F.12 90 Acts, ch 1193, §7 C93, §152B.12 96 Acts, ch 1036, §37

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152B - RESPIRATORY CARE Section 152B.14 - Licensure through examination.

152B.14 Licensure through examination. The board shall issue a license to practice respiratory care to an applicant who has passed an examination administered by the state or a national agency approved by the board. 96 Acts, ch 1036, §39; 2005 Acts, ch 89, §16

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152B - RESPIRATORY CARE Section 152B.2 - Respiratory care as a practice defined.

152B.2 Respiratory care as a practice defined. 1. a. "Respiratory care as a practice" means a health care profession, under medical direction, employed in the therapy, management, rehabilitation, diagnostic evaluation, and care of patients with deficiencies and abnormalities which affect the pulmonary system and associated aspects of cardiopulmonary and other systems' functions, and includes all of the following: (1) Direct and indirect pulmonary care services that are safe and of comfort, aseptic, preventative, and restorative to the patient. (2) Direct and indirect respiratory care services including but not limited to the administration of pharmacological and diagnostic and therapeutic agents related to respiratory care procedures necessary to implement a treatment, disease prevention, pulmonary rehabilitative, or diagnostic regimen prescribed by a licensed physician or surgeon or a qualified health care professional prescriber. (3) Observation and monitoring of signs and symptoms, general behavior, reactions, general physical response to respiratory care treatment and diagnostic testing. (4) Determination of whether the signs, symptoms, behavior, reactions, or general response exhibit abnormal characteristics. (5) Implementation based on observed abnormalities, of appropriate reporting, referral, or respiratory care protocols or changes in treatment regimen. b. "Respiratory care as a practice" does not include the delivery, assembly, setup, testing, or demonstration of respiratory care equipment in the home upon the order of a licensed physician or surgeon or a qualified health care professional prescriber. As used in this paragraph, "demonstration" does not include the actual teaching, administration, or performance of the respiratory care procedures. 2. "Respiratory care protocols" as used in this section means policies and procedures developed by an organized health care system through consultation, when appropriate, with administrators, licensed physicians and surgeons, qualified health care professional prescribers, licensed registered nurses, licensed physical therapists, licensed respiratory care practitioners, and other licensed health care practitioners. 85 Acts, ch 151, §2 CS85, §135F.2 90 Acts, ch 1193, §2 C93, §152B.2 97 Acts, ch 68, §1; 2012 Acts, ch 1041, §2 – 4; 2012 Acts, ch 1138, §51; 2013 Acts, ch 90, §31 Referred to in §152B.5, 152B.7A, 152B.11

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152B - RESPIRATORY CARE Section 152B.3 - Performance of respiratory care.

152B.3 Performance of respiratory care. 1. The performance of respiratory care shall be in accordance with the prescription of a licensed physician or surgeon or a qualified health care professional prescriber and includes but is not limited to the diagnostic and therapeutic use of the following: a. Administration of medical gases, aerosols, and humidification, not including general anesthesia. b. Environmental control mechanisms and paramedical therapy. c. Pharmacologic agents relating to respiratory care procedures. d. Mechanical or physiological ventilatory support. e. Bronchopulmonary hygiene. f. Cardiopulmonary resuscitation. g. Maintenance of the natural airways. h. Insertion without cutting tissues and maintenance of artificial airways. i. Specific diagnostic and testing techniques employed in the medical management of patients to assist in diagnosis, monitoring, treatment, and research of pulmonary

abnormalities, including measurement of ventilatory volumes, pressures, and flows, collection of specimens of blood, and collection of specimens from the respiratory tract. j. Analysis of blood gases and respiratory secretions. k. Pulmonary function testing. l. Hemodynamic and physiologic measurement and monitoring of cardiac function as it relates to cardiopulmonary pathophysiology. m. Invasive procedures that relate to respiratory care. 2. A respiratory care practitioner may transcribe and implement a written or verbal order from a licensed physician or surgeon or a qualified health care professional prescriber pertaining to the practice of respiratory care. 3. This chapter does not authorize a respiratory care practitioner to practice medicine, surgery, or other medical practices except as provided in this section. 85 Acts, ch 151, §3 CS85, §135F.3 C93, §152B.3 2009 Acts, ch 41, §263; 2012 Acts, ch 1041, §5, 6; 2012 Acts, ch 1138, §52, 53 Referred to in §152B.1, 152B.5, 152B.7A, 152B.11

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152B - RESPIRATORY CARE Section 152B.4 - Location of respiratory care.

152B.4 Location of respiratory care. The practice of respiratory care may be performed in a hospital as defined in section 135B.1, subsection 3, and other settings where respiratory care is to be provided in accordance with a prescription of a licensed physician or surgeon or a qualified health care professional prescriber. Respiratory care may be provided during transportation of a patient and under circumstances where an emergency necessitates respiratory care. 85 Acts, ch 151, §4 CS85, §135F.4 C93, §152B.4 2012 Acts, ch 1041, §7; 2012 Acts, ch 1138, §54

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152B - RESPIRATORY CARE Section 152B.5 - Respiratory care students.

152B.5 Respiratory care students. 1. Respiratory care services may be rendered by a student enrolled in a respiratory therapy training program when these services are incidental to the student's course of study. 2. A student enrolled in a respiratory therapy training program who is employed in an organized health care system may render services defined in sections 152B.2 and 152B.3 under the direct and immediate supervision of a respiratory care practitioner for a limited period of time as determined by rule. The student shall be identified as a "student respiratory care practitioner". 85 Acts, ch 151, §5 CS85, §135F.5 90 Acts, ch 1193, §3 C93, §152B.5 2005 Acts, ch 89, §15

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152B - RESPIRATORY CARE Section 152B.6 - Board duties.

152B.6 Board duties. The board shall administer and implement this chapter. The board's duties in these areas shall include, but are not limited to, the following: 1. The adoption, publication and amendment of rules, in accordance with chapter 17A, necessary for the administration and enforcement of this chapter. 2. The establishment of a system for the licensure of respiratory care practitioners and the establishment and collection of licensure fees. 3. The designation of licensure examinations for respiratory care practitioners. 85 Acts, ch 151, §6 CS85, §135F.6 90 Acts, ch 1193, §4 C93, §152B.6 96 Acts, ch 1036, §32; 2006 Acts, ch 1155, §10, 15 Referred to in §152B.12

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152B - RESPIRATORY CARE Section 152B.7 - Representation.

152B.7 Representation. A person who is qualified as a respiratory care practitioner and is licensed by the board may use the title "respiratory care practitioner" or the letters R.C.P. after the person's name to indicate that the person is a qualified respiratory care practitioner licensed by the board. No other person is entitled to use the title or letters or any other title or letters that indicate or imply that the person is a respiratory care practitioner, nor may a person make any representation, orally or in writing, expressly or by implication, that the person is a licensed respiratory care practitioner. 85 Acts, ch 151, §7 CS85, §135F.7 90 Acts, ch 1193, §5 C93, §152B.7 96 Acts, ch 1036, §33

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152B - RESPIRATORY CARE Section 152B.7A - Exceptions.

152B.7A Exceptions. 1. A person shall not practice respiratory care or represent oneself to be a respiratory care practitioner unless the person is licensed under this chapter. 2. This chapter does not prohibit any of the following: a. The practice of respiratory care which is an integral part of the program of study by students enrolled in an accredited respiratory therapy training program approved by the board in those situations where that care is provided under the direct supervision of an appropriate clinical instructor recognized by the educational program. b. Respiratory care services rendered in the course of an emergency. c. Care administered in the course of assigned duties of persons in the military services. 3. This chapter is not intended to limit, preclude, or otherwise interfere with the practice of other health care providers not otherwise licensed under this chapter who are licensed and certified by this state to administer respiratory care procedures. 4. An individual who passes an examination that includes the content of one or more of the functions included in sections 152B.2 and 152B.3 shall not be prohibited from performing such procedures for which they were tested, as long as the testing body offering the examination is approved by the board. 96 Acts, ch 1036, §34; 97 Acts, ch 68, §2

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152B - RESPIRATORY CARE Section 152B.8 - Penalty.

152B.8 Penalty. A person who violates a provision of this chapter is guilty of a simple misdemeanor. 85 Acts, ch 151, §8 CS85, §135F.8 C93, §152B.8

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152B - RESPIRATORY CARE Section 152B.9 - Injunction.

152B.9 Injunction. The board may apply to a court for the issuance of an injunction or other appropriate restraining order against a person who is engaging in a violation of this chapter. 85 Acts, ch 151, §9 CS85, §135F.9 C93, §152B.9 96 Acts, ch 1036, §35

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152C - MASSAGE THERAPY Section 152C.1 - Definitions.

152C.1 Definitions. As used in this chapter, unless the context otherwise requires: 1. “Board” means the board of massage therapy created under chapter 147. 2. “Massage therapist” means a person licensed to practice the health care service of the healing art of massage therapy under this chapter. 3. “Massage therapy” means performance for compensation of massage, myotherapy, massotherapy, bodywork, bodywork therapy, or therapeutic massage including hydrotherapy, superficial hot and cold applications, vibration and topical applications, or other therapy which involves manipulation of the muscle and connective tissue of the body, excluding osseous tissue, to treat the muscle tonus system for the purpose of enhancing health, muscle relaxation, increasing range of motion, reducing stress, relieving pain, or improving circulation. 4. “Reflexology” means manipulation of the soft tissues of the human body which is restricted to the hands, feet, or ears, performed by persons who do not hold themselves out to be massage therapists or to be performing massage therapy. 92 Acts, ch 1137, §1; 98 Acts, ch 1053, §29, 30; 2000 Acts, ch 1185, §2, 3; 2004 Acts, ch 1065, §1, 2; 2007 Acts, ch 10, §130 Referred to in §152C.5

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152C - MASSAGE THERAPY Section 152C.3 - Requirements for licensure.

152C.3 Requirements for licensure. 1. The board shall adopt rules pursuant to chapter 17A establishing a procedure for licensing of massage therapists. License requirements shall include the following: a. Completion of a curriculum of massage education at a school approved by the board which requires for admission a diploma from an accredited high school or the equivalent and requires completion of at least six hundred hours of supervised academic instruction. However, educational requirements under this paragraph are subject to reduction by the board if, after public notice and hearing, the board determines that the welfare of the public may be adequately protected with fewer hours of education. b. Passage of an examination given or approved by the board. c. Payment of a reasonable fee required by the board which shall compensate and be retained by the board for the costs of administering this chapter. 2. In addition to provisions for licensure, the rules shall include the following: a. (1) Requirements regarding completion of at least twelve hours of continuing education annually regarding subjects concerning massage and related techniques or the health and safety of the public, subject to reduction by the board if, after public notice and hearing, the board determines that the welfare of the public may be adequately protected with fewer hours. (2) The board shall allow a licensed massage therapist to include each hour of completed training required pursuant to sections 232.69 and 235B.16 toward the annual continuing education requirement. b. Requirements for issuance of a reciprocal license to licensees of states with license requirements equal to or exceeding those of this chapter. The rules shall provide for issuance of a temporary reciprocal license for licensees of states with lower requirements. 3. A massage therapist licensed pursuant to this chapter shall be issued a license number and a license certificate. 92 Acts, ch 1137, §3; 93 Acts, ch 71, §1; 98 Acts, ch 1053, §31 – 33; 2011 Acts, ch 57, §1; 2022 Acts, ch 1078, §1 Referred to in §152C.5, 152C.7

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152C - MASSAGE THERAPY Section 152C.4 - Practicing as a massage therapist without a license — employment of person not licensed — civil penalty.

152C.4 Practicing as a massage therapist without a license — employment of person not licensed — civil penalty. 1. The board, or its authorized agents, may inspect any facility that advertises or offers the services of massage therapy. The board may, by order, impose a civil penalty upon a person who practices as a massage therapist without a license issued under this chapter or a person or business that employs an individual who is not licensed under this chapter. The penalty shall not exceed one thousand dollars for each offense. Each day of a continued violation after an order or citation by the board constitutes a separate offense, with the maximum penalty not to exceed ten thousand dollars. In determining the amount of a civil penalty, the board may consider the following: a. Whether the amount imposed will be a substantial economic deterrent to the violation. b. The circumstances leading to or resulting in the violation. c. The severity of the violation and the risk of harm to the public. d. The economic benefits gained by the violator as a result of noncompliance. e. The welfare or best interest of the public. 2. Before issuing an order or citation under this section, the board shall provide written notice and the opportunity to request a hearing on the record. The hearing must be requested within thirty days of the issuance of the notice and shall be conducted as provided in chapter 17A. The board may, in connection with a proceeding under this section, issue subpoenas to compel the attendance and testimony of witnesses and the disclosure of evidence and may request the attorney general to bring an action to enforce the subpoena. 3. A person aggrieved by the imposition of a civil penalty under this section may seek judicial review in accordance with section 17A.19. The board shall notify the attorney general of the failure to pay a civil penalty within thirty days after entry of an order pursuant to subsection 1, or within ten days following final judgment in favor of the board if an order has been stayed pending appeal. The attorney general may commence an action to recover the amount of the penalty, including reasonable attorney fees and costs. An action to enforce an order under this section may be joined with an action for an injunction. 92 Acts, ch 1137, §4; 98 Acts, ch 1053, §34; 2000 Acts, ch 1185, §4

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152C - MASSAGE THERAPY Section 152C.5 - Practice or use of title — license required.

152C.5 Practice or use of title — license required. 1. The practice of massage therapy as defined in section 152C.1 is strictly prohibited by unlicensed individuals. It is a serious misdemeanor for a person to engage in or offer to engage in the practice of massage therapy, or use in connection with the person's name, the initials "L.M.T." or the words "licensed massage therapist", "massage therapist", "masseur", "masseuse", or any other word or title that implies or represents that the person practices massage therapy, unless the person possesses a license issued under the provisions of section 152C.3. 2. It shall be an affirmative defense to a prosecution for a violation of subsection 1, in addition to any other affirmative defenses for which the defendant might be eligible, that the defendant is a victim of a crime that is a violation of section 710A.2. 92 Acts, ch 1137, §5; 2000 Acts, ch 1185, §5; 2019 Acts, ch 106, §1

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152C - MASSAGE THERAPY Section 152C.5B - License and government-issued identification — peace officer request.

152C.5B License and government-issued identification — peace officer request. 1. For purposes of this section, unless the context otherwise requires: a. "Government-issued identification" means any of the following: (1) An unexpired driver's license issued by any state, territory, or district of the United States. (2) An unexpired identification card issued by any state, territory, or district of the United States. (3) An unexpired United States passport. (4) A naturalization certificate issued by the United States citizenship and immigration services. (5) An unexpired permanent resident card, also known as a green card, issued by the United States citizenship and immigration services. (6) An unexpired employment authorization document issued by the United States citizenship and immigration services. b. "Peace officer" means any of the following: (1) Sheriffs and their regular deputies who are subject to mandated law enforcement training. (2) Marshals and police officers of cities. (3) Peace officer members of the department of public safety as defined in chapter 80. (4) Special security officers employed by board of regents institutions as set forth in section 262.13. (5) Employees of an aviation authority designated as peace officers by the authority under section 330A.8, subsection 16. 2. A person licensed or who purports to be licensed under this chapter shall, upon the request of any peace officer investigating a complaint of illegal services, present a copy of the person's valid Iowa massage therapist license and a government-issued identification to the peace officer. A person who violates this subsection commits a serious misdemeanor. 2021 Acts, ch 123, §1; 2023 Acts, ch 85, §6 Referred to in §710A.1, 710A.2, 710A.3 Subsection 1, paragraph b, subparagraph (5) stricken and former subparagraph (6) renumbered as (5)

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152C - MASSAGE THERAPY Section 152C.5C - Announcements to the public.

152C.5C Announcements to the public. 1. For purposes of this section, "announcement to the public" means the use of any print media, broadcast media, subscription internet site, internet site available to the public, or any other means to do any of the following: a. Advertise or market massage therapy services. b. Provide a site for clients to post reviews. c. Offer a virtual marketplace at which goods or services may be offered or clients may be solicited. 2. A person shall not do any of the following in an announcement to the public: a. Represent that another person is licensed under this chapter when the person knows, or has reason to know, that the other person is not licensed. b. Falsely represent the person's self as licensed under this chapter. c. Offer the services of massage therapy if paragraph "a" or "b" of this subsection applies. d. Offer, or imply the offer of, services that violate state law. 3. A person who violates subsection 2 commits a serious misdemeanor. 2021 Acts, ch 123, §2 Referred to in §710A.3

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152C - MASSAGE THERAPY Section 152C.7 - Suspension and revocation of licenses.

152C.7 Suspension and revocation of licenses. The board may suspend, revoke, or impose probationary conditions upon a license issued pursuant to rules adopted in accordance with section 152C.3. 92 Acts, ch 1237, §11; 98 Acts, ch 1053, §35

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152C - MASSAGE THERAPY Section 152C.9 - Exemptions.

152C.9 Exemptions. This chapter shall not apply to the following persons: 1. Persons who are licensed to practice medicine or surgery, osteopathic medicine and surgery, chiropractic, cosmetology arts and sciences, or podiatry in this state; or athletic trainers, technicians, nurses, occupational therapists, physical therapists, or physician assistants licensed, certified, or registered in this state or acting under the prescription or supervision of a person licensed to practice medicine or surgery or osteopathic medicine and surgery in this state. 2. Persons who are licensed, registered, or certified in another state, territory, the District of Columbia, or a foreign country when incidentally present in this state to teach a course of instruction related to massage and bodywork therapy or to consult with a person licensed under subtitle 3 of this title. 3. Students enrolled in a program recognized by the board while completing a clinical requirement for graduation performed under the supervision of a person licensed under subtitle 3 of this title. 4. Persons giving massage and bodywork to members of their immediate family. 5. Persons practicing reflexology. 6. Persons engaged within the scope of practice of a profession with established standards and ethics utilizing touch, words, and directed movement to deepen awareness of existing patterns of movement in the body as well as to suggest new possibilities of movement, provided that the practices performed or services rendered are not designated or implied to be massage therapy. Such practices

include, but are not limited to, the Feldenkrais method, the Trager approach, and mind-body centering. 7. Persons engaged within the scope of practice of a profession with established standards and ethics in which touch is limited to that which is essential for palpitation and affectation of the human energy system, provided that the practices performed or services rendered are not designated or implied to be massage therapy. 8. Persons incidentally present in this state to provide services as part of an emergency response team working in conjunction with disaster relief officials. 2004 Acts, ch 1065, §3; 2008 Acts, ch 1088, §141

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152D - ATHLETIC TRAINING Section 152D.1 - Definitions.

152D.1 Definitions. As used in this chapter, unless the context otherwise requires: 1. “Athlete” means a person who participates in a sanctioned amateur or professional sport or other recreational sports activity. 2. “Athletic injury” means any of the following: a. An injury or illness sustained by an athlete as a result of the athlete’s participation in sports, games, or recreational sports activities. b. An injury or illness that impedes or prevents an athlete from participating in sports, games, or recreational sports activities. 3. “Athletic trainer” means a person licensed under this chapter to practice athletic training under the direction of a licensed physician. 4. “Athletic training” means the practice of prevention, recognition, assessment, physical evaluation, management, treatment, disposition, and physical reconditioning of athletic injuries that are within the professional preparation and education of a licensed athletic trainer and under the direction of a licensed physician. The term “athletic training” includes the organization and administration of educational programs and athletic facilities, and the education and counseling of the public on matters relating to athletic training. 5. “Board” means the board of athletic training created under chapter 147. 94 Acts, ch 1132, §1; 98 Acts, ch 1053, §36, 37; 2004 Acts, ch 1045, §3; 2007 Acts, ch 10, §131

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152D - ATHLETIC TRAINING Section 152D.3 - Requirements for licensure.

152D.3 Requirements for licensure. 1. An applicant for a license to practice athletic training shall: a. Be a graduate of an accredited college or university and comply with the minimum athletic training curriculum requirements established by the board. b. Have successfully completed an examination prepared or selected by the board. 2. Application and renewal procedures, fees, and reciprocal agreements shall be provided in accordance with rules adopted by the board pursuant to chapter 17A. 94 Acts, ch 1132, §3; 95 Acts, ch 94, §2; 98 Acts, ch 1053, §38; 2004 Acts, ch 1045, §4

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152D - ATHLETIC TRAINING Section 152D.4 - Scope of chapter.

152D.4 Scope of chapter. The provisions of this chapter do not apply to any of the following: 1. Persons otherwise licensed to practice medicine and surgery, osteopathic medicine and surgery, optometry, occupational therapy, nursing, chiropractic, podiatry, dentistry, or physical therapy, and licensed physician assistants who do not represent themselves to the public as athletic trainers. 2. Elementary or secondary school teachers, coaches, or authorized volunteers who do not hold themselves out to the public as athletic trainers. 3. Students of athletic training who practice athletic training under the supervision of a licensed athletic trainer in connection with the regular course of instruction at a school providing athletic training instruction. 4. An athletic trainer who is in this state temporarily with an individual or group that is participating in an athletic event and who is licensed, certified, or registered by another state or country, or certified as an athletic trainer by the board of certification of the national athletic trainers association or its successor organization. 94 Acts, ch 1132, §4; 2004 Acts, ch 1045, §5, 6; 2006 Acts, ch 1010, §55; 2008 Acts, ch 1088, §141

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152D - ATHLETIC TRAINING Section 152D.5 - Duties of the board.

152D.5 Duties of the board. The board shall: 1. Adopt rules consistent with this chapter and chapter 147 which are necessary for the performance of its duties. 2. Establish standards and guidelines for athletic trainers including minimum curriculum requirements. 3. Prepare and conduct, or prescribe, an examination for applicants for a license. 4. Establish a system for the collection of licensure fees. 94 Acts, ch 1132, §5; 98 Acts, ch 1053, §39; 2004 Acts, ch 1045, §7; 2006 Acts, ch 1155, §11, 15

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152D - ATHLETIC TRAINING Section 152D.6 - License suspension and revocation.

152D.6 License suspension and revocation. A license issued by the board under the provisions of this chapter may be suspended or revoked, or renewal denied by the board, for violation of any provision of this chapter or section 147.55, section 272C.10, or rules adopted by the board. 94 Acts, ch 1132, §6; 98 Acts, ch 1053, §40

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152D - ATHLETIC TRAINING Section 152D.7 - Practice or use of title — license required.

152D.7 Practice or use of title — license required. 1. An individual licensed pursuant to this chapter shall be designated a licensed athletic trainer and may use the letters “LAT” after the individual’s name. 2. It is unlawful for a person to engage in the practice of athletic training, or use in connection with the person’s name the title “athletic trainer”, “licensed athletic trainer”, “registered athletic trainer”, the letters “AT”, “AT,C”, “LAT”, “ATC/L”, or “ATC-L”, or other words, abbreviations, or insignia that imply or represent that the person practices athletic training, unless the person is licensed pursuant to this chapter. 3. The practice of physical reconditioning shall be carried out under the oral or written orders of a physician or physician assistant. A physician or physician

assistant who issues an oral order must reduce the order to writing and provide a copy of the order to the athletic trainer within thirty days of the oral order. 2004 Acts, ch 1045, §8

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152D - ATHLETIC TRAINING Section 152D.8 - Penalty.

152D.8 Penalty. A person who violates a provision of this chapter is guilty of a serious misdemeanor. 94 Acts, ch 1132, §8; 2004 Acts, ch 1045, §9

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152D - ATHLETIC TRAINING Section 152D.9 - Transition provisions.

152D.9 Transition provisions. 1. Applicants for licensure under this chapter who have not passed a licensure examination administered or approved by the board by July 1, 2004, shall be issued a temporary license to practice athletic training for a period of three years, commencing on July 1, 2004, provided that the applicant satisfies all of the following requirements: a. Submits a letter of recommendation to the board from the applicant's most recent employer. b. Submits letters of recommendation to the board from two licensed physicians attesting to the competency of the applicant. c. Presents satisfactory evidence to the board that the applicant possesses current cardiopulmonary resuscitation and first aid certification. d. Presents satisfactory evidence to the board demonstrating that the applicant possesses a baccalaureate degree from an accredited college or university. 2. An applicant issued a temporary license pursuant to this section shall pass a licensure examination administered or approved by the board on or before July 1, 2007, in order to remain licensed as an athletic trainer. 2004 Acts, ch 1045, §10

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152E - NURSE AND ADVANCED PRACTICE REGISTERED NURSE LICENSURE COMPACTS Section 152E.1 - Form of compact.

152E.1 Form of compact. 1. Article I — Findings and declaration of purpose. a. The party states find that: (1) The health and safety of the public are affected by the degree of compliance with and the effectiveness of enforcement activities related to state nurse licensure laws. (2) Violations of nurse licensure and other laws regulating the practice of nursing may result in injury or harm to the public. (3) The expanded mobility of nurses and the use of advanced communication technologies as part of our nation's health care delivery system require greater coordination and cooperation among states in the areas of nurse licensure and regulation. (4) New practice modalities and technology make compliance with individual state nurse licensure laws difficult and complex. (5) The current system of duplicative licensure for nurses practicing in multiple states is cumbersome and redundant for both nurses and states. (6) Uniformity of nurse licensure requirements throughout the states promotes public safety and public health benefits. b. The general purposes of this compact are to: (1) Facilitate the states' responsibility to protect the public's health and safety. (2) Ensure and encourage the cooperation of party states in the areas of nurse licensure and regulation. (3) Facilitate the exchange of information between party states in the areas of nurse regulation, investigation, and adverse actions. (4) Promote compliance with the laws governing the practice of nursing in each jurisdiction. (5) Invest all party states with the authority to hold a nurse accountable for meeting all state practice laws in the state in which the patient is located at the time care is rendered through the mutual recognition of party state licenses. (6) Decrease redundancies in the consideration and issuance of nurse licenses. (7) Provide opportunities for interstate practice by nurses who meet uniform licensure requirements. 2. Article II — Definitions. As used in this compact: a. "Adverse action" means any administrative, civil, equitable, or criminal action permitted by a state's laws which is imposed by a licensing board or other authority against a nurse, including actions against an individual's license or multistate licensure privilege such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice, or any other encumbrance on licensure affecting a nurse's authorization to practice, including issuance of a cease and desist action. b. "Alternative program" means a nondisciplinary monitoring program approved by a licensing board. c. "Coordinated licensure information system" means an integrated process for collecting, storing, and sharing information on nurse licensure and enforcement activities related to nurse licensure laws that is administered by a nonprofit organization composed of and controlled by licensing boards. d. "Current significant investigative information" means either of the following: (1) Investigative information that a licensing board, after a preliminary inquiry that includes notification and an opportunity for the nurse to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction. (2) Investigative information that indicates that the nurse represents an immediate threat to public health and safety regardless of whether the nurse has been notified and had an opportunity to respond. e. "Encumbrance" means a revocation or suspension of, or any limitation on, the full and unrestricted practice of nursing imposed by a licensing board. f. "Home state" means the party state which is the nurse's primary state of residence. g. "Licensing board" means a party state's regulatory body responsible for issuing nurse licenses. h. "Multistate license" means a license to practice as a registered or a licensed practical or vocational nurse issued by a home state licensing board that authorizes the licensed nurse to practice in all party states under a multistate licensure privilege. i. "Multistate licensure privilege" means a legal authorization associated with a multistate license permitting the practice of nursing as either a registered nurse or a licensed practical or vocational nurse in a remote state. j. "Nurse" means a registered nurse or licensed practical or vocational nurse, as those terms are defined by each party state's practice laws. k. "Party state" means any state that has adopted this compact. l. "Remote state" means a party state other than the home state. m. "Single-state license" means a nurse license issued by a party state that authorizes practice only within the issuing state and does not include a multistate licensure privilege to practice in any other party state. n. "State" means a state, territory, or possession of the United States and the District of Columbia. o. "State practice laws" means a party state's laws, rules, and regulations that govern the practice of nursing, define the scope of nursing

practice, and create the methods and grounds for imposing discipline. “State practice laws” does not include the initial qualifications for licensure or requirements necessary to obtain and retain a license, except for qualifications or requirements of the home state. 3. Article III — General provisions and jurisdiction. a. A multistate license to practice registered or licensed practical or vocational nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a nurse to practice as a registered nurse or as a licensed practical or vocational nurse, under a multistate licensure privilege, in each party state. b. A state must implement procedures for considering the criminal history records of applicants for initial multistate license or licensure by endorsement. Such procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant’s criminal history record information from the federal bureau of investigation and the agency responsible for retaining that state’s criminal records. c. Each party state shall require all of the following for an applicant to obtain or retain a multistate license in the home state: (1) Meets the home state’s qualifications for licensure or renewal of licensure, as well as all other applicable state laws. (2) Either of the following: (a) Has graduated or is eligible to graduate from a licensing board-approved registered nurse or licensed practical or vocational nurse prelicensure education program. (b) Has graduated from a foreign registered nurse or licensed practical or vocational nurse prelicensure program that meets both of the following requirements: (i) Has been approved by the authorized accrediting body in the applicable country. (ii) Has been verified by an independent credentials review agency to be comparable to a licensing board-approved prelicensure education program. (3) Has, if a graduate of a foreign prelicensure education program not taught in English or if English is not the individual’s native language, successfully passed an English proficiency examination that includes the components of reading, speaking, writing, and listening. (4) Has successfully passed a national council licensure examination — registered nurse or national council licensure examination — practical nurse examination or recognized predecessor, as applicable. (5) Is eligible for or holds an active, unencumbered license. (6) Has submitted in connection with an application for initial licensure or licensure by endorsement, fingerprints or other biometric data for the purpose of obtaining criminal history record information from the federal bureau of investigation and the agency responsible for retaining that state’s criminal records. (7) Has not been convicted or found guilty, or has entered into an agreed disposition, of a felony offense under applicable state or federal criminal law. (8) Has not been convicted or found guilty, or has entered into an agreed disposition, of a misdemeanor offense related to the practice of nursing as determined on a case-by-case basis. (9) Is not currently enrolled in an alternative program. (10) Is subject to self-disclosure requirements regarding current participation in an alternative program. (11) Has a valid United States social security number. d. All party states shall be authorized, in accordance with existing state due process law, to take adverse action against a nurse’s multistate licensure privilege such as revocation, suspension, probation, or any other action that affects a nurse’s authorization to practice under a multistate licensure privilege, including cease and desist actions. If a party state takes such action, it shall promptly notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the home state of any such actions by remote states. e. A nurse practicing in a party state must comply with the state practice laws of the state in which the client is located at the time service is provided. The practice of nursing is not limited to patient care, but shall include all nursing practice as defined by the state practice laws of the party state in which the client is located. The practice of nursing in a party state under a multistate licensure privilege will subject a nurse to the jurisdiction of the licensing board, the courts, and the laws of the party state in which the client is located at the time service is provided. f. Individuals not residing in a party state shall continue to be able to apply for a party state’s single-state license as provided under the laws of each party state. However, the single-state license granted to these individuals will not be recognized as granting the privilege to practice nursing in any other party state. Nothing in this compact shall affect the requirements established by a party state for the issuance of a single-state license. g. Any nurse holding a home state multistate license on the effective date of this compact may retain and renew the multistate license issued by the nurse’s then-current home state, provided that: (1) A nurse who changes primary state of residence after this compact’s effective date must meet all applicable requirements in article III, paragraph “c”, to obtain a multistate license from a new home state. (2) A nurse who fails to satisfy the multistate licensure requirements in article III, paragraph “c”, due to a disqualifying event occurring after this compact’s effective date shall be ineligible to retain or renew a multistate license, and the nurse’s multistate license shall be revoked or deactivated in accordance with applicable rules adopted by the commission. 4. Article IV — Applications for licensure in a party state. a. Upon application for a multistate license, the licensing board in the issuing party state shall ascertain, through the coordinated licensure information system, whether the applicant has ever held, or is the holder of, a license issued by any other state, whether there are any encumbrances on any license or multistate licensure privilege held by the applicant, whether any adverse action has been taken against any license or multistate licensure privilege held by the applicant and whether the applicant is currently participating in an alternative program. b. A nurse may hold a multistate license, issued by the home state, in only one party state at a time. c. If a nurse changes primary state of residence by moving between two party states, the nurse must apply for licensure in the new home state, and the multistate license issued by the prior home state will be deactivated in accordance with applicable rules adopted by the commission. (1) The nurse may apply for licensure in advance of a change in the primary state of residence. (2) A multistate license shall not be issued by the new home state until the nurse provides satisfactory evidence of a change in primary state of residence to the new home state and satisfies all applicable requirements to obtain a multistate license from the new home state. d. If a nurse changes primary state of residence by moving from a party state to a nonparty state, the multistate license issued by the prior home state will convert to a single-state license, valid only in the former home state. 5. Article V — Additional authorities invested in party state licensing boards. a. In addition to the other powers conferred by state law, a licensing board shall have the authority to do all of the following: (1) Take adverse action against a nurse’s multistate licensure privilege to practice within that party state. (a) Only the home state shall have the power to take adverse action

against a nurse's license issued by the home state. (b) For purposes of taking adverse action, the home state licensing board shall give the same priority and effect to reported conduct received from a remote state as it would if such conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action. (2) Issue cease and desist orders or impose an encumbrance on a nurse's authority to practice within that party state. (3) Complete any pending investigations of a nurse who changes primary state of residence during the course of such investigations. The licensing board shall also have the authority to take appropriate action and shall promptly report the conclusions of such investigations to the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any such actions. (4) Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, as well as the production of evidence. Subpoenas issued by a licensing board in a party state for the attendance and testimony of witnesses or the production of evidence from another party state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or evidence are located. (5) Obtain and submit, for each nurse licensure applicant, fingerprint or other biometric-based information to the federal bureau of investigation for criminal background checks, receive the results of the federal bureau of investigation record search on criminal background checks, and use the results in making licensure decisions. (6) If otherwise permitted by state law, recover from the affected nurse the costs of investigations and disposition of cases resulting from any adverse action taken against that nurse. (7) Take adverse action based on the factual findings of the remote state, provided that the licensing board follows its own procedures for taking such adverse action. b. If adverse action is taken by the home state against a nurse's multistate license, the nurse's multistate licensure privilege to practice in all other party states shall be deactivated until all encumbrances have been removed from the multistate license. All home state disciplinary orders that impose adverse action against a nurse's multistate license shall include a statement that the nurse's multistate licensure privilege is deactivated in all party states during the pendency of the order. c. Nothing in this compact shall override a party state's decision that participation in an alternative program may be used in lieu of adverse action. The home state licensing board shall deactivate the multistate licensure privilege under the multistate license of any nurse for the duration of the nurse's participation in an alternative program. 6. Article VI — Coordinated licensure information system and exchange of information. a. All party states shall participate in a coordinated licensure information system of all licensed registered nurses and licensed practical or vocational nurses. This system will include information on the licensure and disciplinary history of each nurse, as submitted by party states, to assist in the coordination of nurse licensure and enforcement efforts. b. The commission, in consultation with the administrator of the coordinated licensure information system, shall formulate necessary and proper procedures for the identification, collection, and exchange of information under this compact. c. All licensing boards shall promptly report to the coordinated licensure information system any adverse action, any current significant investigative information, denials of applications with the reasons for such denials and nurse participation in alternative programs known to the licensing board regardless of whether such participation is deemed nonpublic or confidential under state law. d. Current significant investigative information and participation in nonpublic or confidential alternative programs shall be transmitted through the coordinated licensure information system only to party state licensing boards. e. Notwithstanding any other provision of law, all party state licensing boards contributing information to the coordinated licensure information system may designate information that may not be shared with nonparty states or disclosed to other entities or individuals without the express permission of the contributing state. f. Any personally identifiable information obtained from the coordinated licensure information system by a party state licensing board shall not be shared with nonparty states or disclosed to other entities or individuals except to the extent permitted by the laws of the party state contributing the information. g. Any information contributed to the coordinated licensure information system that is subsequently required to be expunged by the laws of the party state contributing that information shall also be expunged from the coordinated licensure information system. h. The compact administrator of each party state shall furnish a uniform data set to the compact administrator of each other party state, which shall include but not be limited to the following: (1) Identifying information. (2) Licensure data. (3) Information related to alternative program participation. (4) Other information that may facilitate the administration of this compact, as determined by commission rules. i. The compact administrator of a party state shall provide all investigative documents and information requested by another party state. 7. Article VII — Establishment of the interstate commission of nurse licensure compact administrators. a. The party states hereby create and establish a joint public entity known as the interstate commission of nurse licensure compact administrators. (1) The commission is an instrumentality of the party states. (2) Venue is proper, and judicial proceedings by or against the commission shall be brought solely and exclusively, in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. (3) Nothing in this compact shall be construed to be a waiver of sovereign immunity. b. Membership, voting, and meetings. (1) Each party state shall have and be limited to one administrator. The head of the state licensing board or designee shall be the administrator of this compact for each party state. Any administrator may be removed or suspended from office as provided by the law of the state from which the administrator is appointed. Any vacancy occurring in the commission shall be filled in accordance with the laws of the party state in which the vacancy exists. (2) Each administrator shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. An administrator shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for an administrator's participation in meetings by telephone or other means of communication. (3) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set

forth in the bylaws or rules of the commission. (4) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in article VIII. (5) The commission may convene in a closed, nonpublic meeting if the commission must discuss any of the following: (a) Noncompliance of a party state with its obligations under this compact. (b) The employment, compensation, discipline, or other personnel matters, practices, or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures. (c) Current, threatened, or reasonably anticipated litigation. (d) Negotiation of contracts for the purchase or sale of goods, services, or real estate. (e) Accusing any person of a crime or formally censuring any person. (f) Disclosure of trade secrets or commercial or financial information that is privileged or confidential. (g) Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. (h) Disclosure of investigatory records compiled for law enforcement purposes. (i) Disclosure of information related to any reports prepared by or on behalf of the commission for the purpose of investigation of compliance with this compact. (j) Matters specifically exempted from disclosure by federal or state statute. (6) If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction. c. The commission shall, by a majority vote of the administrators, prescribe bylaws or rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of this compact, including but not limited to any of the following: (1) Establishing the fiscal year of the commission. (2) Providing reasonable standards and procedures for both of the following: (a) The establishment and meetings of other committees. (b) Governing any general or specific delegation of any authority or function of the commission. (3) Providing reasonable procedures for calling and conducting meetings of the commission, ensuring reasonable advance notice of all meetings, and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals, and proprietary information, including trade secrets. The commission may meet in closed session only after a majority of the administrators vote to close a meeting in whole or in part. As soon as practicable, the commission must make public a copy of the vote to close the meeting revealing the vote of each administrator, with no proxy votes allowed. (4) Establishing the titles, duties, and authority and reasonable procedures for the election of the officers of the commission. (5) Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the commission. Notwithstanding any civil service or other similar laws of any party state, the bylaws shall exclusively govern the personnel policies and programs of the commission. (6) Providing a mechanism for winding up the operations of the commission and the equitable disposition of any surplus funds that may exist after the termination of this compact after the payment or reserving of all of its debts and obligations. d. The commission shall publish its bylaws and rules, and any amendments thereto, in a convenient form on the internet site of the commission. e. The commission shall maintain its financial records in accordance with the bylaws. f. The commission shall meet and take such actions as are consistent with the provisions of this compact and the bylaws. g. The commission shall have the following powers: (1) To promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all party states. (2) To bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any licensing board to sue or be sued under applicable law shall not be affected. (3) To purchase and maintain insurance and bonds. (4) To borrow, accept, or contract for services of personnel, including but not limited to employees of a party state or nonprofit organizations. (5) To cooperate with other organizations that administer state compacts related to the regulation of nursing, including but not limited to sharing administrative or staff expenses, office space or other resources. (6) To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of this compact, and to establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters. (7) To accept any and all appropriate donations, grants and gifts of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same; provided that at all times the commission shall avoid any appearance of impropriety or conflict of interest. (8) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve, or use, any property, whether real, personal, or mixed; provided that at all times the commission shall avoid any appearance of impropriety. (9) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, whether real, personal, or mixed. (10) To establish a budget and make expenditures. (11) To borrow money. (12) To appoint committees, including advisory committees comprised of administrators, state nursing regulators, state legislators or their representatives, and consumer representatives, and other such interested persons. (13) To provide and receive information from, and to cooperate with, law enforcement agencies. (14) To adopt and use an official seal. (15) To perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of nurse licensure and practice. h. Financing of the commission. (1) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities. (2) The commission may also levy on and collect an annual assessment from each party state to cover the cost of its operations, activities, and staff in its annual budget as approved each year. The aggregate annual assessment amount, if any, shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule that is binding upon all party states. (3) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the party states, except by, and with the

authority of, such party state. (4) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified public accountant, and the report of the audit shall be included in and become part of the annual report of the commission. i. Qualified immunity, defense, and indemnification. (1) The administrators, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred, within the scope of commission employment, duties, or responsibilities; provided that nothing in this paragraph "i" shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional, willful, or wanton misconduct of that person. (2) The commission shall defend any administrator, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining the person's own counsel; and provided further that the actual or alleged act, error, or omission did not result from that person's intentional, willful, or wanton misconduct. (3) The commission shall indemnify and hold harmless any administrator, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional, willful, or wanton misconduct of that person. 8. Article VIII — Rulemaking. a. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this article and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment and shall have the same force and effect as provisions of this compact. b. Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission. c. Prior to promulgation and adoption of a final rule or rules by the commission, and at least sixty days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking on the internet site of the commission and on the internet site of each licensing board or the publication in which each state would otherwise publish proposed rules. d. The notice of proposed rulemaking shall include all of the following: (1) The proposed time, date, and location of the meeting in which the rule will be considered and voted upon. (2) The text of the proposed rule or amendment, and the reason for the proposed rule. (3) A request for comments on the proposed rule from any interested person. (4) The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments. e. Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public. f. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment. g. The commission shall publish the place, time, and date of the scheduled public hearing. (1) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing. All hearings will be recorded, and a copy will be made available upon request. (2) Nothing in this article shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this article. h. If no one appears at the public hearing, the commission may proceed with promulgation of the proposed rule. i. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received. j. The commission shall, by majority vote of all administrators, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule. k. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment or hearing, provided that the usual rulemaking procedures provided in this compact and in this article shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to do any of the following: (1) Meet an imminent threat to public health, safety, or welfare. (2) Prevent a loss of commission or party state funds. (3) Meet a deadline for the promulgation of an administrative rule that is required by federal law or rule. l. The commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the internet site of the commission. The revision shall be subject to challenge by any person for a period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the commission, prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission. 9. Article IX — Oversight, dispute resolution, and enforcement. a. Oversight. (1) Each party state shall enforce this compact and take all actions necessary and appropriate to effectuate this compact's purposes and intent. (2) The commission shall be entitled to receive service of process in any proceeding that may affect the powers, responsibilities, or actions of the commission, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process in such proceeding to the commission shall render a judgment or order void as to the commission, this compact, or promulgated rules. b. Default, technical assistance, and termination. (1) If the commission determines that a party state has defaulted in the performance of its obligations or responsibilities

under this compact or the promulgated rules, the commission shall do both of the following: (a) Provide written notice to the defaulting state and other party states of the nature of the default, the proposed means of curing the default, or any other action to be taken by the commission. (b) Provide remedial training and specific technical assistance regarding the default. (2) If a state in default fails to cure the default, the defaulting state's membership in this compact may be terminated upon an affirmative vote of a majority of the administrators, and all rights, privileges, and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default. (3) Termination of membership in this compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor of the defaulting state and to the executive officer of the defaulting state's licensing board and each of the party states. (4) A state whose membership in this compact has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination. (5) The commission shall not bear any costs related to a state that is found to be in default or whose membership in this compact has been terminated unless agreed upon in writing between the commission and the defaulting state. (6) The defaulting state may appeal the action of the commission by petitioning the United States district court for the District of Columbia or the federal district in which the commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees. c. Dispute resolution. (1) Upon request by a party state, the commission shall attempt to resolve disputes related to the compact that arise among party states and between party and nonparty states. (2) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes, as appropriate. (3) In the event the commission cannot resolve disputes among party states arising under this compact: (a) The party states may submit the issues in dispute to an arbitration panel, which will be comprised of individuals appointed by the compact administrator in each of the affected party states and an individual mutually agreed upon by the compact administrators of all the party states involved in the dispute. (b) The decision of a majority of the arbitrators shall be final and binding. d. Enforcement. (1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact. (2) By majority vote, the commission may initiate legal action in the United States district court for the District of Columbia or the federal district in which the commission has its principal offices against a party state that is in default to enforce compliance with the provisions of this compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees. (3) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law. 10. Article X — Effective date, withdrawal, and amendment. a. This compact shall become effective and binding on the earlier of the date of legislative enactment of this compact into law by no less than twenty-six states or December 31, 2018. All party states to this compact, that also were parties to the prior nurse licensure compact, superseded by this compact, shall be deemed to have withdrawn from said prior compact within six months after the effective date of this compact. b. Each party state to this compact shall continue to recognize a nurse's multistate licensure privilege to practice in that party state issued under the prior nurse licensure compact until such party state has withdrawn from the prior nurse licensure compact. c. Any party state may withdraw from this compact by enacting a statute repealing the same. A party state's withdrawal shall not take effect until six months after enactment of the repealing statute. d. A party state's withdrawal or termination shall not affect the continuing requirement of the withdrawing or terminated state's licensing board to report adverse actions and significant investigations occurring prior to the effective date of such withdrawal or termination. e. Nothing contained in this compact shall be construed to invalidate or prevent any nurse licensure agreement or other cooperative arrangement between a party state and a nonparty state that is made in accordance with the other provisions of this compact. f. This compact may be amended by the party states. No amendment to this compact shall become effective and binding upon the party states unless and until it is enacted into the laws of all party states. g. Representatives of nonparty states to this compact shall be invited to participate in the activities of the commission, on a nonvoting basis, prior to the adoption of this compact by all states. 11. Article XI — Construction and severability. This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States, or if the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held to be contrary to the constitution of any party state, this compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters. 2000 Acts, ch 1008, §8; 2000 Acts, ch 1232, §51 – 55; 2008 Acts, ch 1032, §201; 2017 Acts, ch 91, §1, 3 Referred to in §147.2, 147.5, 147.7, 152.6, 152.7, 152.8, 152.10, 152E.2, 272C.6 Strike and rewrite of section and enactment of new compact take effect July 21, 2017; Code editor received notice from the board of nursing of enactment of this compact by the twenty-sixth state on that date; in accordance with subsection 10, paragraph a, of this section, the state of Iowa shall be deemed to have withdrawn from the nurse licensure compact previously codified at this section within six months of July 21, 2017; 2017 Acts, ch 91, §1, 3 .

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152E - NURSE AND ADVANCED PRACTICE REGISTERED NURSE LICENSURE COMPACTS Section 152E.2 - Compact administrator.

152E.2 Compact administrator. The executive director of the board of nursing, as provided for in section 152.2, shall serve as the compact administrator identified in article VII, paragraph "b", of the nurse licensure compact contained in section 152E.1 and as the

compact administrator identified in article VIII, paragraph “a”, of the advanced practice registered nurse compact contained in section 152E.3. 2000 Acts, ch 1008, §9; 2005 Acts, ch 53, §8; 2008 Acts, ch 1032, §201; 2017 Acts, ch 91, §2, 3 2017 amendment takes effect July 21, 2017; 2017 Acts, ch 91, §3

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 152E - NURSE AND ADVANCED PRACTICE REGISTERED NURSE LICENSURE COMPACTS Section 152E.3 - Form of advanced practice registered nurse compact.

152E.3 Form of advanced practice registered nurse compact. The advanced practice registered nurse compact is entered into and enacted into law with all jurisdictions legally joining therein, in the form substantially as follows: 1. Article I — Findings and declaration of purpose. a. The party states find all of the following: (1) The health and safety of the public are affected by the degree of compliance with advanced practice registered nurse licensure and practice requirements and the effectiveness of enforcement activities related to state advanced practice registered nurse license or authority to practice laws. (2) Violations of advanced practice registered nurse licensure and practice and other laws regulating the practice of nursing may result in injury or harm to the public. (3) The expanded mobility of advanced practice registered nurses and the use of advanced communication technologies as part of our nation’s health care delivery system require greater coordination and cooperation among states in the areas of advanced practice registered nurse licensure and practice requirements. (4) New practice modalities and technology make compliance with individual state advanced practice registered nurse licensure and practice requirements difficult and complex. (5) The current system of duplicative advanced practice registered nurse licensure and practice requirements for advanced practice registered nurses practicing in multiple states is cumbersome and redundant to both advanced practice registered nurses and states. (6) Uniformity of advanced practice registered nurse requirements throughout the states promotes public safety and public health benefits. (7) Access to advanced practice registered nurse services increases the public’s access to health care, particularly in rural and underserved areas. b. The general purposes of this compact are to: (1) Facilitate the states’ responsibilities to protect the public’s health and safety. (2) Ensure and encourage the cooperation of party states in the areas of advanced practice registered nurse licensure and practice requirements including promotion of uniform licensure requirements. (3) Facilitate the exchange of information between party states in the areas of advanced practice registered nurse regulation, investigation, and adverse actions. (4) Promote compliance with the laws governing advanced practice registered nurse practice in each jurisdiction. (5) Invest all party states with the authority to hold an advanced practice registered nurse accountable for meeting all state practice laws in the state in which the patient is located at the time care is rendered through the mutual recognition of party state licenses. 2. Article II — Definitions. As used in this compact: a. “Advanced practice registered nurse” means a nurse anesthetist, nurse practitioner, nurse midwife, or clinical nurse specialist to the extent a party state licenses or grants authority to practice in that advanced practice registered nurse role and title. b. “Advanced practice registered nurse licensure and practice requirements” means the regulatory mechanism used by a party state to grant legal authority to practice as an advanced practice registered nurse. c. “Advanced practice registered nurse uniform license or authority to practice requirements” means those minimum uniform licensure, education, and examination requirements as agreed to by the compact administrators and adopted by licensing boards for the recognized advanced practice registered nurse role and title. d. “Adverse action” means a home or remote state action. e. “Alternative program” means a voluntary, nondisciplinary monitoring program approved by a nurse licensing board. f. “Coordinated licensure information system” means an integrated process for collecting, storing, and sharing information on advanced practice registered nurse licensure or authority to practice and enforcement activities related to advanced practice registered nurse license or authority to practice laws, which is administered by a nonprofit organization composed of and controlled by state licensing boards. g. “Current significant investigative information” means either of the following: (1) Investigative information that a licensing board, after a preliminary inquiry that includes notification and an opportunity for the advanced practice registered nurse to respond if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction. (2) Investigative information that indicates that the advanced practice registered nurse represents an immediate threat to public health and safety regardless of whether the advanced practice registered nurse has been notified and had an opportunity to respond. h. “Home state” means the party state that is the advanced practice registered nurse’s primary state of residence. i. “Home state action” means any administrative, civil, equitable, criminal, or other action permitted by the home state’s laws which is imposed on an advanced practice registered nurse by the home state’s licensing board or other authority, including actions against an individual’s license or authority to practice such as revocation, suspension, probation, or any other action which affects an advanced practice registered nurse’s authorization to practice. j. “Licensing board” means a party state’s regulatory body responsible for advanced practice registered nurse licensure or authority to practice. k. “Multistate advanced practice privilege” means current authority from a remote state permitting an advanced practice registered nurse to practice in that state in the same role and title as the advanced practice registered nurse is licensed or authorized to practice in the home state to the extent that the remote state laws recognize such advanced practice registered nurse role and title. A party state has the authority, in accordance with existing state due process laws, to take action against the advanced practice registered nurse’s privilege, including revocation, suspension, probation, or any other action that affects an advanced practice registered nurse’s multistate privilege to practice. l. “Party state” means any state that has adopted this compact. m. “Prescriptive authority” means the legal authority to prescribe medications and devices as defined by party state laws. n. “Remote state” means a party state, other than the home state, where either of the following applies: (1) Where the patient is located at the time advanced practice registered nurse care is provided. (2) In the case of advanced practice registered nurse practice not involving a patient, in such party state where the recipient of advanced practice registered nurse care is located. o. “Remote state action” means either of the following: (1) Any administrative, civil, equitable, criminal, or other action permitted by a remote state’s laws which is imposed

on an advanced practice registered nurse by the remote state's licensing board or other authority, including actions against an individual's multistate advanced practice privilege in the remote state. (2) Cease and desist and other injunctive or equitable orders issued by remote states or the licensing boards of remote states. p. "State" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico. q. "State practice laws" means a party state's laws and regulations that govern advanced practice registered nurse practice, define the scope of advanced nursing practice, including prescriptive authority, and create the methods and grounds for imposing discipline. "State practice laws" does not include the requirements necessary to obtain and retain advanced practice registered nurse licensure or authority to practice as an advanced practice registered nurse, except for qualifications or requirements of the home state. r. "Unencumbered" means that a state has no current disciplinary action against an advanced practice registered nurse's license or authority to practice.

3. Article III — General provisions and jurisdiction. a. All party states shall participate in the nurse licensure compact for registered nurses and licensed practical or vocational nurses in order to enter into the advanced practice registered nurse compact. b. A state shall not enter the advanced practice registered nurse compact until the state adopts, at a minimum, the advanced practice registered nurse uniform license or authority to practice requirements for each advanced practice registered nurse role and title recognized by the state seeking to enter the advanced practice registered nurse compact. c. Advanced practice registered nurse license or authority to practice issued by a home state to a resident in that state shall be recognized by each party state as authorizing a multistate advanced practice privilege to the extent that the role and title are recognized by each party state. To obtain or retain advanced practice registered nurse licensure and practice requirements as an advanced practice registered nurse, an applicant must meet the home state's qualifications for authority or renewal of authority as well as all other applicable state laws. d. The advanced practice registered nurse multistate advanced practice privilege does not include prescriptive authority, and does not affect any requirements imposed by states to grant to an advanced practice registered nurse initial and continuing prescriptive authority according to state practice laws. However, a party state may grant prescriptive authority to an individual on the basis of a multistate advanced practice privilege to the extent permitted by state practice laws. e. A party state may, in accordance with state due process laws, limit or revoke the multistate advanced practice privilege in the party state and may take any other necessary actions under the party state's applicable laws to protect the health and safety of the party state's citizens. If a party state takes action, the party state shall promptly notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the home state of any such actions by remote states. f. An advanced practice registered nurse practicing in a party state must comply with the state practice laws of the state in which the patient is located at the time care is provided. The advanced practice registered nurse practice includes patient care and all advanced nursing practice defined by the party state's practice laws. The advanced practice registered nurse practice subjects an advanced practice registered nurse to the jurisdiction of the licensing board, the courts, and the laws of the party state. g. Individuals not residing in a party state may apply for an advanced practice registered nurse license or authority to practice as an advanced practice registered nurse under the laws of a party state. However, the authority to practice granted to these individuals shall not be recognized as granting the privilege to practice as an advanced practice registered nurse in any other party state unless explicitly agreed to by that party state.

4. Article IV — Applications for advanced practice registered nurse licensure or authority to practice in a party state. a. (1) Once an application for an advanced practice registered nurse license or authority to practice is submitted, a party state shall ascertain, through the coordinated licensure information system, whether the applicant has held, or is the holder of, a nursing license or authority to practice issued by another state, whether the applicant has had a history of previous disciplinary action by any state, whether an encumbrance exists on any license or authority to practice, and whether any other adverse action by any other state has been taken against a license or authority to practice. (2) This information may be used in approving or denying an application for an advanced practice registered nurse license or authority to practice. b. An advanced practice registered nurse in a party state shall hold an advanced practice registered nurse license or authority to practice in only one party state at a time, issued by the home state. c. An advanced practice registered nurse who intends to change the nurse's primary state of residence may apply for an advanced practice registered nurse license or authority to practice in the new home state in advance of such change. However, a new license or authority to practice shall not be issued by a party state until after an advanced practice registered nurse provides evidence of change in the nurse's primary state of residence satisfactory to the new home state's licensing board. d. (1) If an advanced practice registered nurse changes the nurse's primary state of residence by moving between two party states, and obtains an advanced practice registered nurse license or authority to practice from the new home state, the advanced practice registered nurse license or authority to practice from the former home state is no longer valid. (2) If an advanced practice registered nurse changes the nurse's primary state of residence by moving from a nonparty state to a party state, and obtains an advanced practice registered nurse license or authority to practice from the new home state, the individual state license issued by the nonparty state is not affected and shall remain in full force if so provided by the laws of the nonparty state. (3) If an advanced practice registered nurse changes the nurse's primary state of residence by moving from a party state to a nonparty state, the advanced practice registered nurse license or authority to practice issued by the prior home state converts to an individual state license, valid only in the former home state, without the multistate licensure privilege to practice in other party states.

5. Article V — Adverse actions. In addition to the general provisions described in article III, the following provisions apply: a. The licensing board of a remote state shall promptly report to the administrator of the coordinated licensure information system any remote state actions, including the factual and legal basis for such action, if known. The licensing board of a remote state shall also promptly report any significant current investigative information yet to result in a remote state action. The administrator of the coordinated licensure information system shall promptly notify the home state of any such reports. b. The licensing board of a party state shall have the authority to complete any pending

investigations for an advanced practice registered nurse who changes the nurse's primary state of residence during the course of such investigations. It shall also have the authority to take appropriate action and shall promptly report the conclusions of such investigations to the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any such actions. c. A remote state may take adverse action affecting the multistate advanced practice privilege to practice within that party state. However, only the home state shall have the power to impose adverse action against the advanced practice registered nurse license or authority to practice issued by the home state. d. For purposes of imposing adverse action, the licensing board of the home state shall give the same priority and effect to reported conduct received from a remote state as it would if such conduct had occurred within the home state. In so doing, it shall apply its own state laws to determine appropriate action. e. The home state may take adverse action based on the factual findings of the remote state, so long as each state follows its own procedures for imposing such adverse action. f. Nothing in this compact shall override a party state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain nonpublic if required by the party state's laws. Party states must require advanced practice registered nurses who enter any alternative programs to agree not to practice in any other party state during the term of the alternative program without prior authorization from such other party state. g. All home state licensing board disciplinary orders, agreed to or otherwise, which limit the scope of the advanced practice registered nurse's practice or require monitoring of the advanced practice registered nurse as a condition of the order shall include the requirements that the advanced practice registered nurse will limit the nurse's practice to the home state during the pendency of the order. This requirement may allow the advanced practice registered nurse to practice in other party states with prior written authorization from both the home state and party state licensing boards.

6. Article VI — Additional authorities invested in party state licensing boards. Notwithstanding any other powers, party state licensing boards shall have the authority to do all of the following: a. If otherwise permitted by state law, recover from the affected advanced practice registered nurse the costs of investigations and disposition of cases resulting from any adverse action taken against that advanced practice registered nurse. b. Issue subpoenas for both hearings and investigations which require the attendance and testimony of witnesses, and the production of evidence. Subpoenas issued by a licensing board in a party state for the attendance and testimony of witnesses, or the production of evidence from another party state, shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses or evidence is located. c. Issue cease and desist orders to limit or revoke an advanced practice registered nurse's privilege, license, or authority to practice in the state. d. Promulgate uniform rules and regulations as provided for in article VIII, paragraph "c".

7. Article VII — Coordinated licensure information system. a. All party states shall participate in a cooperative effort to create a coordinated database of all advanced practice registered nurses. This system shall include information on the advanced practice registered nurse licensure and practice requirements and disciplinary history of each advanced practice registered nurse, as contributed by party states, to assist in the coordination of the advanced practice registered nurse licensure or authority to practice and enforcement efforts. b. Notwithstanding any other provision of law, all party states' licensing boards shall promptly report adverse actions, actions against multistate advanced practice privileges, any current significant investigative information yet to result in adverse action, denials of applications, and the reasons for such denials, to the coordinated licensure information system. c. Current significant investigative information shall be transmitted through the coordinated licensure information system only to party state licensing boards. d. Notwithstanding any other provision of law, all party states' licensing boards contributing information to the coordinated licensure information system may designate information that shall not be shared with nonparty states or disclosed to other entities or individuals without the express permission of the contributing state. e. Any personally identifiable information obtained by a party state's licensing board from the coordinated licensure information system shall not be shared with nonparty states or disclosed to other entities or individuals except to the extent permitted by the laws of the party state contributing the information. f. Any information contributed to the coordinated licensure information system that is subsequently required to be expunged by the laws of the party state contributing that information shall also be expunged from the coordinated licensure information system. g. The compact administrators, acting jointly with each other and in consultation with the administrator of the coordinated licensure information system, shall formulate necessary and proper procedures for the identification, collection, and exchange of information under this compact.

8. Article VIII — Compact administration and interchange of information. a. The head of the licensing board, or the head's designee, of each party state shall be the administrator of this compact for the head's state. b. The compact administrator of each party state shall furnish to the compact administrator of each other party state any information and documents including but not limited to a uniform data set of investigations, identifying information, licensure data, and disclosable alternative program participation information to facilitate the administration of this compact. c. Compact administrators shall have the authority to develop uniform rules to facilitate and coordinate implementation of this compact. These uniform rules shall be adopted by party states, under the authority invested under article VI, paragraph "d".

9. Article IX — Immunity. A party state or the officers or employees or agents of a party state's licensing board who act in accordance with the provisions of this compact shall not be liable on account of any act or omission in good faith while engaged in the performance of their duties under this compact. Good faith in this article shall not include willful misconduct, gross negligence, or recklessness.

10. Article X — Entry into force, withdrawal, and amendment. a. This compact shall enter into force and become effective as to any state when it has been enacted into the laws of that state. Any party state may withdraw from this compact by enacting a statute repealing the same, but such withdrawal shall not take effect until six months after the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. b. Withdrawal shall not affect the validity or applicability by the licensing boards of states remaining

party to the compact of any report of adverse action occurring prior to the withdrawal. c. This compact shall not be construed to invalidate or prevent any advanced practice registered nurse licensure or authority to practice agreement or other cooperative arrangement between a party state and a nonparty state that is made in accordance with the other provisions of this compact. d. This compact may be amended by the party states. An amendment to this compact shall not become effective and binding upon the party states unless and until it is enacted into the laws of all party states. 11. Article XI — Construction and severability. a. This compact shall be liberally construed so as to effectuate the purposes of the compact. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States, or the applicability of the compact to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability of the compact to any government, agency, person, or circumstance shall not be affected by that action. If this compact shall be held contrary to the constitution of any state which is party to the compact, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters. b. (1) In the event party states find a need for settling disputes arising under this compact, the party states may submit the issues in dispute to an arbitration panel which shall be comprised of an individual appointed by the compact administrator in the home state, an individual appointed by the compact administrator in the remote state or states involved, and an individual mutually agreed upon by the compact administrators of all the party states involved in the dispute. (2) The decision of a majority of the arbitrators shall be final and binding. 2005 Acts, ch 53, §9; 2007 Acts, ch 22, §38; 2008 Acts, ch 1032, §201 Referred to in §147.2, 147.5, 147.7, 152.6, 152.7, 152.8, 152.10, 152E.2, 272C.6

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 153 - DENTISTRY Section 153.12 - Board defined.

153.12 Board defined. As used in this chapter, “board” means the dental board created under chapter 147. 2007 Acts, ch 10, §132; 2007 Acts, ch 218, §204

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 153 - DENTISTRY Section 153.13 - “Practice of dentistry” defined.

153.13 “Practice of dentistry” defined. For the purpose of this subtitle the following classes of persons shall be deemed to be engaged in the practice of dentistry: 1. Persons publicly professing to be dentists, dental surgeons, or skilled in the science of dentistry, or publicly professing to assume the duties incident to the practice of dentistry. 2. Persons who perform examination, diagnosis, treatment, and attempted correction by any medicine, appliance, surgery, or other appropriate method of any disease, condition, disorder, lesion, injury, deformity, or defect of the oral cavity and maxillofacial area, including teeth, gums, jaws, and associated structures and tissue, which methods by education, background experience, and expertise are common to the practice of dentistry. 3. Persons who offer to perform, perform, or assist with any phase of any operation incident to tooth whitening, including the instruction or application of tooth whitening materials or procedures at any geographic location. For purposes of this subsection, “tooth whitening” means any process to whiten or lighten the appearance of human teeth by the application of chemicals, whether or not in conjunction with a light source. [S13, §2600-o; C24, 27, 31, 35, 39, §2565; C46, 50, 54, 58, 62, 66, §153.1; C71, 73, 75, 77, 79, 81, §153.13] 96 Acts, ch 1147, §1; 2009 Acts, ch 56, §5, 13 Referred to in §153.14

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 153 - DENTISTRY Section 153.14 - Persons not included.

153.14 Persons not included. Section 153.13 shall not be construed to include the following classes: 1. Students of dentistry who practice dentistry upon patients at clinics in connection with their regular course of instruction at an accredited dental college, students of dental hygiene who practice upon patients at clinics in connection with their regular course of instruction at state-approved schools, and students of dental assisting who practice upon patients at clinics in connection with a regular course of instruction determined by the board pursuant to section 153.39. 2. Licensed physicians and surgeons or licensed osteopathic physicians and surgeons who extract teeth or treat diseases of the oral cavity, gums, teeth, or maxillary bones as an incident to the general practice of their profession. 3. Persons licensed to practice dental hygiene who are exclusively engaged in the practice of said profession. 4. Dentists and dental hygienists who are licensed in another state and who are active or reserve members of the United States military service when acting in the line of duty in this state. 5. Persons registered to practice as a dental assistant. 1, 2. [S13, §2600-l, -o; C24, 27, 31, 35, 39, §2566; C46, 50, 54, 58, 62, 66, §153.2; C71, 73, 75, 77, 79, 81, §153.14] 3. [C24, 27, 31, 35, 39, §2566; C46, 50, 54, 58, 62, 66, §153.2; C71, 73, 75, 77, 79, 81, §153.14] 89 Acts, ch 63, §1; 95 Acts, ch 16, §1; 2000 Acts, ch 1002, §3, 4; 2007 Acts, ch 10, §133; 2009 Acts, ch 133, §57; 2011 Acts, ch 129, §86, 156; 2021 Acts, ch 76, §37

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 153 - DENTISTRY Section 153.15 - Dental hygienists — scope of term.

153.15 Dental hygienists — scope of term. 1. A licensed dental hygienist may perform those services which are educational, therapeutic, and preventive in nature which attain or maintain optimal oral health as determined by the board. Services may include but are not necessarily limited to the following: a. Complete oral prophylaxis. b. Application of preventive agents to oral structures. c. Exposure and processing of radiographs. d. Administration of medicaments prescribed by a licensed dentist. e. Obtaining and preparing nonsurgical, clinical and oral diagnostic tests for interpretation by the dentist. f. Preparation of preliminary written records of oral conditions for interpretation by the dentist. 2. Such services, except educational services, shall be performed under supervision of a licensed dentist but nothing in this section shall be construed to authorize a dental hygienist to practice dentistry. 3. Educational services shall be limited to the following: a. Assessing the need for, planning, implementing, and evaluating oral health

education programs for individual patients and community groups. b. Conducting workshops and in-service training sessions on dental health for nurses, school personnel, institutional staff, community groups, and other agencies providing consultation and technical assistance for promotional, preventive, and educational services. [C24, 27, 31, 35, 39, §2571; C46, 50, 54, 58, 62, 66, §153.7; C71, 73, 75, 77, 79, 81, §153.15] 2007 Acts, ch 10, §134; 2017 Acts, ch 41, §1; 2020 Acts, ch 1018, §1; 2021 Acts, ch 80, §83 Referred to in §153.23

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 153 - DENTISTRY Section 153.15A - Dental hygienists — license requirements, renewal.

153.15A Dental hygienists — license requirements, renewal. 1. In addition to requirements adopted by rule by the board, in order to obtain a license as a dental hygienist, an applicant shall present evidence to the board of both of the following: a. That the applicant possesses a degree or certificate of graduation from a college, university, or institution of higher education, accredited by a national agency recognized by the council on higher education accreditation or the United States department of education, in a program of dental hygiene with a minimum of two academic years of curriculum. b. That the applicant possesses a valid certificate in a nationally recognized course in cardiopulmonary resuscitation. 2. In order to renew a license as a dental hygienist, a licensee shall furnish evidence of valid annual certification for cardiopulmonary resuscitation which shall be credited toward the licensee's continuing education requirement. 92 Acts, ch 1121, §1; 2016 Acts, ch 1011, §37

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 153 - DENTISTRY Section 153.16 - Dental office where dentist is employed.

153.16 Dental office where dentist is employed. Every person who owns, operates, or controls a dental office in which anyone other than that person is practicing dentistry shall display the name of the other person in a conspicuous manner at the public entrance to said office. [S13, §2600-o1; C24, 27, 31, 35, 39, §2568; C46, 50, 54, 58, 62, 66, §153.4; C71, 73, 75, 77, 79, 81, §153.16]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 153 - DENTISTRY Section 153.17 - Unlawful practice.

153.17 Unlawful practice. Except as otherwise provided in this chapter, it shall be unlawful for any person to practice dentistry or dental surgery or dental hygiene in this state, other than: 1. Those who are now duly licensed dentists, under the laws of this state in force at the time of their licensure; and 2. Those who are now duly licensed dental hygienists under the laws of this state in force at the time of their licensure; and 3. Those who may hereafter be duly licensed as dentists or dental hygienists pursuant to the provisions of this chapter. [C71, 73, 75, 77, 79, 81, §153.17] 2021 Acts, ch 80, §84

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 153 - DENTISTRY Section 153.18 - Employment of unlicensed dentist.

153.18 Employment of unlicensed dentist. No person owning or conducting any place where dental work of any kind is done or contracted for, shall employ or permit any unlicensed dentist to practice dentistry in said place. [S13, §2600-o2; C24, 27, 31, 35, 39, §2569; C46, 50, 54, 58, 62, 66, §153.5; C71, 73, 75, 77, 79, 81, §153.18]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 153 - DENTISTRY Section 153.19 - Temporary permit — fees.

153.19 Temporary permit — fees. 1. The board may, in its discretion, issue a temporary permit authorizing the permit holder to practice dentistry or dental hygiene in a specific location or locations and for a specified period of time if, in the opinion of the board, a need exists and the person possesses the qualifications prescribed by the board for the permit, which shall be substantially equivalent to those required for licensure under this chapter. The board shall determine in each instance those eligible for this permit, whether or not examinations shall be given, and the type of examinations. None of the requirements for regular licensure under this chapter are mandatory for a temporary permit except as specifically designated by the board. The issuance of a temporary permit shall not in any way indicate that the permit holder is necessarily eligible for regular licensure, nor is the board in any way obligated to so license the person. 2. A temporary permit shall be issued for a period determined by the board and may be renewed at the discretion of the board. The fee for a temporary permit and the fee for renewal shall be set by the board. The fees shall be based on the administrative costs of issuing and renewing the permits. 2002 Acts, ch 1108, §15; 2004 Acts, ch 1167, §7, 8

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 153 - DENTISTRY Section 153.20 - Drugs, medicine, and surgery.

153.20 Drugs, medicine, and surgery. A dentist shall have the right to prescribe and administer drugs or medicine, perform such surgical operations, administer general or local anesthetics and use such appliances as may be necessary to the proper practice of dentistry. [C71, 73, 75, 77, 79, 81, §153.20]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 153 - DENTISTRY Section 153.21 - License by credentials.

153.21 License by credentials. The board may issue a license under this chapter without examination to an applicant who furnishes satisfactory proof that the applicant meets all of the following requirements: 1. Holds a license from a similar dental board of another state, territory, or district of the United States under requirements equivalent or substantially equivalent to those of this state. 2. Has satisfied at least one of the following: a. Passed an examination administered by a regional or national testing service, which examination has been approved by the dental board in accordance with section 147.34, subsection 1. b. Has for three consecutive

years immediately prior to the filing of the application in this state been in a legal practice of dentistry or dental hygiene in such other state, territory, or district of the United States. 3. Furnishes such other evidence as to the applicant's qualifications and lawful practice as the board may require. [C71, 73, 75, 77, 79, 81, §153.21] 2002 Acts, ch 1108, §16; 2011 Acts, ch 80, §1

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 153 - DENTISTRY Section 153.22 - Resident license.

153.22 Resident license. A dentist or dental hygienist who is serving only as a resident, intern, or graduate student and who is not licensed to practice in this state is required to obtain from the board a temporary or special license to practice as a resident, intern, or graduate student. The license shall be designated "Resident License" and shall authorize the licensee to serve as a resident, intern, or graduate student only, under the supervision of a licensed practitioner, in an institution approved for this purpose by the board. Such license shall be renewed at the discretion of the board. The fee for a resident license and the renewal fee shall be set by the board based upon the cost of issuance of the license. The board shall determine in each instance those eligible for a resident license, whether or not examinations shall be given, and the type of examination. None of the requirements for regular permanent licensure are mandatory for resident licensure except as specifically designated by the board. The issuance of a resident license shall not in any way indicate that the person so licensed is necessarily eligible for regular licensure or that the board is obligated to so license the person. The board may revoke a resident license at any time it shall determine either that the caliber of work done by a licensee or the type of supervision being given such licensee does not conform to reasonable standards established by the board. [C71, 73, 75, 77, 79, 81, §153.22] 2002 Acts, ch 1108, §17; 2007 Acts, ch 10, §135

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 153 - DENTISTRY Section 153.23 - Retired volunteer license.

153.23 Retired volunteer license. 1. Upon application and qualification, the board may issue a retired volunteer license to a dentist or dental hygienist who has held an active license to practice dentistry or dental hygiene within the past five years, and who has retired from the practice of dentistry or dental hygiene, to enable the retired dentist or dental hygienist to provide volunteer dental or dental hygiene services. The board shall adopt rules to administer this section, including but not limited to rules providing eligibility requirements and services that may be performed pursuant to the license. 2. The board shall not charge an application or licensing fee for issuing or renewing a retired volunteer license. A retired volunteer license shall not be converted to a regular license with active or inactive status. A retired volunteer license shall not be considered to be an active license to practice dentistry or dental hygiene. 3. A person holding a retired volunteer license shall not charge a fee or receive compensation or remuneration in any form from any person or third-party payor including but not limited to an insurance company, health plan, or state or federal benefit program. 4. A person holding a retired volunteer license is subject to all rules and regulations governing the practice of dentistry or dental hygiene except those relating to the payment of fees, license renewal, and continuing education requirements. 5. A dental hygienist holding a retired volunteer license shall abide by the permitted scope of practice of actively licensed dental hygienists described in section 153.15. However, a dental hygienist holding a retired volunteer license may perform screenings or educational programs without an actively licensed dentist present. 6. An applicant for a retired volunteer license who has surrendered, resigned, converted, or allowed a license to lapse or expire as the result of or in lieu of disciplinary action shall not be eligible for a retired volunteer license. 7. The board may waive the five-year requirement in subsection 1 if the applicant demonstrates that the applicant possesses sufficient knowledge and skills to practice safely and competently. 2015 Acts, ch 18, §1

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 153 - DENTISTRY Section 153.24 - Orthodontia-related services.

153.24 Orthodontia-related services. 1. A licensee under the purview of the board who provides treatment for the correction of malpositions of human teeth or the initial use of orthodontic appliances shall not begin orthodontic treatment on a new patient unless one of the following conditions is met: a. The licensee performs an initial in-person or teledentistry examination of the teeth and supporting structures of the new patient prior to beginning orthodontic treatment. b. The new patient provides the licensee with the portion of the dental record taken within the prior six months of an in-person or teledentistry examination of the teeth and supporting structures of the new patient prior to the licensee beginning orthodontic treatment. 2. The examination required pursuant to subsection 1 shall include any appropriate conventional or digital radiographs or digital imaging that are necessary to develop a suitable orthodontic diagnosis and treatment plan. 3. For the purposes of this section, "new patient" means a person whom a licensee has not examined, for whom a licensee has not provided care, or for whom a licensee has not otherwise provided consultation during the two-year period immediately prior to the patient's most recent appointment. 2021 Acts, ch 127, §1

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 153 - DENTISTRY Section 153.31 - Falsification in application for renewal.

153.31 Falsification in application for renewal. A license to practice either dentistry or dental hygiene, or registration as a dental assistant, shall be revoked or suspended in the manner and upon the grounds elsewhere provided in this chapter, and also when the certificate accompanying the application of such licensee or registrant for renewal of license or registration filed with the board is not in all material respects true. [C35, §2573-g15; C39, §2573.15; C46, 50, 54, 58, 62, 66, §153.24; C71, 73, 75, 77, 79, 81, §153.31] 2002 Acts, ch 1108, §18

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 153 - DENTISTRY Section 153.32 - Unprofessional conduct.

153.32 Unprofessional conduct. As to dentists and dental hygienists “unprofessional conduct” shall consist of any of the acts denominated as such elsewhere in this chapter, and also any other of the following acts: 1. Receiving any rebate, or other thing of value, directly or indirectly from any dental laboratory or dental technician. 2. Solicitation of professional patronage by agents or persons popularly known as “cappers” or “steerers”, or profiting by the acts of those representing themselves to be agents of the licensee. 3. Receipt of fees on the assurance that a manifestly incurable disease can be permanently cured. 4. Division of fees or agreeing to split or divide the fees received for professional services with any person for bringing or referring a patient or assisting in the care or treatment of a patient without the consent of said patient or the patient’s legal representative. 5. Willful neglect of a patient in a critical condition. [C35, §2573-g16; C39, §2573.16; C46, 50, 54, 58, 62, 66, §153.25; C71, 73, 75, 77, 79, 81, §153.32]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 153 - DENTISTRY Section 153.33 - Powers of board.

153.33 Powers of board. 1. Subject to the provisions of this chapter, any provision of this subtitle to the contrary notwithstanding, the board shall exercise the following powers: a. (1) To initiate investigations of and conduct hearings on all matters or complaints relating to the practice of dentistry, dental hygiene, or dental assisting or pertaining to the enforcement of any provision of this chapter, to provide for mediation of disputes between licensees or registrants and their patients when specifically recommended by the board, to revoke or suspend licenses or registrations, or the renewal thereof, issued under this or any prior chapter, to provide for restitution to patients, and to otherwise discipline licensees and registrants. (2) Subsequent to an investigation by the board, the board may appoint a disinterested third party to mediate disputes between licensees or registrants and patients. Referral of a matter to mediation shall not preclude the board from taking disciplinary action against the affected licensee or registrant. b. To appoint investigators, who shall not be members of the board, to administer and aid in the enforcement of the provisions of law relating to those persons licensed to practice dentistry and dental hygiene, and persons registered as dental assistants. The amount of compensation for the investigators shall be determined pursuant to chapter 8A, subchapter IV. Investigators authorized by the board have the powers and status of peace officers when enforcing this chapter and chapters 147 and 272C. c. To initiate in its own name or cause to be initiated in a proper court appropriate civil proceedings against any person to enforce the provisions of this chapter or this subtitle relating to the practice of dentistry, and the board may have the benefit of counsel in connection therewith. Any such judicial proceeding as may be initiated by the board shall be commenced and prosecuted in the same manner as any other civil action and injunctive relief may be granted therein without proof of actual damage sustained by any person but such injunctive relief shall not relieve the person so enjoined from criminal prosecution by the attorney general or county attorney for violation of any provision of this chapter or this subtitle relating to the practice of dentistry. d. To adopt rules regarding infection control in dental practice which are consistent with standards of the federal Occupational Safety and Health Act of 1970, 29 U.S.C. §651 – 678, and recommendations of the centers for disease control. e. To promulgate rules as may be necessary to implement the provisions of this chapter. 2. All employees needed to administer this chapter except the executive director shall be appointed pursuant to the merit system. The executive director shall be appointed pursuant to section 10A.504 and shall be exempt from the merit system provisions of chapter 8A, subchapter IV. 3. In any investigation made or hearing conducted by the board on its own motion, or upon written complaint filed with the board by any person, pertaining to any alleged violation of this chapter or the accusation against any licensee or registrant, the following procedure and rules so far as material to such investigation or hearing shall obtain: a. The accusation of such person against any licensee or registrant shall be reduced to writing, verified by some person familiar with the facts therein stated, and three copies thereof filed with the board. b. If the board finds the charges sufficient, if true, to warrant suspension or revocation of license or registration, the board shall issue an order fixing a time and place for hearing and requiring the licensee or registrant to appear and answer to the charges. The order, together with a copy of the charges, shall be served upon the accused at least twenty days before the date fixed for hearing, either personally or by certified or registered mail, sent to the licensee’s or registrant’s last known post office address as shown by the records of the board. c. At the time and place fixed in said notice for said hearing, or at any time and place to which the said hearing shall be adjourned, the board shall hear the matter and may take evidence, administer oaths, take the deposition of witnesses, including the person accused, in the manner provided by law in civil cases, compel the appearance of witnesses before it in person the same as in civil cases by subpoena issued over the signature of the chairperson of the board and in the name of the state of Iowa, require answers to interrogatories, and compel the production of books, papers, accounts, documents and testimony pertaining to the matter under investigation or relating to the hearing. d. In all investigations and hearings pertaining to the suspension or revocation of licenses or registrations, the board and any person affected may have the benefit of counsel. Upon the request of the licensee or registrant or the licensee’s or registrant’s counsel, the board shall issue subpoenas for the attendance of witnesses in behalf of the licensee or registrant. The subpoenas when issued shall be delivered to the licensee or registrant or the licensee’s or registrant’s counsel. Such subpoenas for the attendance of witnesses shall be effective if served upon the person named in the subpoena anywhere within this state, provided that, at the time of such service, the fees provided by law for attendance of witnesses in civil cases in district court are paid or tendered to the person. e. In case of disobedience of a subpoena lawfully served under this subsection, the board or any party to such hearing aggrieved thereby may invoke the aid of the district court in the county where the hearing is being conducted to require the attendance and testimony of such witnesses. The district court of the county within which the hearing is being conducted may, in case of contumacy or refusal to obey the subpoena, issue an order requiring the person to appear before the board, and, if so ordered, to give evidence touching the matter involved in the hearing. Any failure to obey such order of the court may be punished by the court as contempt. f. If the licensee or registrant pleads guilty, or after hearing is found guilty by the board of any of the charges made, the board may suspend for a limited period or revoke the license or registration, and the last renewal of the license or registration, and shall enter

the order on its records. The board shall notify the accused of the revocation or suspension of the person's license or registration, as the case may be, and the person shall immediately surrender that license or registration to the board. Any person whose license or registration has been revoked or suspended shall not practice dentistry, dental hygiene, or dental assisting within this state while the revocation or suspension is in force and effect. g. The findings of fact made by the board acting within its power shall, in the absence of fraud, be conclusive, but the district court shall have power to review questions of law involved in any final decision or determination of the board if application is made by the aggrieved party within thirty days after such determination by certiorari, mandamus, or such other method of review or appeal permitted under the laws of this state, and to make such further orders in respect thereto as justice may require. h. Pending the review and final disposition thereof by the district court, the action of the board suspending or revoking such license or registration shall not be stayed. 4. An inspector may be appointed by the dental board pursuant to the provisions of chapter 8A, subchapter IV. 5. a. The board may impose an administrative penalty of up to five hundred dollars on a licensee, registrant, or trainee of the board who does any of the following: (1) Engages in a practice regulated by this chapter without a current license, registration, permit, or qualification. (2) Employs a person without a current license, registration, permit, or qualification to engage in a practice regulated by this chapter. (3) Fails to complete the continuing education required for renewal of a license or registration. b. The assessment and payment of a penalty imposed pursuant to paragraph "a" shall not be considered a disciplinary action or reported as discipline and shall be confidential. c. A licensee, registrant, or trainee may contest a penalty issued pursuant to paragraph "a" by initiating a contested case proceeding pursuant to chapter 17A. d. This subsection shall not prohibit the board from imposing discipline on a licensee, registrant, or trainee for willful or repeated violations. e. An administrative penalty collected pursuant to this subsection shall be deposited into the general fund of the state. [C71, 73, 75, 77, 79, 81, §153.33] 90 Acts, ch 1112, §1; 92 Acts, ch 1121, §2; 93 Acts, ch 41, §2; 2002 Acts, ch 1108, §19, 20; 2003 Acts, ch 44, §38, 39; 2003 Acts, ch 145, §200; 2007 Acts, ch 10, §136; 2009 Acts, ch 41, §263; 2009 Acts, ch 133, §192; 2015 Acts, ch 36, §1; 2016 Acts, ch 1073, §61; 2017 Acts, ch 29, §43; 2019 Acts, ch 85, §62; 2020 Acts, ch 1018, §2; 2021 Acts, ch 80, §85, 86 Referred to in §272C.5 Section not amended; internal reference change applied

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 153 - DENTISTRY Section 153.33A - Dental hygiene committee.

153.33A Dental hygiene committee. 1. A three-member dental hygiene committee of the board is created, consisting of the two dental hygienist members of the board and one dentist member of the board. The dentist member of the committee must have supervised and worked in collaboration with a dental hygienist for a period of at least three years immediately preceding election to the committee. The dentist member shall be elected to the committee annually by a majority vote of board members. 2. The committee shall have the authority to adopt recommendations regarding the practice, discipline, education, examination, and licensure of dental hygienists, subject to subsection 3, and shall carry out duties as assigned by the board. The committee shall have no regulatory or disciplinary authority with regard to dentists, dental assistants, dental lab technicians, or any other auxiliary dental personnel. 3. The board shall ratify recommendations of the committee at the first meeting of the board following adoption of the recommendations by the committee, or at a meeting of the board specifically called for the purpose of board review and ratification of committee recommendations. The board shall decline to ratify committee recommendations only if the board makes a specific finding that a recommendation exceeds the jurisdiction or expands the scope of the committee beyond the authority granted in subsection 2, creates an undue financial impact on the board, or is not supported by the record. The board shall pay the necessary expenses of the committee and of the board in implementing committee recommendations ratified by the board. 4. This section shall not be construed as impacting or changing the scope of practice of the profession of dental hygiene or authorizing the independent practice of dental hygiene. 98 Acts, ch 1010, §2; 2007 Acts, ch 10, §137 Referred to in §147.14

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 153 - DENTISTRY Section 153.33B - Executive director — duties.

153.33B Executive director — duties. A full-time executive director shall be appointed as provided under section 10A.504. The executive director shall not be a member of the board. The duties of the executive director shall be the following: 1. To receive all applications for the following: a. Licensure as a dentist or dental hygienist. b. Registration as a dental assistant. c. Permission to administer sedation or anesthesia. d. Any other activity for which an application to the board is required. 2. To collect and receive all fees. 3. To keep all records pertaining to licensure, registration, enforcement, and other board actions, including a record of all board proceedings. 4. To perform such other duties as may be prescribed by the board. 5. To appoint assistants to the director and other persons necessary to administer this chapter. 2015 Acts, ch 36, §2; 2020 Acts, ch 1063, §65 Section not amended; internal reference change applied

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 153 - DENTISTRY Section 153.34 - Discipline.

153.34 Discipline. The board may issue an order to discipline a licensed dentist or dental hygienist, or registered dental assistant, for any of the grounds set forth in this chapter, chapter 272C, or Title IV. Notwithstanding section 272C.3, licensee or registrant discipline may include a civil penalty not to exceed ten thousand dollars. Pursuant to this section, the board may discipline a licensee or registrant for any of the following reasons: 1. For fraud or deceit in procuring the license or registration or the renewal thereof to practice dentistry, dental hygiene, or dental assisting. 2. For being guilty of willful and gross malpractice or willful and gross neglect in the practice of dentistry, dental hygiene, or dental assisting. 3. For fraud in representation as to skill or ability. 4. For willful or repeated violations of this chapter, this subtitle, or the rules of the board. 5. For obtaining any fee by fraud or misrepresentation. 6. For having failed to pay license or registration fees as provided herein. 7. For gross immorality or dishonorable or unprofessional

conduct in the practice of dentistry, dental hygiene, or dental assisting. 8. For failure to maintain a reasonably satisfactory standard of competency in the practice of dentistry, dental hygiene, or dental assisting. 9. For a violation of a law of this state, another state, or the United States, without regard to its designation as either a felony or misdemeanor, which law relates to the practice of dentistry, dental hygiene, or dental assisting. A certified copy of the final order or judgment of conviction or plea of guilty in this state or in another state constitutes conclusive evidence of the conviction. 10. The revocation or suspension of a license or registration to practice dentistry, dental hygiene, or dental assisting or other disciplinary action taken by a licensing authority of another state, territory, or country. A certified copy of the record or order of suspension, revocation, or disciplinary action is conclusive or prima facie evidence. 11. Knowingly aiding, assisting, procuring, or advising a person to unlawfully practice dentistry, dental hygiene, or dental assisting. 12. For an adjudication of mental incompetence by a court of competent jurisdiction. Such adjudication shall automatically suspend a license or registration for the duration of the license or registration unless the board orders otherwise. 13. Inability to practice dentistry, dental hygiene, or dental assisting with reasonable skill and safety by reason of illness, drunkenness, or habitual or excessive use of drugs, intoxicants, narcotics, chemicals, or other types of materials or as a result of a mental or physical condition. At reasonable intervals following suspension or revocation under this subsection, a dentist, dental hygienist, or dental assistant shall be afforded an opportunity to demonstrate that the dentist, dental hygienist, or dental assistant can resume the competent practice of dentistry, dental hygiene, or dental assisting with reasonable skill and safety to patients. 14. For being a party to or assisting in any violation of any provision of this chapter. 15. For a dental hygienist, the practice of dentistry by the dental hygienist; and for a dentist, permitting the practice of dentistry by a dental hygienist by the dentist under whose supervision the dental hygienist is operating. [C71, 73, 75, 77, 79, 81, §153.34] 88 Acts, ch 1124, §1 – 4; 93 Acts, ch 41, §3; 2002 Acts, ch 1108, §21; 2007 Acts, ch 10, §138; 2009 Acts, ch 133, §192; 2010 Acts, ch 1069, §20; 2020 Acts, ch 1103, §18, 31 Referred to in §272C.3, 272C.4

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 153 - DENTISTRY Section 153.35 - Construction rule.

153.35 Construction rule. This chapter shall be deemed to be passed in the interest of the public health, safety and welfare of the people of this state, and its provisions shall be liberally construed to carry out its object and purposes. [C71, 73, 75, 77, 79, 81, §153.35]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 153 - DENTISTRY Section 153.36 - Exceptions to other statutes.

153.36 Exceptions to other statutes. 1. Sections 147.44, 147.48, 147.49, 147.53, and 147.55, and sections 147.87 through 147.92 shall not apply to the practice of dentistry. 2. In addition to the provisions of section 272C.2, subsection 4, a person licensed by the board shall also be deemed to have complied with continuing education requirements of this state if, during periods that the person practiced the profession in another state or district, the person met all of the continuing education and other requirements of that state or district for the practice of the occupation or profession. 3. Notwithstanding the panel composition provisions in section 272C.6, subsection 1, the board's disciplinary hearing panels shall be comprised of three board members, at least two of which are licensed in the profession. [C71, 73, 75, 77, 79, 81, §153.36] 97 Acts, ch 159, §23; 2007 Acts, ch 10, §139; 2009 Acts, ch 41, §56

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 153 - DENTISTRY Section 153.37 - Dental college and dental hygiene program faculty permits.

153.37 Dental college and dental hygiene program faculty permits. The board may issue a faculty permit entitling the holder to practice dentistry or dental hygiene within a college of dentistry or a dental hygiene program and affiliated teaching facilities as an adjunct to the faculty member's teaching position, associated responsibilities, and functions. The dean of the college of dentistry or chairperson of a dental hygiene program shall certify to the board those bona fide members of the college's or a dental hygiene program's faculty who are not licensed and registered to practice dentistry or dental hygiene in Iowa. Any faculty member so certified shall, prior to commencing the member's duties in the college of dentistry or a dental hygiene program, make written application to the board for a permit. The permit shall be for a period determined by the board and may be renewed at the discretion of the board. The fee for the faculty permit and the renewal shall be set by the board based upon the administrative cost of issuance of the permit. The fee shall be deposited in the same manner as fees provided for in section 147.82. The faculty permit shall be valid during the time the holder remains a member of the faculty and shall subject the holder to all provisions of this chapter. [C79, 81, §153.37] 93 Acts, ch 41, §4; 2002 Acts, ch 1108, §22; 2007 Acts, ch 10, §140

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 153 - DENTISTRY Section 153.38 - Dental assistants — scope of practice.

153.38 Dental assistants — scope of practice. A registered dental assistant may perform those services of assistance to a licensed dentist as determined by the board by rule. A registered dental assistant with additional education and training, as provided by the board by rule, may become certified to perform expanded functions or become qualified to participate in dental radiography. A registered dental assistant who has successfully completed expanded function training through the university of Iowa college of dentistry or a program certified by the commission on dental accreditation may place dental sealants on teeth. Services performed by a registered dental assistant shall be performed under supervision of a licensed dentist, but this section shall not be construed to authorize a dental assistant to practice dentistry or dental hygiene. The board shall not adopt rules that delegate to a dental assistant

the administration of local anesthesia or the removal of plaque, stain, calculus, or hard natural material except by toothbrush, floss, or rubber cup coronal polish. Every licensed dentist who utilizes the services of a registered dental assistant for the purpose of assistance in the practice of dentistry shall be responsible for acts delegated to the registered dental assistant. A dentist shall delegate to a registered dental assistant only those acts which are authorized to be delegated to registered dental assistants by the board. 2000 Acts, ch 1002, §5; 2007 Acts, ch 10, §141; 2020 Acts, ch 1018, §3

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 153 - DENTISTRY Section 153.39 - Dental assistants — registration requirements, renewal, revocation, or suspension.

153.39 Dental assistants — registration requirements, renewal, revocation, or suspension. 1. A person shall not practice on or after July 1, 2001, as a dental assistant unless the person has registered with the board and received a certificate of registration pursuant to this chapter. 2. Education requirements shall be determined by the board by rule, according to standards to be determined by the board. A person shall be registered upon the successful completion of either of the education and examination requirements established in paragraph “a” or “b”: a. Successful completion of a course of study and examination approved by the board and sponsored by a board-approved postsecondary school. b. Successful completion of on-the-job training and examination consisting of all of the following: (1) Completion of on-the-job training as specified in rule. (2) Successful completion of an examination process approved by the board. A written examination may be waived by the board pursuant to section 17A.9A, in practice situations where the written examination is deemed to be unnecessary or detrimental to the dentist’s practice. 3. The education requirements in subsection 2, paragraphs “a” and “b” may include possession of a valid certificate in a nationally recognized course in cardiopulmonary resuscitation. Successful passage of an examination administered by the board under subsection 2, paragraph “a” or “b”, which shall include sections regarding infection control, hazardous materials, and jurisprudence, shall also be required. 4. The board shall establish continuing education requirements as a condition of renewing registration as a registered dental assistant, as well as standards for the suspension or revocation of registration. 5. A person employed as a dental assistant after July 1, 2005, shall have a twelve-month period following the person’s first date of employment after July 1, 2005, to comply with the provisions of subsection 1. 2000 Acts, ch 1002, §6; 2002 Acts, ch 1108, §23; 2005 Acts, ch 28, §1, 2; 2007 Acts, ch 22, §39; 2009 Acts, ch 133, §201 Referred to in §153.14

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 153 - DENTISTRY Section 153.40

153.40 Reserved. For future text of this section effective upon receipt by the department of health and human services of federal funding to establish a mobile dental delivery system, see 2004 Acts, ch 1175, §227, 287 ; 2023 Acts, ch 19, §1358

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154 - OPTOMETRY Section 154.1 - Board defined — optometry — licensed optometrists.

154.1 Board defined — optometry — licensed optometrists. 1. As used in this chapter, “board” means the board of optometry created under chapter 147. 2. For the purpose of this subtitle, the following classes of persons shall be deemed to be engaged in the practice of optometry: a. Persons employing any means for the measurement of the visual power and visual efficiency of the human eye; persons engaged in the prescribing and adapting of lenses, prisms, and contact lenses; persons engaged in the using or employing of visual training or ocular exercise for the aid, relief, or correction of vision; and persons employing the use of medicines and procedures for the purposes of diagnosis and treatment of diseases or conditions of the eye and adnexa. b. Persons who allow the public to use any mechanical device for a purpose described in paragraph “a”. c. Persons who publicly profess to be optometrists and to assume the duties incident to the profession. 3. a. An optometrist licensed under this chapter may employ all diagnostic and therapeutic pharmaceutical agents for the purpose of diagnosis and treatment of conditions of the human eye and adnexa pursuant to this subsection, and notwithstanding section 147.107, may without charge supply any diagnostic and therapeutic pharmaceutical agents to commence a course of therapy. A licensed optometrist may perform minor surgical procedures and use medications for the diagnosis and treatment of diseases, disorders, and conditions of the eye and adnexa. A license to practice optometry under this chapter does not authorize the performance of surgical procedures which require the use of injectable or general anesthesia, moderate sedation, penetration of the globe, or the use of ophthalmic lasers for the purpose of ophthalmic surgery within or upon the globe. The removal of pterygia and Salzmann’s nodules, incisional corneal refractive surgery, and strabismus surgery are prohibited. b. (1) A licensed optometrist may administer only the following injections: (a) Sub-conjunctival injections for the medical treatment of the eye. (b) Intra-lesional injections for the treatment of chalazia. (c) Botulinum toxin to the muscles of facial expression innervated by the facial nerve, including for cosmetic purposes. (d) Injections to counteract an anaphylactic reaction. (e) Local anesthetics prior to a minor surgical procedure authorized by this chapter. (2) A licensed optometrist shall not administer any injection prior to receiving approval from the board. (3) The board shall not approve the use of injections other than to counteract an anaphylactic reaction unless the licensed optometrist demonstrates to the board sufficient educational or clinical training from a college or university accredited by a regional or professional accreditation organization which is recognized or approved by the council for higher education accreditation or by the United States department of education, or clinical training equivalent to clinical training offered by such an institution. Training for the administration and side effects of injection treatment for chalazia and of botulinum toxin shall be required before a licensed optometrist may administer such injections. The board shall adopt rules regarding training required pursuant to this subparagraph and approve training providers. c. A licensed optometrist may employ and, notwithstanding section 147.107, supply pharmaceutical-delivering contact lenses for the purpose of treatment of

conditions of the human eye and adnexa. For purposes of this paragraph, “pharmaceutical-delivering contact lenses” means contact lenses that contain one or more therapeutic pharmaceutical agents authorized for employment by this section for the purpose of treatment of conditions of the human eye and adnexa and that deliver such agents into the wearer’s eye. d. A licensed optometrist may prescribe oral steroids for a period not to exceed fourteen days without consultation with a physician. e. A licensed optometrist may be authorized, where reasonable and appropriate, by rule of the board, to employ new diagnostic and therapeutic pharmaceutical agents approved by the United States food and drug administration on or after July 1, 2002, for the diagnosis and treatment of the human eye and adnexa. f. The board is not required to adopt rules relating to topical pharmaceutical agents, oral antimicrobial agents, oral antihistamines, oral antiglaucoma agents, and oral analgesic agents. A licensed optometrist may remove superficial foreign bodies from the human eye and adnexa. g. The therapeutic efforts of a licensed optometrist are intended for the purpose of examination, diagnosis, and treatment of visual defects, abnormal conditions, and diseases of the human eye and adnexa, for proper optometric practice or referral for consultation or treatment to persons licensed under chapter 148. h. A licensed optometrist is an optometrist who is licensed to practice optometry in this state and who is certified by the board to use the agents and procedures authorized pursuant to this subsection. 4. Beginning July 1, 2012, all licensed optometrists shall meet requirements established by the board by rule to employ diagnostic and therapeutic pharmaceutical agents for the practice of optometry. All licensees practicing optometry in this state shall have demonstrated qualifications and obtained certification to use diagnostic and therapeutic pharmaceutical agents as a condition of license renewal. [S13, §2583-g; C24, 27, 31, 35, 39, §2574; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §154.1] 85 Acts, ch 248, §1; 87 Acts, ch 119, §1; 91 Acts, ch 9, §1; 2002 Acts, ch 1026, §1; 2007 Acts, ch 10, §142; 2007 Acts, ch 159, §1; 2007 Acts, ch 215, §251; 2008 Acts, ch 1088, §106; 2010 Acts, ch 1010, §2; 2010 Acts, ch 1163, §3; 2012 Acts, ch 1004, §2; 2020 Acts, ch 1109, §1; 2021 Acts, ch 80, §87; 2023 Acts, ch 41, §1 Referred to in §147.108 Subsection 3, paragraph b, subparagraph (1), NEW subparagraph division (e)

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154 - OPTOMETRY Section 154.10 - Standard of care.

154.10 Standard of care. A person licensed as an optometrist pursuant to this chapter shall be held to the same standard of care as is common to persons licensed under chapter 148 in this state. [C81, §154.10] 85 Acts, ch 248, §3; 2007 Acts, ch 159, §3; 2008 Acts, ch 1088, §107; 2012 Acts, ch 1004, §3

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154 - OPTOMETRY Section 154.2 - Scope of chapter.

154.2 Scope of chapter. This chapter shall not be construed to include the following classes: 1. Merchants or dealers who sell glasses as merchandise in an established place of business and who do not profess to be optometrists or practice optometry as described in this chapter. 2. Licensed physicians and surgeons. [S13, §2583-q; C24, 27, 31, 35, 39, §2575; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §154.2] 2021 Acts, ch 80, §88

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154 - OPTOMETRY Section 154.3 - License.

154.3 License. Every applicant for a license to practice optometry shall: 1. Be a graduate of an accredited school of optometry and meet requirements as established by rules of the board. 2. Present an official transcript issued by an accredited school of optometry. 3. Pass an examination as determined by the board by rule. [S13, §2583-l; C24, 27, 31, 35, 39, §2576; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §154.3] 85 Acts, ch 248, §2; 86 Acts, ch 1237, §8; 87 Acts, ch 119, §2; 2006 Acts, ch 1184, §95; 2007 Acts, ch 10, §143; 2007 Acts, ch 159, §2; 2007 Acts, ch 215, §252

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154A - HEARING AIDS Section 154A.1 - Definitions.

154A.1 Definitions. As used in this chapter, unless the context requires otherwise: 1. “Board” means the board of hearing aid specialists. 2. “Department” means the department of inspections, appeals, and licensing. 3. “Dispense” or “sell” means a transfer of title or of the right to use by lease, bailment, or any other means, but excludes a wholesale transaction with a distributor or hearing aid specialist, and excludes the temporary, charitable loan or educational loan of a hearing aid without remuneration. 4. “Hearing aid” means a wearable instrument or device designed for or offered for the purpose of aiding or compensating for human hearing disorders, and any parts, attachments, or accessories, including earmold, but excluding batteries and cords. 5. “Hearing aid fitting” means the measurement of human hearing by any means for the purpose of selections, adaptations, and sales of hearing aids, the instruction and counseling pertaining to the selections, adaptations, and sales of hearing aids, demonstration of techniques in the use of hearing aids, and the making of earmold impressions as part of the fitting of hearing aids. 6. “Hearing aid specialist” means any person engaged in the fitting, dispensing, and sale of hearing aids and providing hearing aid services or maintenance, by means of procedures stipulated by this chapter or the board. 7. “License” means a license issued by the state under this chapter to a hearing aid specialist. 8. “Person” means a natural person. 9. “Temporary permit” means a permit issued while the applicant is in training to become a licensed hearing aid specialist. [C75, 77, 79, 81, §154A.1] 2001 Acts, ch 58, §18; 2007 Acts, ch 10, §145; 2015 Acts, ch 57, §5 – 7; 2020 Acts, ch 1102, §7; 2023 Acts, ch 19, §1627 Subsection 2 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154A - HEARING AIDS Section 154A.10 - Issuance of licenses.

154A.10 Issuance of licenses. An applicant may obtain a license, if the applicant: 1. Successfully passes the qualifying examination prescribed in section 154A.12. 2. Is free of contagious or infectious disease. 3. Pays the necessary fees set by the board. [C75, 77,

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154A - HEARING AIDS Section 154A.12 - Scope of examination.

154A.12 Scope of examination. 1. The examination required by this chapter shall be designed to demonstrate the applicant's adequate technical qualifications including but not limited to the following: a. Evidence of knowledge in areas such as physics of sound, anatomy and physiology of hearing, and the function of hearing aids, as these areas pertain to the fitting or selection and sale of hearing aids. b. Evidence of knowledge of the medical and rehabilitation facilities that are available in the area served, for children and adults who have hearing problems. c. Evidence of knowledge of situations in which it is commonly believed that a hearing aid is inappropriate. 2. The board shall not require the applicant to possess the degree of professional competence normally expected of physicians. [C75, 77, 79, 81, §154A.12] 2000 Acts, ch 1140, §39; 2009 Acts, ch 41, §263; 2012 Acts, ch 1113, §12 Referred to in §154A.10

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154A - HEARING AIDS Section 154A.13 - Temporary permit.

154A.13 Temporary permit. A person who has not been licensed as a hearing aid specialist may obtain a temporary permit from the department upon completion of the application accompanied by the written verification of employment from a licensed hearing aid specialist. The department shall issue a temporary permit for one year which shall not be renewed or reissued. The fee for issuance of the temporary permit shall be set by the board in accordance with the provisions for establishment of fees in section 147.80. The temporary permit entitles an applicant to engage in the fitting or selection and sale of hearing aids under the supervision of a person holding a valid license. [C75, 77, 79, 81, §154A.13] 2001 Acts, ch 58, §18; 2012 Acts, ch 1113, §13; 2015 Acts, ch 57, §8

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154A - HEARING AIDS Section 154A.19 - Exceptions.

154A.19 Exceptions. 1. This chapter shall not prohibit a corporation, partnership, trust, association, or other organization maintaining an established business address from engaging in the business of selling or offering for sale hearing aids at retail without a license if it employs only licensed hearing aid specialists in the direct fitting or selection and sale of hearing aids. Such an organization shall file annually with the board a list of all licensed hearing aid specialists and persons holding temporary permits directly or indirectly employed by it. Such an organization shall also file with the board a statement on a form approved by the board that the organization submits itself to the rules and regulations of the board and the provisions of this chapter which the department deems applicable. 2. This chapter shall not apply to a person who engages in the practices covered by this chapter if this activity is part of the academic curriculum of an accredited institution of higher education, or part of a program conducted by a public or charitable institution, or nonprofit organization, unless the institution or organization also dispenses or sells hearing aids. 3. This chapter shall not prevent any person from engaging in practices covered by this chapter, provided the person, or organization employing the person, does not dispense or sell hearing aids. [C75, 77, 79, 81, §154A.19] 2001 Acts, ch 58, §18; 2015 Acts, ch 57, §9

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154A - HEARING AIDS Section 154A.20 - Rights of purchaser.

154A.20 Rights of purchaser. 1. A hearing aid specialist shall deliver, to each person supplied with a hearing aid, a receipt which contains the licensee's signature and shows the licensee's business address and the number of the license, together with specifications as to the make, model, and serial number of the hearing aid furnished, and full terms of sale clearly stated, including the date of consummation of the sale of the hearing aid. If a hearing aid is sold which is not new, the receipt and the container must be clearly marked "used" or "reconditioned", with the terms of guarantee, if any. 2. The receipt shall bear the following statement in type no smaller than the largest used in the body copy portion of the receipt: The purchaser has been advised that any examination or representation made by a licensed hearing aid specialist in connection with the fitting or selection and selling of this hearing aid is not an examination, diagnosis, or prescription by a person licensed to practice medicine in this state and, therefore, must not be regarded as medical opinion or advice. 3. Whenever any of the following conditions are found to exist either from observations by the licensed hearing aid specialist or person holding a temporary permit or on the basis of information furnished by a prospective hearing aid user, the hearing aid specialist or person holding a temporary permit shall, prior to fitting and selling a hearing aid to any individual, suggest to that individual in writing that the individual's best interests would be served if the individual would consult a licensed physician specializing in diseases of the ear, or if no such licensed physician is available in the community, then a duly licensed physician: a. Visible congenital or traumatic deformity of the ear. b. History of, or active drainage from the ear within the previous ninety days. c. History of sudden or rapidly progressive hearing loss within the previous ninety days. d. Acute or chronic dizziness. e. Unilateral hearing loss of sudden or recent onset within the previous ninety days. f. Significant air-bone gap greater than or equal to 15dB ANSI 500, 1000 and 2000 Hz. average. g. Obstruction of the ear canal, by structures of undetermined origin, such as foreign bodies, impacted cerumen, redness, swelling, or tenderness from localized infections of the otherwise normal ear canal. 4. A copy of the written recommendation shall be retained by the licensed hearing aid specialist for the period of seven years. A person receiving the written recommendation who elects to purchase a hearing aid shall sign a receipt for the same, and the receipt shall be kept with the other papers retained by the licensed hearing aid specialist for the period of seven years. Nothing in this section required to be performed by a licensed hearing aid specialist shall mean that the hearing aid specialist is engaged in the diagnosis of illness or the practice of medicine or any other activity prohibited by this chapter. 5. No hearing aid shall be sold by any

individual licensed under this chapter to a person twelve years of age or younger, unless within the preceding six months a recommendation for a hearing aid has been made by a physician specializing in otolaryngology. A replacement of an identical hearing aid within one year shall be an exception to this requirement. 6. A licensed hearing aid specialist shall, upon the consummation of a sale of a hearing aid, keep and maintain records in the specialist's office or place of business at all times and each such record shall be kept and maintained for a seven-year period. These records shall include: a. Results of test techniques as they pertain to fitting of the hearing aids. b. A copy of the written receipt and the written recommendation. [C75, 77, 79, 81, §154A.20] 2001 Acts, ch 58, §18; 2002 Acts, ch 1119, §17, 18; 2015 Acts, ch 57, §10; 2021 Acts, ch 76, §38

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154A - HEARING AIDS Section 154A.21 - Notice of address.

154A.21 Notice of address. 1. A licensee or person holding a temporary permit shall notify the department in writing of the address of the place where the licensee or permittee engages or intends to engage in business as a hearing aid specialist. The department shall keep a record of the place of business of licensees and persons holding temporary permits. 2. Any notice required to be given by the department to a licensee shall be adequately served if sent by certified mail to the address of the last place of business recorded. [C75, 77, 79, 81, §154A.21] 2001 Acts, ch 58, §18; 2015 Acts, ch 57, §11

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154A - HEARING AIDS Section 154A.23 - Disciplinary orders — attorney general.

154A.23 Disciplinary orders — attorney general. The board shall forward a copy of all final disciplinary orders, with associated complaints, to the attorney general for consideration for prosecution or enforcement when warranted. The attorney general and all county attorneys shall assist the board and the department in the enforcement of the provisions of this chapter. [C75, 77, 79, 81, §154A.23] 2001 Acts, ch 58, §18; 2002 Acts, ch 1119, §19; 2012 Acts, ch 1113, §14 Referred to in §272C.5

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154A - HEARING AIDS Section 154A.24 - Suspension or revocation.

154A.24 Suspension or revocation. The board may revoke or suspend a license or temporary permit permanently or for a fixed period for any of the following causes: 1. Procuring a license or temporary permit by fraud or deceit. 2. Unethical conduct in any of the following forms: a. Obtaining a fee or making a sale by fraud or misrepresentation. b. Knowingly employing, directly or indirectly, any suspended or unregistered person to perform any work covered by this chapter. c. Using or causing or promoting the use of any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia or any other representation, however disseminated or published, which is misleading, deceptive, or untruthful. d. Advertising a particular model or type of hearing aid for sale when purchasers or prospective purchasers responding to the advertisement cannot purchase the advertised model or type, if it is established that the purpose of the advertisement is to obtain prospects for the sale of a different model or type than that advertised. e. Representing that the service or advice of a person licensed to practice medicine, or one who is certificated as a clinical audiologist by the board of speech pathology and audiology or its equivalent, will be used or made available in the fitting or selection, adjustment, maintenance, or repair of hearing aids when that is not true, or using the words "doctor", "clinic", "clinical audiologist", "state approved", or similar words, abbreviations, or symbols which tend to connote the medical or other professions, except where the title "certified hearing aid audiologist" has been granted by the national hearing aid society, or that the hearing aid specialist has been recommended by this state or the board when such is not accurate. f. Habitual intemperance. g. Permitting another person to use the license or temporary permit. h. Advertising a manufacturer's product or using a manufacturer's name or trademark to imply a relationship with the manufacturer that does not exist. i. Directly or indirectly giving or offering to give, or permitting or causing to be given, money or anything of value to a person who advises another in a professional capacity, as an inducement to influence the person or cause the person to influence others to purchase or contract to purchase products sold or offered for sale by a hearing aid specialist, or to influence others to refrain from dealing in the products of competitors. j. Conducting business while suffering from a contagious or infectious disease. k. Engaging in the fitting or selection and sale of hearing aids under a false name or alias, with fraudulent intent. l. Selling a hearing aid to a person who has not been given tests utilizing appropriate established procedures and instrumentation in fitting or selection of hearing aids, except in cases of selling replacement hearing aids of the same make or model within one year of the original sale. m. Gross incompetence or negligence in fitting or selection and selling of hearing aids. n. Using an advertisement or other representation which has the effect of misleading or deceiving purchasers or prospective purchasers into the belief that any hearing aid or device, or part or accessory thereof, is a new invention or involves a new mechanical or scientific principle when such is not the fact. o. Representing, directly or by implication, that a hearing aid utilizing bone conduction has certain specified features, such as the absence of anything in the ear or leading to the ear, or the like, without disclosing clearly and conspicuously that the instrument operates on the bone conduction principle, and that in many cases of hearing loss, this type of instrument may not be suitable. p. Stating or implying that the use of a hearing aid will restore normal hearing or preserve hearing or prevent or retard progressions of hearing disorders or any other false or misleading claim regarding the use or benefit of a hearing aid. q. Representing or implying that a hearing aid is or will be "custom-made", "made to order", "prescription made", or in any other sense especially fabricated for an individual person when such is not the case. r. Violating any of the provisions of section 714.16. s. Such other acts or omissions as the board may determine to be unethical conduct. [C75, 77, 79, 81, §154A.24] 90 Acts, ch 1073, §1; 2001 Acts, ch 58, §18; 2007 Acts, ch 10, §146; 2011 Acts, ch 129, §87, 156; 2015 Acts, ch 57, §12; 2020 Acts, ch 1102, §8; 2020 Acts, ch 1103, §19, 31 Referred to in §272C.3, 272C.4

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154A - HEARING AIDS Section 154A.25 - Prohibitions.

154A.25 Prohibitions. A person shall not: 1. Sell, barter, or offer to sell or barter a license or temporary permit. 2. Purchase or procure by barter a license or temporary permit with intent to use it as evidence of the holder's qualifications to engage in business as a hearing aid specialist. 3. Alter a license or temporary permit with fraudulent intent. 4. Use or attempt to use as a valid license a license or temporary permit which has been purchased, fraudulently obtained, counterfeited, or materially altered. 5. Willfully make a false statement in an application for a license or temporary permit or for renewal of a license or temporary permit. [C75, 77, 79, 81, §154A.25] 2001 Acts, ch 58, §18; 2015 Acts, ch 57, §13

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154A - HEARING AIDS Section 154A.26 - Consumer protection.

154A.26 Consumer protection. Nothing in this chapter shall be construed to limit the right of a person who desires to file a complaint against a licensee or holder of a temporary permit from filing a complaint with the attorney general pursuant to the provisions of section 714.16. [C75, 77, 79, 81, §154A.26]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154A - HEARING AIDS Section 154A.27 - Penalties.

154A.27 Penalties. A violation of any provisions of this chapter is a simple misdemeanor. [C75, 77, 79, 81, §154A.27]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154A - HEARING AIDS Section 154A.7 - Board meetings.

154A.7 Board meetings. The board shall meet at least one time per year at the seat of government and may hold additional meetings as deemed necessary. Additional meetings shall be held at the call of the chairperson or a majority of the members of the board. [C75, 77, 79, 81, §154A.7] 86 Acts, ch 1245, §1146; 2012 Acts, ch 1113, §10

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154B - PSYCHOLOGY Section 154B.1 - Definitions.

154B.1 Definitions. As used in this chapter, unless the context otherwise requires: 1. "Board" means the board of psychology created under chapter 147. 2. "Collaborative practice agreement" means a written agreement between a prescribing psychologist and a licensed physician that establishes clinical protocols, practice guidelines, and care plans relevant to the scope of the collaborative practice. The practice guidelines may include limitations on the prescribing of psychotropic medications by psychologists and protocols for prescribing to special populations, including patients who are less than seventeen years of age or over sixty-five years of age, patients who are pregnant, patients with serious medical conditions including but not limited to heart disease, cancer, stroke, or seizures, and patients with developmental disabilities and intellectual disabilities. 3. "Collaborative relationship" means a cooperative working relationship between a prescribing psychologist or a psychologist with a conditional prescription certificate and a primary care provider as defined in section 280A.1 who oversees the patient's general medical care, including diagnosis and cooperation in the management and delivery of physical and mental health care. 4. "Conditional prescription certificate" means a document issued by the board to a licensed psychologist that permits the holder to prescribe psychotropic medication under the supervision of a licensed physician pursuant to this chapter. 5. "Physician" means a person licensed to practice medicine and surgery or osteopathic medicine and surgery in this state in family medicine, internal medicine, pediatrics, psychiatry, or another specialty who prescribes medications for the treatment of a mental disorder to patients in the normal course of the person's clinical medical practice pursuant to joint rules adopted by the board of psychology and the board of medicine. 6. "Practice of psychology" means the application of established principles of learning, motivation, perception, thinking, and emotional relations to problems of behavior adjustment, group relations, and behavior modification, by persons trained in psychology for compensation or other personal gain. The application of principles includes but is not limited to counseling and the use of psychological remedial measures with persons, in groups or individually, with adjustment or emotional problems in the areas of work, family, school, and personal relationships; measuring and testing personality, intelligence, aptitudes, public opinion, attitudes, and skills; and the teaching of such subject matter, and the conducting of research on the problems relating to human behavior. 7. "Prescribing psychologist" means a licensed psychologist who holds a valid prescription certificate. 8. "Prescription certificate" means a document issued by the board to a licensed psychologist that permits the holder to prescribe psychotropic medication pursuant to this chapter. 9. "Psychotropic medication" means a medicine that shall not be dispensed or administered without a prescription and that has been explicitly approved by the federal food and drug administration for the treatment of a mental disorder, as defined by the most recent version of the diagnostic and statistical manual of mental disorders published by the American psychiatric association or the most recent version of the international classification of diseases. "Psychotropic medication" does not include narcotics. [C75, 77, 79, 81, §154B.1] 2016 Acts, ch 1112, §6; 2017 Acts, ch 29, §44; 2018 Acts, ch 1026, §54; 2023 Acts, ch 33, §1 Referred to in §148.13B, 154B.14 Subsections 3 and 5 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154B - PSYCHOLOGY Section 154B.10 - Conditional prescription certificate.

154B.10 Conditional prescription certificate. 1. An applicant for a conditional prescription certificate shall be granted a certificate by the board if the applicant satisfies all of the following requirements: a. Holds a current license to practice psychology in this state. b. Completed pharmacological training from an institution approved by the board of psychology and the board of medicine or from a provider of continuing education approved by the board of psychology and the board of medicine pursuant to joint rules adopted by

both boards. c. Passed a national certification examination approved by the board of psychology and the board of medicine that tested the applicant's knowledge of pharmacology in the diagnosis, care, and treatment of mental disorders. d. Successfully completed a postdoctoral master of science degree in clinical psychopharmacology approved by the board of psychology and the board of medicine pursuant to joint rules adopted by both boards. The program shall at a minimum include coursework in neuroscience, pharmacology, psychopharmacology, physiology, and appropriate and relevant physical and laboratory assessments. e. Has been certified by the applicant's supervising physician as having successfully completed a supervised and relevant clinical experience in clinical assessment and pathophysiology and an additional supervised practicum treating patients with mental disorders. The practica shall have been supervised by a trained physician. The board of psychology and the board of medicine, pursuant to joint rules adopted by the boards, shall determine sufficient practica to competently train the applicant in the treatment of a diverse patient population. f. Possesses malpractice insurance that will cover the applicant during the period the conditional prescription certificate is in effect. g. Meets all other requirements, as determined by joint rules adopted by the board of psychology and the board of medicine, for obtaining a conditional prescription certificate. 2. A conditional prescription certificate is valid for four years, at the end of which the holder may apply again pursuant to the provisions of subsection 1. 3. A psychologist with a conditional prescription certificate may prescribe psychotropic medication under the supervision of a licensed physician subject to all of the following conditions: a. The psychologist shall continue to hold a current license to practice psychology in this state and continue to maintain malpractice insurance. b. The psychologist shall inform the board of the name of the physician under whose supervision the psychologist will prescribe psychotropic medication and promptly inform the board of any change of the supervising physician. c. A physician supervising a psychologist prescribing psychotropic medication pursuant to a conditional prescription certificate shall be subject to disciplinary action pursuant to section 148.13A for the acts and omissions of the psychologist while under the physician's supervision. This provision does not relieve the psychologist from liability for the psychologist's acts and omissions. d. Any other rules adopted jointly by the board of psychology and the board of medicine. 2016 Acts, ch 1112, §8; 2023 Acts, ch 33, §2 Referred to in §148.13B, 154B.14 Subsection 1, paragraphs d and e amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154B - PSYCHOLOGY Section 154B.11 - Prescription certificate.

154B.11 Prescription certificate. 1. An applicant for a prescription certificate shall be granted a certificate by the board if the applicant satisfies all of the following requirements: a. Possesses a conditional prescription certificate and has successfully completed two years of prescribing psychotropic medication as certified by the supervising licensed physician. An applicant for a prescription certificate who specializes in the psychological care of children, elderly persons, or persons with comorbid psychological conditions shall complete at least one year prescribing psychotropic medications to such populations as certified by the supervising licensed physician. b. Holds a current license to practice psychology in this state. c. Possesses malpractice insurance that will cover the applicant as a prescribing psychologist. d. Meets all other requirements, as determined by rules adopted by the board, for obtaining a prescription certificate, including joint rules adopted by the board of psychology and the board of medicine. 2. A psychologist with a prescription certificate may prescribe psychotropic medication pursuant to the provisions of this chapter subject to the following conditions: a. The psychologist continues to hold a current license to practice psychology in this state and maintains malpractice insurance. b. The psychologist annually satisfies the continuing education requirements for prescribing psychologists, as determined by the board, which shall be no fewer than twenty hours each year. c. The psychologist has entered into a collaborative practice agreement with a licensed physician. d. Any other rules adopted jointly by the board of psychology and the board of medicine. 2016 Acts, ch 1112, §9 Referred to in §148.13B, 154B.14

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154B - PSYCHOLOGY Section 154B.12 - Prescribing practices.

154B.12 Prescribing practices. 1. A prescribing psychologist or a psychologist with a conditional prescription certificate may administer and prescribe psychotropic medication within the scope of the psychologist's profession, including the ordering and review of laboratory tests in conjunction with the prescription, for the treatment of mental disorders. Such prescribing practices shall be governed by joint rules adopted by the board of psychology and the board of medicine. 2. When prescribing psychotropic medication for a patient, the prescribing psychologist or the psychologist with a conditional prescription certificate shall maintain an ongoing collaborative relationship with the primary care provider as defined in section 280A.1 who oversees the patient's general medical care to ensure that necessary medical examinations are conducted, the psychotropic medication is appropriate for the patient's medical condition, and significant changes in the patient's medical or psychological condition are discussed. 3. A prescription written by a prescribing psychologist or a psychologist with a conditional prescription certificate shall meet all of the following requirements: a. Comply with applicable state and federal laws. b. Be identified as issued by the psychologist as "psychologist certified to prescribe". c. Include the psychologist's board-assigned identification number. 4. A prescribing psychologist or a psychologist with a conditional prescription certificate shall not delegate prescriptive authority to any other person. Records of all prescriptions shall be maintained in patient records. 5. When authorized to prescribe controlled substances, a prescribing psychologist or a psychologist with a conditional prescription certificate shall file with the board in a timely manner all individual federal drug enforcement agency registration and numbers. The board shall maintain current records on every psychologist, including federal registration and numbers. 2016 Acts, ch 1112, §10; 2023 Acts, ch 33, §3 Subsection 2 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154B - PSYCHOLOGY Section 154B.13 - Board duties regarding prescription certificates and conditional prescription certificates.

154B.13 Board duties regarding prescription certificates and conditional prescription certificates. 1. The board shall, in consultation with the board of medicine, adopt rules to carry out the provisions of this chapter relating to prescribing psychologists. The rules shall include but not be limited to all of the following: a. Procedures to obtain a conditional prescription certificate, a prescription certificate, and a renewal of a prescription certificate. The board may set reasonable application and renewal fees. b. Grounds for the denial, suspension, or revocation of a conditional prescription certificate and a prescription certificate, including a provision for suspension or revocation of a license to practice psychology upon suspension of a conditional prescription certificate and a prescription certificate. c. The provision of an annual list of psychologists with prescription certificates and psychologists with conditional prescription certificates that contains the information agreed to between the board and the board of medicine. The board shall promptly notify the board of medicine of psychologists who are added to or removed from the list. d. Any other rules necessary for the administration of this chapter. 2. The board shall appoint a prescribing psychologist rules subcommittee comprised of a psychologist appointed by the board, a physician appointed by the board of medicine, and a member of the public appointed by the director of the department of inspections, appeals, and licensing to develop rules for consideration by the board pursuant to this section. 2016 Acts, ch 1112, §11; 2023 Acts, ch 19, §1629 Subsection 2 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154B - PSYCHOLOGY Section 154B.14 - Requirements for prescription certificates — joint rules.

154B.14 Requirements for prescription certificates — joint rules. 1. The board of psychology and the board of medicine shall adopt joint rules in regard to the following: a. Education and training requirements pursuant to sections 154B.10 and 154B.11. b. Specific minimum standards for the terms, conditions, and framework governing the collaborative practice agreement and for governing the limitations on the prescriptions eligible to be prescribed and populations eligible to be prescribed to as specified in section 154B.1, subsection 2. 2. The board of psychology shall consult with the university of Iowa Carver college of medicine and clinical and counseling psychology doctoral programs at regents institutions in the development of the rules pertaining to education and training requirements in sections 154B.10 and 154B.11. 3. The joint rules, and any amendments thereto, adopted by the board of psychology and the board of medicine pursuant to this section and section 148.13B shall only be adopted by agreement of both boards through a joint rule-making process. 2016 Acts, ch 1112, §12 Referred to in §148.13B

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154B - PSYCHOLOGY Section 154B.2 - Practice not authorized.

154B.2 Practice not authorized. This chapter shall not authorize the practice of medicine and surgery or the practice of osteopathic medicine and surgery by any person not licensed pursuant to chapter 148. [C75, 77, 79, 81, §154B.2] 2008 Acts, ch 1088, §108

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154B - PSYCHOLOGY Section 154B.3 - Persons not required to qualify.

154B.3 Persons not required to qualify. The provisions of this chapter shall not apply to the following persons: 1. School psychologists certified by the department of education practicing and functioning within the scope of their employment in either a public or private school or performing as certified school psychologists at any time in either private practice or the public sector, provided they use the title “certified school psychologist”. 2. An employee of an accredited academic institution while performing the employee’s teaching, training, and research duties. 3. An employee of a federal, state, county or local governmental institution or agency or nonprofit institution or agency, or a research facility, while performing duties of the office or position with such institution, agency, or facility. 4. A student of psychology, psychological intern or person preparing for the practice of psychology in a training institution or facility approved by the board, provided the person is designated by the title “psychological trainee” or any similar title, clearly indicating training status. 5. A practicing psychologist for a period not to exceed ten consecutive business days or fifteen business days in any ninety-day period, if the person’s residence and major practice are outside the state, and the person gives the board a summary of the person’s intention to practice in the state of Iowa, if the person is certified or licensed in the state in which the person resides under requirements the board considers to be equivalent of requirements for licensing under this chapter, or the person resides in a state which does not certify or license psychologists and the board considers the person’s professional qualifications to be the equivalent of requirements for licensing under this chapter. [C75, 77, 79, 81, §154B.3]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154B - PSYCHOLOGY Section 154B.4 - Acts prohibited.

154B.4 Acts prohibited. Commencing July 1, 1975, a person who is not licensed under this chapter shall not claim to be a licensed practicing psychologist, use a title or description, including the term “psychology” or any of its derivatives, such as “psychologist”, “psychological”, “psychotherapist” or modifiers such as “practicing” or “licensed” in a manner which implies that the person is certified under this chapter, or offer to practice or practice psychology, except as otherwise permitted in this chapter. The use by a person who is not licensed under this chapter of such terms is not prohibited by this chapter, except when such terms are used in connection with an offer to practice or the practice of psychology. [C75, 77, 79, 81, §154B.4]

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154B - PSYCHOLOGY Section 154B.5 - Scope of chapter.

154B.5 Scope of chapter. Nothing in this chapter shall be construed to prevent qualified members of other professional groups such as physicians, osteopathic physicians, optometrists, chiropractors, members of the clergy, authorized Christian Science practitioners,

attorneys at law, social workers, or guidance counselors from performing functions of a psychological nature consistent with the accepted standards of their respective professions, if they do not use any title or description stating or implying that they are psychologists or are certified to practice psychology. [C75, 77, 79, 81, §154B.5] 2009 Acts, ch 133, §59

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154B - PSYCHOLOGY Section 154B.6 - Requirements for licensure — provisional license.

154B.6 Requirements for licensure — provisional license. 1. Except as provided in this section, an applicant for licensure as a psychologist shall meet the following requirements in addition to those specified in chapter 147: a. Except as provided in this section, after July 1, 1985, a new applicant for licensure as a psychologist shall possess a doctoral degree in psychology from an institution approved by the board and shall have completed at least one year of supervised professional experience under the supervision of a licensed psychologist. b. Have passed an examination administered by the board to assure the applicant's professional competence. The examination of any of its divisions may be given by the board at any time after the applicant has met the degree requirements of this section. c. Have not failed the examination required in paragraph "b" within sixty days preceding the date of the subsequent examination. 2. The examinations required in this section may, at the discretion of the board, be waived for holders by examination of licenses or certificates from states whose requirements are substantially equivalent to those of this chapter, and for holders by examination of specialty diplomas from the American board of professional psychology. 3. A person who possesses a doctoral degree in psychology from an institution approved by the board but who has not completed the other requirements for licensure under this section may apply for a provisional license. The license shall be designated as a "provisional license in psychology". The provisional license shall authorize the licensee to practice psychology under the supervision of a supervisor who meets the qualifications determined by the board by rule. A provisional license shall be valid for a period of two years. The fee for a provisional license shall be set by the board to cover the administrative costs of issuance. The board shall also set a fee for renewal of a provisional license. 4. A person who is enrolled in a doctoral degree program in psychology at an institution approved by the board but who has not completed the other requirements for licensure under this section may apply for a provisional license during the person's internship program. The license shall be designated as a "provisional license in psychology". The provisional license shall authorize the licensee to practice psychology under the supervision of a supervisor who meets the qualifications determined by the board by rule. A provisional license shall be valid for a period of two years. The fee for a provisional license shall be set by the board to cover the administrative costs of issuance. The board shall also set a fee for renewal of a provisional license. [C75, 77, 79, 81, §154B.6] 84 Acts, ch 1122, §1; 2006 Acts, ch 1184, §96; 2007 Acts, ch 22, §40; 2014 Acts, ch 1043, §1; 2022 Acts, ch 1111, §1 Referred to in §249A.15, 514C.33

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154B - PSYCHOLOGY Section 154B.7 - Health service provider in psychology.

154B.7 Health service provider in psychology. A certified health service provider in psychology means a person licensed to practice psychology who has a doctoral degree in psychology, or prior to July 1, 1984, was licensed at the doctoral level with a degree in psychology or its equivalent, or was prior to January 1, 1984, licensed as a psychologist in this state and prior to January 1, 1985, receives a doctoral degree equivalent to a doctoral degree in psychology, and who has at least two years of clinical experience in a recognized health service setting or meets the standards of a national register of health service providers in psychology. A person certified as a health service provider in psychology shall be deemed qualified to diagnose or evaluate mental illness and nervous disorders, and to treat mental illnesses and nervous disorders, excluding those mental illnesses and nervous disorders which are established as primarily of biological etiology with the exception of the treatment of the psychological and behavioral aspects of those mental illnesses and nervous disorders. 84 Acts, ch 1122, §2 Referred to in §135B.7, 232.78, 232.83

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154B - PSYCHOLOGY Section 154B.8 - Voluntary surrender of license.

154B.8 Voluntary surrender of license. The director of the department of inspections, appeals, and licensing may accept the voluntary surrender of license if accompanied by a written statement of intention. The voluntary surrender, when accepted, shall have the same force and effect as an order of revocation. [C75, 77, 79, 81, §154B.7] 2023 Acts, ch 19, §1628 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154B - PSYCHOLOGY Section 154B.9 - Drugs — medicine.

154B.9 Drugs — medicine. 1. Except as provided in subsections 2 and 3, a psychologist shall not administer or prescribe drugs or medicine. 2. A licensed psychologist holding a conditional prescription certificate may prescribe psychotropic medication under the supervision of a licensed physician pursuant to this chapter. 3. A prescribing psychologist may prescribe psychotropic medication pursuant to joint rules adopted by the board of psychology and the board of medicine and the provisions of this chapter. 2016 Acts, ch 1112, §7

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154C - SOCIAL WORK Section 154C.1 - Definitions.

154C.1 Definitions. As used in this chapter unless the context otherwise requires: 1. "Board" means the board of social work established in chapter 147. 2. "Licensee" means a person licensed to practice social work. 3. "Practice of social work" means the

professional activity of licensees which is directed at enhancing or restoring people's capacity for social functioning, whether impaired by environmental, emotional, or physical factors, with particular attention to the person-in-situation configuration. The social work profession represents a body of knowledge requiring progressively more sophisticated analytic and intervention skills, and includes the application of psychosocial theory methods to individuals, couples, families, groups, and communities. The practice of social work does not include the making of a medical diagnosis, or the treatment of conditions or disorders of biological etiology except treatment of conditions or disorders which involve psychosocial aspects and conditions. The practice of social work for each of the categories of social work licensure includes the following: a. Bachelor social workers provide psychosocial assessment and intervention through direct contact with clients or referral of clients to other qualified resources for assistance, including but not limited to performance of social histories, problem identification, establishment of goals and monitoring of progress, interviewing techniques, counseling, social work administration, supervision, evaluation, interdisciplinary consultation and collaboration, and research of service delivery including development and implementation of organizational policies and procedures in program management. b. Master social workers are qualified to perform the practice of bachelor social workers and provide psychosocial assessment, diagnosis, and treatment, including but not limited to performance of psychosocial histories, problem identification and evaluation of symptoms and behavior, assessment of psychosocial and behavioral strengths and weaknesses, effects of the environment on behavior, psychosocial therapy with individuals, couples, families, and groups, establishment of treatment goals and monitoring progress, differential treatment planning, and interdisciplinary consultation and collaboration. c. Independent social workers are qualified to perform the practice of master social workers as a private practice. 4. "Private practice" means social work practice conducted only by an independent social worker who is either self-employed or a member of a partnership or of a group practice providing diagnosis and treatment of mental and emotional disorders or conditions. 5. "Supervision" means the direction of social work practice in face-to-face sessions. 84 Acts, ch 1075, §1; 96 Acts, ch 1035, §5; 2007 Acts, ch 10, §147 Referred to in §154C.6

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154C - SOCIAL WORK Section 154C.2 - License required — exception — use of title.

154C.2 License required — exception — use of title. 1. A person shall not engage in the practice of social work unless the person is licensed pursuant to this chapter. A person who is not licensed pursuant to this chapter shall not use words or titles which imply or represent that the person is a licensed bachelor social worker, licensed master social worker, or licensed independent social worker. 2. Notwithstanding subsection 1, persons trained as bachelor social workers, or employed as bachelor social workers, are not required to be licensed. 3. Section 147.83 does not apply to persons who are not licensed as bachelor social workers and who do not hold themselves out as licensed bachelor social workers. 84 Acts, ch 1075, §2; 96 Acts, ch 1035, §6

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154C - SOCIAL WORK Section 154C.3 - Requirements to obtain license or reciprocal license — license renewal — continuing education.

154C.3 Requirements to obtain license or reciprocal license — license renewal — continuing education. 1. License requirements. An applicant for a license as a bachelor social worker, master social worker, or independent social worker shall meet the following requirements in addition to paying all fees required by the board: a. Bachelor social worker. An applicant for a license as a bachelor social worker shall present evidence satisfactory to the board that the applicant: (1) Possesses a bachelor's degree in social work from an accredited college or university approved by the board. (2) Has passed an examination given by the board. (3) Will conduct all professional activities as a bachelor social worker in accordance with standards for professional conduct established by the board. b. Master social worker. An applicant for a license as a master social worker shall present evidence satisfactory to the board that the applicant: (1) Possesses a master's or doctoral degree in social work from an accredited college or university approved by the board. (2) Has passed an examination given by the board. (3) Will conduct all professional activities as a master social worker in accordance with standards for professional conduct established by the board. c. Independent social worker. An applicant for a license as an independent social worker shall present evidence satisfactory to the board that the applicant: (1) Possesses a master's or doctoral degree in social work from an accredited college or university approved by the board. (2) Has passed an examination given by the board. (3) Will conduct all professional activities as a social worker in accordance with standards for professional conduct established by the board. (4) Has engaged in the practice of social work, under supervision, for at least two years as a full-time employee or for four thousand hours prior to taking the examination given by the board. (a) Supervision shall be provided in any of the following manners: (i) By a social worker licensed at least at the level of the social worker being supervised and qualified under this section to practice without supervision. (ii) By a person licensed under section 154D.2 to practice marital and family therapy without supervision or mental health counseling without supervision. (iii) By another qualified professional, if the board determines that supervision by a social worker as defined in subparagraph subdivision (i) is unobtainable or in other situations considered appropriate by the board. (b) Additional standards for supervision shall be determined by the board. 2. Reciprocal license. The board shall issue an appropriate license to an applicant licensed to practice social work in another state which imposes licensure requirements similar or equal to those imposed under subsection 1. 3. License renewal and continuing education. Licenses shall be renewed biennially, and licensees shall pay a fee for renewal as determined by the board and shall present evidence satisfactory to the board that the licensee has satisfied continuing education requirements as determined by the board. The board shall not limit the number of continuing education credits that may be obtained online in satisfying continuing education requirements, provided that any program providing continuing education credits online shall comply with standards set by the board.

4. Supervision. The board shall not, by rule or other means, require that supervision be completed in person as a condition for an applicant to receive a license, a reciprocal license, or a renewed license under this chapter. 84 Acts, ch 1075, §3; 96 Acts, ch 1035, §7; 2000 Acts, ch 1140, §40; 2007 Acts, ch 10, §148; 2009 Acts, ch 41, §263; 2009 Acts, ch 133, §60; 2019 Acts, ch 83, §1; 2021 Acts, ch 182, §56, 57, 62; 2022 Acts, ch 1021, §45, 46 Referred to in §147.14, 154C.6, 249A.15A, 489.1101, 496C.2, 514C.32

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154C - SOCIAL WORK Section 154C.4 - Rulemaking authority.

154C.4 Rulemaking authority. In addition to duties and responsibilities provided in chapters 147 and 272C, the board shall adopt rules relating to: 1. Standards required for licensees engaging in the private practice of licensed social work. 2. Standards for professional conduct of licensees. 3. The administration of this chapter. 4. The status of active and inactive licensure and guidelines for inactive licensure reentry. 5. Educational activities which fulfill continuing education requirements for renewal of licenses. 6. Evaluation of its rules to refine standards of licensure and improve methods of enforcement of the standards. 84 Acts, ch 1075, §4; 96 Acts, ch 1035, §8

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154C - SOCIAL WORK Section 154C.5 - Confidentiality of information.

154C.5 Confidentiality of information. A licensee or a person working under supervision of a licensee shall not disclose or be compelled to disclose information acquired from persons consulting that person in a professional capacity except: 1. If the information reveals the contemplation or commission of a crime. 2. If the person waives the privilege by bringing charges against the licensee. 3. With the written consent of the client, or in the case of death or disability with the consent of the client's personal representative, another person authorized to sue, or the beneficiary of an insurance policy on the client's life, health, or physical condition. 4. To testify in a court hearing concerning matters pertaining to the welfare of children. 5. To seek collaboration or consultation with professional colleagues or administrative superiors on behalf of the client. 84 Acts, ch 1075, §5; 96 Acts, ch 1035, §9

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154C - SOCIAL WORK Section 154C.6 - Transition provisions — exemption from certain license requirements.

154C.6 Transition provisions — exemption from certain license requirements. Notwithstanding section 154C.3, the board shall issue a license as a bachelor social worker, master social worker, or independent social worker to an applicant applying for a license prior to July 1, 1998, who meets the following requirements in addition to paying all fees required by the board: 1. Bachelor social worker. An applicant for a license as a bachelor social worker shall present evidence satisfactory to the board of either of the following: a. That the applicant possesses a bachelor's degree in social work from an accredited college or university approved by the board. b. That the applicant possesses an undergraduate degree from an accredited college or university and has four thousand hours of employment experience in the practice of social work. 2. Master social worker. An applicant for a license as a master social worker shall present evidence satisfactory to the board of any of the following: a. That the applicant possesses a master's degree in social work from an accredited college or university approved by the board. b. That the applicant possesses a graduate degree from an accredited college or university and has four thousand hours of employment experience in the practice of social work. c. That the applicant is employed performing master level social work duties as defined in section 154C.1, subsection 3, paragraph "b", as of July 1, 1996, and has four thousand hours of employment experience in the practice of social work as of July 1, 1998. 3. Independent social worker. An applicant for a license as an independent social worker shall present evidence satisfactory to the board of either of the following: a. That the applicant possesses a valid license to practice social work pursuant to this chapter issued prior to July 1, 1996. b. That the applicant possesses a master's or doctoral degree in social work from an accredited college or university approved by the board and has two years or four thousand hours of postgraduate degree employment experience in the practice of social work. 96 Acts, ch 1035, §10

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154C - SOCIAL WORK Section 154C.7 - General exemptions.

154C.7 General exemptions. 1. This chapter and chapter 147 do not prevent qualified members of other professions including but not limited to nurses, psychologists, marital and family therapists, mental health counselors, physicians, physician assistants, attorneys at law, or members of the clergy, from providing or advertising that they provide services of a social work nature consistent with the accepted standards of their respective professions, provided that these persons do not use a title or description indicating or implying that they are licensed to practice social work under this chapter or that they are practicing social work as defined in this chapter. 2. This chapter does not apply to students of social work whose activities are conducted within a course of professional education in social work. 96 Acts, ch 1035, §11; 2020 Acts, ch 1062, §94

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154D - BEHAVIORAL SCIENCE Section 154D.1 - Definitions.

154D.1 Definitions. As used in this chapter, unless the context otherwise requires: 1. "Board" means the board of behavioral science established in chapter 147. 2. "Certifying entity" means the behavior analyst certification board or another entity whose programs to certify professional practitioners of applied behavior analysis are accredited by the national commission for certifying agencies or the American national standards institute. 3. "Licensed assistant behavior analyst" means a person licensed to practice applied

behavior analysis under the supervision of a licensed behavior analyst under chapter 147 and this chapter. 4. “Licensed behavior analyst” means a person licensed to practice applied behavior analysis under chapter 147 and this chapter. 5. “Licensed marital and family therapist” means a person licensed to practice marital and family therapy under chapter 147 and this chapter. 6. “Licensed mental health counselor” means a person licensed to practice mental health counseling under chapter 147 and this chapter. 7. “Licensee” includes a licensed marital and family therapist and a licensed mental health counselor. 8. “Marital and family therapy” means the application of counseling techniques in the assessment and resolution of emotional conditions. This includes the alteration and establishment of attitudes and patterns of interaction relative to marriage, family life, and interpersonal relationships. 9. “Mental health counseling” means the provision of counseling services involving assessment, referral, consultation, and the application of counseling, human development principles, learning theory, group dynamics, and the etiology of maladjustment and dysfunctional behavior to individuals, families, and groups. 10. “Practice of applied behavior analysis” means the design, implementation, and evaluation of instructional and environmental modification to produce socially significant improvements in human behavior. “Practice of applied behavior analysis” includes the empirical identification of functional relations between behavior and environmental factors, known as functional assessment and analysis. “Practice of applied behavior analysis” excludes psychological testing, psychotherapy, cognitive therapy, sex therapy, psychoanalysis, hypnotherapy, and counseling as treatment modalities. 11. “Temporary license” means a license to practice marital and family therapy or mental health counseling under direct supervision of a qualified supervisor as determined by the board by rule to fulfill the postgraduate supervised clinical experience requirement in accordance with this chapter. 12. “Temporary licensed marital and family therapist” means a person licensed to practice marital and family therapy under supervision in accordance with section 154D.7. 13. “Temporary licensed mental health counselor” means a person licensed to practice mental health counseling under supervision in accordance with section 154D.7. 91 Acts, ch 229, §6; 2007 Acts, ch 10, §149; 2008 Acts, ch 1088, §65; 2018 Acts, ch 1106, §7, 14

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154D - BEHAVIORAL SCIENCES Section 154D.2 - Licensure — marital and family therapy — mental health counseling.

154D.2 Licensure — marital and family therapy — mental health counseling. 1. An applicant for a license to practice marital and family therapy or mental health counseling shall be granted a license by the board when the applicant satisfies all of the following requirements: a. Possesses a master’s degree in marital and family therapy or mental health counseling, as applicable, consisting of at least sixty semester hours, or its equivalent, from a nationally accredited institution or from a program approved by the board. b. Has at least two years of supervised clinical experience or its equivalent as approved by the board. Standards for supervision, including the required qualifications for supervisors, shall be determined in accordance with subsection 2 and by the board by rule, provided that a supervisor may be a person licensed under this section to practice marital and family therapy or mental health counseling without supervision or a licensed independent social worker licensed under chapter 154C. c. Passes an examination approved by the board. 2. The board shall not, by rule or other means, require any in-person supervised clinical experience. 91 Acts, ch 229, §7; 94 Acts, ch 1170, §25, 26; 2004 Acts, ch 1090, §2, 3; 2005 Acts, ch 89, §17, 18; 2006 Acts, ch 1184, §97; 2008 Acts, ch 1088, §66; 2021 Acts, ch 182, §58, 62 Referred to in §154C.3, 154D.4, 154D.7

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154D - BEHAVIORAL SCIENCES Section 154D.2A - Licensure — behavior analysts — assistant behavior analysts.

154D.2A Licensure — behavior analysts — assistant behavior analysts. 1. An applicant for a license to practice as a behavior analyst shall be granted a license by the board upon submitting to the board proof of the applicant’s current certification as a behavior analyst or behavior analyst-doctoral by a certifying entity. 2. An applicant for a license to practice as an assistant behavior analyst shall be granted a license by the board upon submitting to the board proof of the applicant’s current certification as an assistant behavior analyst by a certifying entity. The applicant must also provide proof of ongoing supervision by a licensed behavior analyst in accordance with the requirements of the certifying entity. 2018 Acts, ch 1106, §8, 14

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154D - BEHAVIORAL SCIENCES Section 154D.3 - Board organization and authority.

154D.3 Board organization and authority. 1. In addition to duties and responsibilities provided in chapters 147 and 272C, the board shall adopt rules relating to: a. Standards required for licensees engaging in the professions covered by this chapter. b. Standards for professional conduct of persons licensed under this chapter. c. The administration of this chapter. d. The status of active and inactive licensure, and guidelines for reentry of inactive licensees. e. Educational activities which fulfill continuing education requirements for license renewals. The board shall not limit the number of continuing education credits that may be obtained online by marital and family therapists or mental health counselors in fulfilling continuing education requirements, provided that any program providing continuing education credits online shall comply with standards set by the board. 2. The board may establish subcommittees. A decision or recommendation of a subcommittee shall not become effective without approval of the board. The board may initiate action relating to either of the professions within its jurisdiction. 91 Acts, ch 229, §8; 98 Acts, ch 1050, §2, 5; 2008 Acts, ch 1088, §67; 2019 Acts, ch 83, §2

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154D - BEHAVIORAL SCIENCES Section 154D.4 - Exemptions.

154D.4 Exemptions. 1. This chapter and chapter 147 do not prevent qualified members of other professions, including but not limited to nurses, psychologists, social workers, physicians, physician assistants, attorneys at law, or members of the clergy, from providing or advertising that they provide services of a marital and family therapy or mental health counseling nature consistent with the accepted standards of their respective professions, but these persons shall not use a title or description denoting that they are licensed marital and family therapists or licensed mental health counselors. 2. The licensure requirements of this chapter and chapter 147 do not apply to the following: a. Students whose activities are conducted within a course of professional education in marital and family therapy or mental health counseling. b. A person who practices marital and family therapy or mental health counseling under the supervision of a person licensed under this chapter as part of a clinical experience as described in section 154D.2, subsection 1, paragraph “b”. c. The provision of children, family, or mental health services through the department of health and human services or juvenile court, or agencies contracting with the department of health and human services or juvenile court, by persons who do not represent themselves to be either a marital and family therapist or a mental health counselor. 3. This chapter and chapter 147 do not prevent or restrict the practice of applied behavior analysis by any of the following: a. Persons licensed to practice other professions under this subtitle, provided that applied behavior analysis is within the scope of practice of the person’s profession, the services provided are within the boundaries of the person’s education, training, and competence, and the person does not represent that the person is a licensed behavior analyst or licensed assistant behavior analyst unless also licensed as one. b. Family members of recipients of applied behavior analysis services implementing applied behavior analysis treatment plans with the recipients under the extended authority and direction of a licensed behavior analyst or a licensed assistant behavior analyst. Such persons shall not represent themselves as behavior analysts or assistant behavior analysts. c. Paraprofessional technicians who deliver applied behavior analysis services under the extended authority and direction of a licensed behavior analyst or licensed assistant behavior analyst. Such persons shall not represent themselves as behavior analysts or assistant behavior analysts and shall use titles that indicate their nonprofessional status, including but not limited to “assistant behavior analyst technician”, “behavior technician”, “tutor”, or “line therapist”. d. Behavior analysts who practice with nonhumans, including but not limited to applied animal behaviorists and animal trainers. Such individuals may use the title “behavior analyst” but shall not represent themselves as licensed behavior analysts or licensed assistant behavior analysts unless they are licensed as such. e. Professionals who provide general applied behavior analysis services to organizations, so long as those services are for the benefit of the organizations and do not involve direct services to individuals. Such professionals may use the title “behavior analyst” but shall not represent themselves as licensed behavior analysts or licensed assistant behavior analysts unless they are licensed as such. f. Students whose applied behavior analysis activities are conducted within a defined program of study, course, practicum, internship, or postdoctoral fellowship, provided that the applied behavior analysis activities are directly supervised by a behavior analyst licensed in this state, an instructor in a course sequence approved by a certifying entity, or another qualified faculty member of the student’s program. Such students shall not present themselves as behavior analysts or assistant behavior analysts and shall use titles that clearly indicate their status, such as “student”, “intern”, or “trainee”. g. Unlicensed persons pursuing supervised experience in applied behavior analysis consistent with the experience requirements of a certifying entity, provided such experience is supervised in accordance with the requirements of the certifying entity. h. Individuals who teach applied behavior analysis or conduct behavior-analytic research, provided that such teaching or research does not involve the direct delivery of applied behavior analysis services. Such individuals may use the title “behavior analyst” but shall not represent themselves as licensed behavior analysts or licensed assistant behavior analysts unless they are licensed as such. i. Behavior analysts licensed in another jurisdiction or certified by a certifying entity to practice independently and who work in this state no more than two thousand eighty hours within a calendar year. j. Persons employed by a school, school district, or area education agency performing the duties of their positions. Such persons shall not represent themselves as licensed behavior analysts or licensed assistant behavior analysts unless they are licensed as such, and shall not offer applied behavior analysis services to any persons or entities other than their school employer or accept remuneration for providing applied behavior analysis services other than the remuneration they receive from their school employer. 91 Acts, ch 229, §9; 98 Acts, ch 1050, §3, 5; 2008 Acts, ch 1088, §68; 2018 Acts, ch 1106, §9, 14; 2019 Acts, ch 59, §52; 2021 Acts, ch 182, §59, 62; 2023 Acts, ch 19, §272 Subsection 2, paragraph c amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154D - BEHAVIORAL SCIENCE Section 154D.5 - Sexual conduct with client.

154D.5 Sexual conduct with client. The license of a behavior analyst, an assistant behavior analyst, a marital and family therapist, or a mental health counselor shall be revoked if the board finds that the licensee engaged in sexual activity with a client as determined by board rule. The revocation shall be in addition to any other penalties provided by law. 91 Acts, ch 229, §10; 2008 Acts, ch 1088, §69; 2018 Acts, ch 1106, §10, 14

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154D - BEHAVIORAL SCIENCE Section 154D.7 - Temporary license — marital and family therapy — mental health counseling — fees.

154D.7 Temporary license — marital and family therapy — mental health counseling — fees. Any person who has fulfilled all of the requirements for licensure under section 154D.2, except for having completed the postgraduate supervised clinical experience requirement as determined by the board by rule, may apply to the board for a temporary license. The license shall be designated “temporary license in marital and family therapy” or “temporary license in mental health counseling” and shall authorize the licensee to practice marital and family therapy or mental health counseling under the supervision of a qualified supervisor as

determined by the board by rule. The license shall be valid for three years and may be renewed at the discretion of the board. The fee for a temporary license shall be set by the board to cover the administrative costs of issuing the license, and if renewed, a renewal fee as set by the board shall be required. 2008 Acts, ch 1088, §70; 2018 Acts, ch 1106, §11, 14 Referred to in §154D.1, 249A.15A, 514C.32

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154E - INTERPRETERS AND TRANSLITERATORS Section 154E.1 - Definitions.

154E.1 Definitions. As used in this chapter, unless the context otherwise requires: 1. “Board” means the board of sign language interpreters and transliterators established in chapter 147. 2. “Consumer” means an individual utilizing interpreting services who uses spoken English, American sign language, or a manual form of English. 3. “Department” means the department of inspections, appeals, and licensing. 4. “Interpreter training program” means a postsecondary education program training individuals to interpret or transliterate. 5. “Interpreting” means facilitating communication between individuals who communicate via American sign language and individuals who communicate via spoken English. 6. “Licensee” means any person licensed to practice interpreting or transliterating for deaf, hard-of-hearing, and hearing individuals in the state of Iowa. 7. “Transliterating” means facilitating communication between individuals who communicate via a manual form of English and individuals who communicate via spoken English. 2004 Acts, ch 1175, §426, 433; 2007 Acts, ch 10, §150; 2023 Acts, ch 19, §1630 Referred to in §147.14 Subsection 3 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154E - INTERPRETERS AND TRANSLITERATORS Section 154E.2 - Duties of the board.

154E.2 Duties of the board. The board shall administer this chapter. The board’s duties shall include, but are not limited to, the following: 1. Adopt rules consistent with this chapter and with chapter 147 which are necessary for the performance of its duties. 2. Act on matters concerning licensure and the process of applying for, granting, suspending, imposing supervisory or probationary conditions upon, reinstating, and revoking a license. 3. Administer the provisions of this chapter regarding documentation required to demonstrate competence as an interpreter, and the processing of applications for licenses and license renewals. 4. Establish and maintain as a matter of public record a registry of interpreters licensed pursuant to this chapter. 5. Develop continuing education requirements as a condition of license renewal. 6. Evaluate requirements for licensure in other states to determine if reciprocity may be granted. 2004 Acts, ch 1175, §427, 433; 2006 Acts, ch 1155, §12, 15

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154E - INTERPRETERS AND TRANSLITERATORS Section 154E.3 - Requirements for licensure.

154E.3 Requirements for licensure. On or after July 1, 2005, every person providing interpreting or transliterating services in this state shall be licensed pursuant to this chapter. The board shall adopt rules pursuant to chapters 17A, 147, and 272C establishing procedures for the licensing of new and existing interpreters. Prior to obtaining licensure, an applicant shall successfully pass an examination prescribed and approved by the board, demonstrating the following: 1. Voice-to-sign interpretation. An applicant shall demonstrate proficiency at: a. Message equivalence: producing a true and accurate signed form of the spoken message, maintaining the integrity of content and meaning, and exhibiting few omissions, substitutions, or other errors. b. Affect: producing nonmanual grammar consistent with the intent and emotion of the speaker, and exhibiting no distracting mannerisms. c. Vocabulary choice: making correct sign choices appropriate to the setting and consumers, applying facial grammar consistent with sign choice, selecting signs that remain true to speaker’s intent, and demonstrating lexical variety. d. Fluency: displaying confidence in production, exhibiting a strong command of American sign language or manual codes for English, applying nonmanual behaviors consistent with the speaker’s intent, and demonstrating understanding of and sensitivity to cultural differences. 2. Sign-to-voice interpretation. An applicant shall demonstrate proficiency at: a. Message equivalence: producing a true and accurate spoken form of the signed message, maintaining the integrity of content and meaning, and exhibiting few omissions, substitutions, or other errors. b. Affect: producing inflection consistent with the intent and emotion of the speaker, and exhibiting no distracting mannerisms. c. Vocabulary choice: making correct word choices appropriate to the setting and consumers, using vocal inflection consistent with word choice, selecting words that remain true to the speaker’s intent, and demonstrating lexical variety. d. Fluency: displaying confidence in production, exhibiting a strong command of English in both spoken and written forms, applying vocal inflections consistent with the speaker’s intent, and demonstrating understanding of and sensitivity to cultural differences. 3. Professional conduct. An applicant shall demonstrate: a. Proficiency in functioning as a communicator of messages between the sender and receiver and educating consumers of services about the functions and logistics of the interpreting process. b. An impartial demeanor, refraining from interjecting opinions or advice and from aligning with one party over another. An applicant shall treat all people fairly and respectfully regardless of their relationship to the interpreting assignment, and present a professional appearance that is not visually distracting and is appropriate to the setting. An applicant shall exhibit knowledge and application of federal and state laws pertaining to the interpreting profession. c. Integrity, and shall be proficient in understanding and applying ethical behavior appropriate for a licensee. An applicant shall demonstrate discretion in accepting and meeting interpreter services requests, and shall engage actively in lifelong learning. 2004 Acts, ch 1175, §428, 433 Referred to in §154E.3A

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154E - INTERPRETERS AND TRANSLITERATORS Section

154E.3A - Temporary license.

154E.3A Temporary license. Beginning July 1, 2007, an individual who does not meet the requirements for licensure by examination pursuant to section 154E.3 may apply for or renew a temporary license. The temporary license shall authorize the licensee to practice as a sign language interpreter or transliterator under the direct supervision of a sign language interpreter or transliterator licensed pursuant to section 154E.3. The temporary license shall be valid for two years and may only be renewed one time in accordance with standards established by rule. An individual shall not practice for more than a total of four years under a temporary license. The board may revoke a temporary license if it determines that the temporary licensee has violated standards established by rule. The board may adopt requirements for temporary licensure to implement this section. 2006 Acts, ch 1184, §98

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154E - INTERPRETERS AND TRANSLITERATORS Section 154E.4 - Exceptions.

154E.4 Exceptions. 1. A person shall not practice interpreting or transliterating, or represent that the person is an interpreter, unless the person is licensed under this chapter. 2. This chapter does not prohibit any of the following: a. Any person residing outside of the state of Iowa holding a current license from another state that meets the state of Iowa's requirements from providing interpreting or transliterating services in this state for up to fourteen days per calendar year without a license issued pursuant to this chapter. b. Any person from interpreting or transliterating solely in a religious setting with the exception of those working in schools that receive government funding. c. Volunteers working without compensation, including emergency situations, until a licensed interpreter is obtained. d. Any person working as a substitute for a licensed interpreter in an early childhood, elementary, or secondary education setting for no more than thirty school days in a calendar year. e. Students enrolled in a school of interpreting from interpreting only under the direct supervision of a permanently licensed interpreter as part of the student's course of study. 2004 Acts, ch 1175, §429, 433; 2006 Acts, ch 1184, §99; 2007 Acts, ch 22, §41

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154F - SPEECH PATHOLOGY AND AUDIOLOGY Section 154F.1 - Definitions.

154F.1 Definitions. As used in this chapter, unless the context otherwise requires: 1. "Audiologist" means a person who engages in the practice of audiology. 2. "Board" means the board of speech pathology and audiology established pursuant to section 147.14, subsection 1, paragraph "h". 3. The "practice of audiology" means the application of principles, methods, and procedures for measurement, testing, evaluation, prediction, consultation, counseling, instruction, habilitation, rehabilitation, or remediation related to hearing and disorders of hearing and associated communication disorders for the purpose of nonmedically evaluating, identifying, preventing, ameliorating, modifying, or remediating such disorders and conditions in individuals or groups of individuals, including the determination and use of appropriate amplification. 4. The "practice of speech pathology" means the application of principles, methods, and procedures for the measurement, testing, evaluation, prediction, consultation, counseling, instruction, habilitation, rehabilitation, or remediation related to the development and disorders of speech, fluency, voice, or language for the purposes of nonmedically evaluating, preventing, ameliorating, modifying, or remediating such disorders and conditions in individuals or groups of individuals. 5. "Speech pathologist" means a person who engages in the practice of speech pathology. 2008 Acts, ch 1088, §71
Section not amended; internal reference change applied

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154F - SPEECH PATHOLOGY AND AUDIOLOGY Section 154F.2 - Applicability.

154F.2 Applicability. 1. Nothing contained in this chapter shall be construed to apply to: a. Licensed physicians and surgeons, licensed osteopathic physicians and surgeons, and licensed physician assistants, registered nurses acting under the supervision of a physician or osteopathic physician, persons conducting hearing tests under the direct supervision of a licensed physician and surgeon or licensed osteopathic physician and surgeon, or students of medicine or surgery or osteopathic medicine and surgery pursuing a course of study in a medical school or college of osteopathic medicine and surgery approved by the board of medicine while performing functions incidental to their course of study. b. Hearing aid fitting, the dispensing or sale of hearing aids, and the providing of hearing aid service and maintenance by a hearing aid specialist or holder of a temporary permit as defined and licensed under chapter 154A. c. Students enrolled in an accredited college or university pursuing a course of study leading to a degree in speech pathology or audiology while receiving clinical training as a part of the course of study and acting under the supervision of a licensed speech pathologist or audiologist provided they use the title "trainee" or similar title clearly indicating training status. d. Nonprofessional aides who perform their services under the supervision of a speech pathologist or audiologist as appropriate and who meet such qualifications as may be established by the board for aides if they use the title "aide", "assistant", "technician", or other similar title clearly indicating their status. e. Audiometric tests administered pursuant to the United States Occupational Safety and Health Act of 1970 or chapter 88, and in accordance with regulations issued thereunder, by employees of a person engaged in business, including the state of Iowa, its various departments, agencies, and political subdivisions, solely to employees of such employer, while acting within the scope of their employment. f. Persons certified by the department of education as speech clinicians or hearing clinicians and employed by a school district or area education agency while acting within the scope of their employment. 2. A person exempted from the provisions of this chapter by this section shall not use the title "speech pathologist" or "audiologist" or any title or device indicating or representing in any manner that the person is a speech pathologist or is an

audiologist; provided, a hearing aid specialist licensed under chapter 154A may use the title “certified hearing aid audiologist” when granted by the national hearing aid society; and provided, persons who meet the requirements of section 154F.3, subsection 1, who are certified by the department of education as speech clinicians may use the title “speech pathologist” and persons who meet the requirements of section 154F.3, subsection 2, who are certified by the department of education as hearing clinicians may use the title “audiologist”, while acting within the scope of their employment. 2008 Acts, ch 1088, §72; 2009 Acts, ch 133, §61; 2015 Acts, ch 57, §14, 15; 2023 Acts, ch 73, §18 Subsection 1, paragraph a amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154F - SPEECH PATHOLOGY AND AUDIOLOGY Section 154F.3 - Requirements for license.

154F.3 Requirements for license. Each applicant for a license as a speech pathologist or audiologist shall meet all of the following requirements: 1. For a license as a speech pathologist: a. Possess a master’s degree from an accredited school, college, or university with a major in speech pathology. b. Show evidence of completion of not less than four hundred hours of supervised clinical training in speech pathology as a student in an accredited school, college, or university. c. Show evidence of completion of not less than nine months’ clinical experience under the supervision of a licensed speech pathologist following the receipt of the master’s degree. 2. For a license as an audiologist: a. Possess a master’s degree from an accredited school, college, or university with a major in audiology. b. Show evidence of completion of not less than four hundred hours of supervised clinical training in audiology as a student in an accredited school, college, or university. c. Show evidence of completion of not less than nine months’ clinical experience under the supervision of a licensed audiologist following the receipt of the master’s degree. d. In lieu of paragraphs “a” through “c”, hold a doctoral degree in audiology from an accredited school, college, or university which incorporates the academic coursework and the minimum hours of supervised training required by rules adopted by the board. 3. Pass an examination as determined by the board in rule. 2008 Acts, ch 1088, §73 Referred to in §154F.2, 154F.4, 154F.5

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154F - SPEECH PATHOLOGY AND AUDIOLOGY Section 154F.4 - Waiver of examination requirement.

154F.4 Waiver of examination requirement. The examinations required in section 154F.3, subsection 3, may be waived by the board for holders by examination of licenses or certificates from states whose requirements are substantially equivalent to those of this chapter. 2008 Acts, ch 1088, §74

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154F - SPEECH PATHOLOGY AND AUDIOLOGY Section 154F.5 - Temporary clinical license — fee.

154F.5 Temporary clinical license — fee. Any person who has fulfilled all of the requirements for licensure under this chapter, except for having completed the nine months’ clinical experience requirement as provided in section 154F.3, subsection 1 or 2, may apply to the board for a temporary clinical license. The license shall be designated “temporary clinical license in speech pathology” or “temporary clinical license in audiology” and shall authorize the licensee to practice speech pathology or audiology under the supervision of a licensed speech pathologist or licensed audiologist, as appropriate. The license shall be valid for one year and may be renewed at the discretion of the board. The fee for a temporary clinical license shall be set by the board to cover the administrative costs of issuing the license, and if renewed, a renewal fee as set by the board shall be required. A temporary clinical license shall be issued only upon evidence satisfactory to the board that the applicant will be supervised by a person licensed as a speech pathologist or audiologist, as appropriate. 2008 Acts, ch 1088, §75

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154F - SPEECH PATHOLOGY AND AUDIOLOGY Section 154F.6 - Temporary permit.

154F.6 Temporary permit. The board may, at its discretion, issue a temporary permit to a nonresident authorizing the permittee to practice speech pathology or audiology in this state for a period not to exceed three months whenever, in the opinion of the board, a need exists and the permittee, in the opinion of the board, possesses the necessary qualifications which shall be substantially equivalent to those required for licensure by this chapter. 2008 Acts, ch 1088, §76

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154G - MUSIC THERAPY Section 154G.1 - Definitions.

154G.1 Definitions. As used in this chapter, unless the context otherwise requires: 1. “Music therapist” means a person who holds an active music therapist board-certified credential granted by the certification board for music therapists. 2. “Music therapy” means the clinical and evidence-based use of music interventions to accomplish individualized goals for people of all ages and ability levels within a therapeutic relationship by a music therapist. 2021 Acts, ch 118, §1

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 154G - MUSIC THERAPY Section 154G.2 - Practice or use of title.

154G.2 Practice or use of title. 1. A person shall not profess to be a music therapist or board-certified music therapist or use the initials “MT-BC” or any other words, letters, abbreviations, or insignia indicating or implying that the person is a music therapist unless the person holds and maintains the music therapist board-certified credential granted by the certification board for music therapists. 2. This chapter does not prohibit a person from using music in the performance of the person’s profession or occupation if

the person does not represent that the person is a music therapist. 3. A person who recklessly, knowingly, or intentionally violates this section is guilty of a simple misdemeanor. 2021 Acts, ch 118, §2

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155 - NURSING HOME ADMINISTRATION Section 155.1 - Definitions.

155.1 Definitions. For the purposes of this chapter: 1. “Board” means the board of nursing home administrators established in chapter 147. 2. “Nursing home” means an institution or facility, or part of an institution or facility, whether proprietary or nonprofit, licensed as a nursing facility, but not including an intermediate care facility for persons with an intellectual disability or an intermediate care facility for persons with mental illness, defined as such for licensing purposes under state law or administrative rule adopted pursuant to section 135C.2, including but not limited to, a nursing home owned or administered by the federal or state government or an agency or political subdivision of government. 3. “Nursing home administrator” means a person who administers, manages, supervises, or is in general administrative charge of a nursing home whether or not such individual has an ownership interest in such home and whether or not the individual’s functions and duties are shared with one or more individuals. A member of a board of directors, unless also serving in a supervisory or managerial capacity, shall not be considered a nursing home administrator. [C71, 73, 75, §147.118; C77, 79, 81, §135E.1] 83 Acts, ch 206, §8; 87 Acts, ch 194, §2; 90 Acts, ch 1039, §12; 90 Acts, ch 1204, §18 C93, §155.1 96 Acts, ch 1129, §113; 2007 Acts, ch 10, §151; 2012 Acts, ch 1019, §19; 2012 Acts, ch 1113, §1

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155 - NURSING HOME ADMINISTRATION Section 155.10 - Continuing education.

155.10 Continuing education. Each person licensed as a nursing home administrator shall be required to complete continuing education as a condition of license renewal. Such continuing education requirements shall be determined by the board. [C71, 73, 75, §147.127; C77, 79, 81, §135E.10] C93, §155.10 2012 Acts, ch 1113, §6

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155 - NURSING HOME ADMINISTRATION Section 155.11 - Reciprocity with other states.

155.11 Reciprocity with other states. The board may issue a nursing home administrator’s license, without examination, to any person who holds a current license as a nursing home administrator from another jurisdiction if reciprocal agreements are entered into with another jurisdiction under sections 147.44, 147.48, 147.49, and 147.53. [C71, 73, 75, §147.128; C77, 79, 81, §135E.11] C93, §155.11 2008 Acts, ch 1088, §109

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155 - NURSING HOME ADMINISTRATION Section 155.12 - Conflict with federal law — effect.

155.12 Conflict with federal law — effect. If any provision of this chapter is in conflict with the requirements of section 1908 of the United States Social Security Act codified at 42 U.S.C. §1396g, relative to a state program for licensing of administrators of nursing homes, and except for such conflict the state would be entitled to receive contributions from the United States for payment of assistance under the program established pursuant to Tit. XIX of the United States Social Security Act, codified at 42 U.S.C. §1396 – 1396g, such provision of this chapter so in conflict with said statute of the United States shall be considered as suspended and of no effect until sixty days after the convening of the next regular session of the general assembly after such conflict is discovered. [C71, 73, 75, §147.129; C77, 79, 81, §135E.12] C93, §155.12 2010 Acts, ch 1061, §31

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155 - NURSING HOME ADMINISTRATION Section 155.13 - Misdemeanor.

155.13 Misdemeanor. It shall be a serious misdemeanor for any person to act or serve in the capacity of a nursing home administrator unless the person is the holder of a license as a nursing home administrator issued in accordance with the provisions of this chapter. [C71, 73, 75, §147.130; C77, 79, 81, §135E.13] C93, §155.13

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155 - NURSING HOME ADMINISTRATION Section 155.14 - Applications.

155.14 Applications. Applications for licensure and for license renewal shall be in the format prescribed by the board. [C75, §147.131; C77, 79, 81, §135E.14] C93, §155.14 2012 Acts, ch 1113, §7

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155 - NURSING HOME ADMINISTRATION Section 155.19 - Voluntary surrender.

155.19 Voluntary surrender. The board may accept the voluntary surrender of a license if accompanied by a written statement of intention. The voluntary surrender, when accepted, shall have the same force and effect as an order of revocation. 2012 Acts, ch 1113, §8

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155 - NURSING HOME ADMINISTRATION Section 155.3 -

Qualifications for licensure.

155.3 Qualifications for licensure. The board shall have authority to issue licenses to qualified persons as nursing home administrators, and shall establish qualification criteria for such nursing home administrators. No license shall be issued to a person as a nursing home administrator unless: 1. The applicant is of sound mental health and physically able to perform the duties. 2. The applicant has presented evidence satisfactory to the board of sufficient education, training, or experience to administer, supervise, and manage a nursing home. 3. The applicant has passed an examination prescribed by the board pursuant to section 147.34. [C71, 73, 75, §147.120; C77, 79, 81, §135E.3] C93, §155.3 2012 Acts, ch 1113, §2

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 155 - NURSING HOME ADMINISTRATIONSection 155.4 - Licensing function.

155.4 Licensing function. The board shall license nursing home administrators in accordance with this chapter, chapter 147, and rules issued by the board. A nursing home administrator's license shall not be transferable and, if not inactive, shall be valid until revoked pursuant to section 147.55 or voluntarily surrendered. [C71, 73, 75, §147.121; C77, 79, 81, §135E.4] C93, §155.4 2003 Acts, ch 44, §114; 2012 Acts, ch 1113, §3

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 155 - NURSING HOME ADMINISTRATIONSection 155.5 - License fees.

155.5 License fees. Each person licensed as a nursing home administrator shall be required to pay a license fee in an amount to be fixed by the board. The license shall expire in multiyear intervals determined by the board and be renewable upon payment of a renewal fee. A person who fails to renew a license by the expiration date shall be allowed to do so within thirty days following its expiration, but the board may assess a reasonable penalty. [C71, 73, 75, §147.122; C77, 79, 81, §135E.5] C93, §155.5 2012 Acts, ch 1113, §4

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 155 - NURSING HOME ADMINISTRATIONSection 155.8 - Exclusive jurisdiction of board.

155.8 Exclusive jurisdiction of board. The board shall have authority to determine the qualifications, skill, and fitness of any person to serve as an administrator of a nursing home under the provisions of this chapter, and the holder of a license under the provisions of this chapter shall be deemed qualified to serve as the administrator of a nursing home. [C71, 73, 75, §147.125; C77, 79, 81, §135E.8] C93, §155.8

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 155 - NURSING HOME ADMINISTRATIONSection 155.9 - Duties of the board — rules for provisional licenses.

155.9 Duties of the board — rules for provisional licenses. In addition to the duties and responsibilities provided in chapters 147 and 272C, the board shall adopt rules for granting a provisional license to an administrator appointed on a temporary basis by a nursing home's owner or owners in the event the regular administrator of the nursing home is unable to perform the administrator's duties or the nursing home is without a licensed administrator because of death or other cause. Such provisional license shall allow the provisional licensee to perform the duties of a nursing home administrator. An individual shall not hold a provisional license for more than twelve total combined months, and the board may revoke or otherwise discipline a provisional licensee for cause after due notice and a hearing on a charge or complaint filed with the board. [C71, 73, 75, §147.126; C77, 79, 81, §135E.9] C93, §155.9 2004 Acts, ch 1168, §10; 2012 Acts, ch 1113, §5

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 155A - PHARMACYSection 155A.1 - Short title.

155A.1 Short title. This chapter may be cited as the "Iowa Pharmacy Practice Act". 87 Acts, ch 215, §1

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 155A - PHARMACYSection 155A.10 - Display of pharmacist license.

155A.10 Display of pharmacist license. A pharmacist shall publicly display the license to practice pharmacy and the license renewal certificate pursuant to rules adopted by the board. 87 Acts, ch 215, §10

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 155A - PHARMACYSection 155A.11 - Renewal of pharmacist license.

155A.11 Renewal of pharmacist license. The board shall specify by rule the procedures to be followed and the fee to be paid for a renewal certificate, and penalties for late renewal or failure to renew a pharmacist license. 87 Acts, ch 215, §11

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 155A - PHARMACYSection 155A.12 - Pharmacist license — grounds for discipline.

155A.12 Pharmacist license — grounds for discipline. The board shall refuse to issue a pharmacist license for failure to meet the requirements of section 155A.8. The board may refuse to issue or renew a license or may impose a fine, issue a reprimand, or revoke, restrict, cancel, or suspend a license, and may place a licensee on probation, if the board finds that the applicant or licensee has done any of the following: 1. Violated any provision of this chapter or any rules of the board adopted under this chapter. 2.

Engaged in unethical conduct as that term is defined by rules of the board. 3. Violated any of the provisions for licensee discipline set forth in section 147.55. 4. Failed to keep and maintain records required by this chapter or failed to keep and maintain complete and accurate records of purchases and disposal of drugs listed in the controlled substances Act. 5. Violated any provision of the controlled substances Act or rules relating to that Act. 6. Aided or abetted an unlicensed individual to engage in the practice of pharmacy. 7. Refused an entry into any pharmacy for any inspection authorized by this chapter. 8. Violated the pharmacy or drug laws or rules of any other state of the United States while under the other state's jurisdiction. 9. Been convicted of an offense or subjected to a penalty or fine for violation of chapter 124, 126, 147, or the Federal Food, Drug, and Cosmetic Act. A plea or verdict of guilty, or a conviction following a plea of nolo contendere, is deemed to be a conviction within the meaning of this section. 10. Had a license to practice pharmacy issued by another state canceled, revoked, or suspended for conduct substantially equivalent to conduct described in subsections 1 through 9. A certified copy of the record of the state taking action as set out above shall be conclusive evidence of the action taken by such state. 87 Acts, ch 215, §12; 89 Acts, ch 197, §23 Referred to in §155A.16

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.13 - Pharmacy license.

155A.13 Pharmacy license. 1. A person shall not establish, conduct, or maintain a pharmacy in this state without a license. The license shall be identified as a pharmacy license. A pharmacy license issued pursuant to subsection 4 may be further identified as a hospital pharmacy license. 2. The board shall specify by rule the licensing procedures to be followed, including specifications of forms for use in applying for a pharmacy license and fees for filing an application. 3. a. The board may issue a special or limited-use pharmacy license based upon special conditions of use imposed pursuant to rules adopted by the board for cases in which the board determines that certain requirements may be waived. b. The board shall adopt rules for the issuance of a special or limited-use pharmacy license to a telepharmacy site. The rules shall address: (1) Requirements for establishment and operation of a telepharmacy site, including but not limited to physical requirements and required policies and procedures. (2) Requirements for being a managing pharmacy. (3) Requirements governing operating agreements between telepharmacy sites and managing pharmacies. (4) Training and experience required for certified pharmacy technicians working at a telepharmacy site. (5) Requirements for a pharmacist providing services to and supervising a telepharmacy site. (6) Any other health and safety concerns associated with a telepharmacy site. c. The board shall not issue a special or limited-use pharmacy license to a proposed telepharmacy site if a licensed pharmacy that dispenses prescription drugs to outpatients is located within ten miles by the shortest driving distance of the proposed telepharmacy site unless the proposed telepharmacy site is located on property owned, operated, or leased by the state or unless the proposed telepharmacy site is located within a hospital campus and is limited to inpatient dispensing. The mileage requirement does not apply to a telepharmacy site that has been approved by the board and is operating as a telepharmacy prior to July 1, 2016. d. An applicant seeking a special or limited-use pharmacy license for a proposed telepharmacy site that does not meet the mileage requirement established in paragraph "c" and is not statutorily exempt from the mileage requirement may apply to the board for a waiver of the mileage requirement. A waiver request shall only be granted if the applicant can demonstrate to the board that the proposed telepharmacy site is located in an area where there is limited access to pharmacy services and can establish the existence of compelling circumstances that justify waiving the mileage requirement. The board's decision to grant or deny a waiver request shall be a proposed decision subject to mandatory review by the director of the department of inspections, appeals, and licensing. The director shall review a proposed decision and shall have the power to approve, modify, or veto a proposed decision. The director's decision on a waiver request shall be considered final agency action subject to judicial review under chapter 17A. e. The board shall issue a special or limited-use pharmacy license to a telepharmacy site that meets the minimum requirements established by the board by rule. 4. a. The board shall adopt rules for the issuance of a hospital pharmacy license to a hospital which provides pharmacy services for its own use. The rules shall: (1) Recognize the special needs and circumstances of hospital pharmacies. (2) Give due consideration to the scope of pharmacy services that the hospital's medical staff and governing board elect to provide for the hospital's own use. (3) Consider the size, location, personnel, and financial needs of the hospital. (4) Give recognition to the standards of the joint commission on the accreditation of health care organizations and the American osteopathic association and to the conditions of participation under Medicare. b. To the maximum extent possible, the board shall coordinate the rules with the standards and conditions described in paragraph "a", subparagraph (4), and shall coordinate its inspections of hospital pharmacies with the Medicare surveys of the department of inspections, appeals, and licensing and with the board's inspections with respect to controlled substances conducted under contract with the federal government. c. A hospital which provides pharmacy services by contracting with a licensed pharmacy is not required to obtain a hospital pharmacy license or a general pharmacy license. 5. A hospital which elects to operate a pharmacy for other than its own use is subject to the requirements for a general pharmacy license. If the hospital's pharmacy services for other than its own use are special or limited, the board may issue a special or limited-use pharmacy license pursuant to subsection 3. 6. To qualify for a pharmacy license, the applicant shall submit to the board a license fee as determined by the board and a completed application on a form prescribed by the board. The application shall include the following and such other information as required by rules of the board and shall be given under oath: a. Ownership. b. Location. c. The license number of each pharmacist employed by the pharmacy at the time of application. d. The trade or corporate name of the pharmacy. e. The name of the pharmacist in charge, who has the authority and responsibility for the pharmacy's compliance with laws and rules pertaining to the practice of pharmacy. 7. A person who falsely makes the affidavit prescribed in subsection 6 is subject to all penalties prescribed for making a false affidavit. 8. A pharmacy license issued by the board under this chapter shall be issued in the name of the pharmacist in charge and is not transferable or assignable. 9. The board shall specify by rule minimum standards for professional responsibility in the conduct of a

pharmacy. 10. A separate license is required for each principal place of practice. 11. The license of the pharmacy shall be displayed. 87 Acts, ch 215, §13; 98 Acts, ch 1100, §20; 2005 Acts, ch 179, §179; 2009 Acts, ch 41, §195; 2016 Acts, ch 1093, §3; 2016 Acts, ch 1138, §22; 2023 Acts, ch 19, §1631, 1916 Referred to in §155A.15 Subsection 3, paragraph d amended Subsection 4, paragraph b amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.13A - Nonresident pharmacy license — required, renewal, discipline.

155A.13A Nonresident pharmacy license — required, renewal, discipline. 1. License required. A pharmacy located outside of this state that delivers, dispenses, or distributes by any method, prescription drugs or devices to an ultimate user in this state shall obtain a nonresident pharmacy license from the board. The board shall make available an application form for a nonresident pharmacy license and shall require such information it deems necessary to fulfill the purposes of this section. A nonresident pharmacy shall do all of the following in order to obtain a nonresident pharmacy license from the board: a. Submit a completed application form and an application fee as determined by the board. b. Submit evidence of possession of a valid pharmacy license, permit, or registration issued by the home state licensing authority. c. (1) Submit an inspection report that satisfies all of the following requirements: (a) Less than two years have passed since the date of inspection. (b) The inspection occurred while the pharmacy was in operation. An inspection prior to the initial opening of the pharmacy shall not satisfy this requirement. (c) The inspection report addresses all aspects of the pharmacy's business that will be utilized in Iowa. (d) The inspection was performed by or on behalf of the home state licensing authority, if available. (e) The inspection report is the most recent report available that satisfies the requirements of this paragraph "c". (2) If the home state licensing authority has not conducted an inspection satisfying the requirements of this paragraph "c", the pharmacy may submit an inspection report from the national association of boards of pharmacy's verified pharmacy program, or the pharmacy may submit an inspection report from another qualified entity if preapproved by the board, if the inspection report satisfies all of the other requirements of this paragraph "c". (3) The board may recover from a nonresident pharmacy, prior to the issuance of a license or renewal, the costs associated with conducting an inspection by or on behalf of the board for purposes of satisfying the requirement in subparagraph (1), subparagraph division (d). In addition, the nonresident pharmacy shall submit evidence of corrective actions for all deficiencies noted in the inspection report and shall submit evidence of compliance with all legal directives of the home state regulatory or licensing authority. d. Submit evidence that the nonresident pharmacy maintains records of the controlled substances delivered, dispensed, or distributed to ultimate users in this state. 2. Pharmacist license requirement. The pharmacist who is the pharmacist in charge of the nonresident pharmacy shall be designated as such on the nonresident pharmacy license application or renewal. Any change in the pharmacist in charge shall be reported to the board within ten days of the change. The pharmacist in charge must be registered, not licensed, according to rules established by the board of pharmacy. 3. License renewal. A nonresident pharmacy shall renew its license on or before January 1 annually. In order to renew a nonresident pharmacy license, a nonresident pharmacy shall submit a completed application and fee as determined by the board, and shall fulfill all of the requirements of subsection 1. A nonresident pharmacy shall pay an additional fee for late renewal as determined by the board. 4. License denial. The board shall refuse to issue a nonresident pharmacy license for failure to meet the requirements of subsection 1. The board may refuse to issue or renew a license for any grounds under which the board may impose discipline. License or renewal denials shall be considered contested cases governed by chapter 17A. 5. Discipline. The board may fine, suspend, revoke, or impose other disciplinary sanctions on a nonresident pharmacy license for any of the following: a. Any violation of the federal Food, Drug, and Cosmetic Act or federal regulations promulgated under the Act. A warning letter issued by the United States food and drug administration shall be conclusive evidence of a violation. b. Any conviction of a crime related to prescription drugs or the practice of pharmacy committed by the nonresident pharmacy, pharmacist in charge, or individual owner, or if the pharmacy is an association, joint stock company, partnership, or corporation, by any managing officer. c. Refusing access to the pharmacy or pharmacy records to an agent of the board for the purpose of conducting an inspection or investigation. d. Any violation of this chapter or chapter 124, 124B, 126, or 205, or rule of the board. 91 Acts, ch 233, §1; 94 Acts, ch 1009, §18; 2016 Acts, ch 1093, §4; 2017 Acts, ch 145, §20; 2022 Acts, ch 1108, §3

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.13C - Outsourcing facility license — renewal, cancellation, denial, discipline.

155A.13C Outsourcing facility license — renewal, cancellation, denial, discipline. 1. License required. Any compounding facility that is registered as an outsourcing facility, as defined in 21 U.S.C. §353b, that distributes sterile compounded human drug products without a patient-specific prescription to an authorized agent or practitioner in this state shall obtain an outsourcing facility license from the board prior to engaging in such distribution. If an outsourcing facility dispenses prescription drugs pursuant to patient-specific prescriptions to patients in Iowa, the outsourcing facility shall obtain and maintain a valid Iowa pharmacy license or Iowa nonresident pharmacy license under this chapter. The board shall make available an application form for an outsourcing facility license and shall require such information it deems necessary to fulfill the purposes of this section. An outsourcing facility shall do all of the following in order to obtain an outsourcing facility license from the board: a. Submit a completed application form and application fee as determined by the board. b. Submit evidence of possession of a valid registration as an outsourcing facility with the United States food and drug administration. c. If one or more inspections have been conducted by the United States food and drug administration in the five-year period immediately preceding the application, submit a copy of any correspondence from the United States food and drug administration as a result of the inspection, including but not limited to any form 483s, warning

letters, or formal responses, and all correspondence from the applicant to the United States food and drug administration related to such inspections, including but not limited to formal responses and corrective action plans. In addition, the applicant shall submit evidence of correction of all deficiencies discovered in such inspections and evidence of compliance with all directives from the United States food and drug administration. d. Submit evidence that the supervising pharmacist, as described in 21 U.S.C. §353b(a), holds a valid pharmacist license in the state in which the facility is located and that such license is in good standing. e. Submit evidence of a satisfactory inspection conducted by the home state regulatory authority or an entity approved by the board in the two-year period immediately preceding the application which demonstrates compliance with current good manufacturing practices. In addition, the applicant shall submit evidence of correction of all deficiencies discovered in such inspections and evidence of compliance with all directives from the home state regulatory authority or entity approved by the board. The board may recover from an outsourcing facility, prior to the issuance of a license or license renewal, the costs associated with conducting an inspection by or on behalf of the board for purposes of satisfying the requirements of this paragraph. 2. License renewal. An outsourcing facility shall renew its license on or before January 1 annually. In order to renew an outsourcing facility license, an outsourcing facility shall submit a completed application and fee as determined by the board, and shall fulfill all of the requirements of subsection 1. An outsourcing facility shall pay an additional fee for late renewal as determined by the board. 3. License cancellation. If a facility ceases to be registered as an outsourcing facility with the United States food and drug administration, the facility shall notify the board in writing and shall surrender its Iowa outsourcing facility license to the board within thirty days of such occurrence. Upon receipt, the board shall administratively cancel the outsourcing facility license. 4. License denial. The board shall refuse to issue an outsourcing facility license for failure to meet the requirements of subsection 1. The board may refuse to issue or renew a license for any grounds under which the board may impose discipline. License or renewal denials shall be considered contested cases governed by chapter 17A. 5. Discipline. The board may fine, suspend, revoke, or impose other disciplinary sanctions on an outsourcing facility license for any of the following: a. Any violation of the federal Food, Drug, and Cosmetic Act or federal regulations promulgated under the Act. A warning letter issued by the United States food and drug administration shall be conclusive evidence of a violation. b. Any conviction of a crime related to prescription drugs or the practice of pharmacy committed by the outsourcing facility, supervising pharmacist, or individual owner, or if the outsourcing facility is an association, joint stock company, partnership, or corporation, by any managing officer. c. Refusing access to the outsourcing facility or facility records to an agent of the board for the purpose of conducting an inspection or investigation. d. Any violation of this chapter or chapter 124, 124B, 126, or 205, or rule of the board. 2016 Acts, ch 1093, §5; 2018 Acts, ch 1026, §57; 2021 Acts, ch 68, §6

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.14 - Renewal of pharmacy license.

155A.14 Renewal of pharmacy license. The board shall specify by rule the procedures to be followed and the fee to be paid for a renewal certificate, and the penalties for late renewal or failure to renew a pharmacy license. 87 Acts, ch 215, §14

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.15 - Pharmacies — license required — discipline, violations, and penalties.

155A.15 Pharmacies — license required — discipline, violations, and penalties. 1. A pharmacy subject to section 155A.13 shall not be operated until a license or renewal certificate has been issued to the pharmacy by the board. 2. The board shall refuse to issue a pharmacy license for failure to meet the requirements of section 155A.13. The board may refuse to issue or renew a license or may impose a fine, issue a reprimand, or revoke, restrict, cancel, or suspend a license, and may place a licensee on probation, if the board finds that the applicant or licensee has done any of the following: a. Been convicted of a felony or a misdemeanor involving moral turpitude, or if the applicant is an association, joint stock company, partnership, or corporation, that a managing officer has been convicted of a felony or a misdemeanor involving moral turpitude, under the law of this state, another state, or the United States. b. Advertised any prescription drugs or devices in a deceitful, misleading, or fraudulent manner. c. Violated any provision of this chapter or any rule adopted under this chapter or that any owner or employee of the pharmacy has violated any provision of this chapter or any rule adopted under this chapter. d. Delivered without legal authorization prescription drugs or devices to a person other than one of the following: (1) A pharmacy licensed by the board. (2) A practitioner. (3) A person who procures prescription drugs or devices for the purpose of lawful research, teaching, or testing, and not for resale. (4) A manufacturer or wholesaler licensed by the board. (5) A licensed health care facility which is furnished the drug or device by a pharmacy for storage in secured emergency pharmaceutical supplies containers maintained within the facility in accordance with rules of the department of inspections, appeals, and licensing and rules of the board. e. Allowed an employee who is not a licensed pharmacist to practice pharmacy. f. Delivered mislabeled prescription or nonprescription drugs. g. Failed to engage in or ceased to engage in the business described in the application for a license. h. Failed to keep and maintain records as required by this chapter, the controlled substances Act, or rules adopted under the controlled substances Act. i. Failed to establish effective controls against diversion of prescription drugs into other than legitimate medical, scientific, or industrial channels as provided by this chapter and other Iowa or federal laws or rules. 87 Acts, ch 215, §15; 91 Acts, ch 233, §2; 97 Acts, ch 39, §2; 2009 Acts, ch 133, §64; 2023 Acts, ch 19, §1917 Referred to in §155A.16 Subsection 2, paragraph d, subparagraph (5) amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.16 - Procedure.

155A.16 Procedure. Unless otherwise provided, any disciplinary action taken by the board under section 155A.12 or 155A.15 is governed by chapter 17A and the rules of practice and procedure before the board. 87 Acts, ch 215, §16

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.17 - Wholesale distributor license.

155A.17 Wholesale distributor license. 1. A person shall not engage in wholesale distribution without a wholesale distributor license. 2. Wholesale distributors shall comply with the national standards contained in the federal Drug Supply Chain Security Act, 21 U.S.C. §360eee et seq., and national standards promulgated thereunder. 3. The board shall adopt rules establishing requirements for wholesale distributor licenses, licensure fees, and other relevant matters consistent with the federal Drug Supply Chain Security Act, 21 U.S.C. §360eee et seq. 4. The board may deny, suspend, or revoke a wholesale distributor license, or otherwise discipline a wholesale distributor, for failure to meet the applicable standards or for a violation of the laws of this state, another state, or the United States, or for a violation of this chapter, chapter 124, 124B, 126, or 205, or a rule of the board. 87 Acts, ch 215, §17; 91 Acts, ch 233, §3; 2005 Acts, ch 179, §180, 181; 2017 Acts, ch 145, §21; 2018 Acts, ch 1141, §13

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.17A - Third-party logistics provider license.

155A.17A Third-party logistics provider license. 1. A person shall not operate as a third-party logistics provider in this state without a third-party logistics provider license. 2. Third-party logistics providers shall comply with national standards contained in the federal Drug Supply Chain Security Act, 21 U.S.C. §360eee et seq., and national standards promulgated thereunder. 3. The board shall adopt rules establishing requirements for a third-party logistics provider license, licensure fees, and other relevant matters consistent with the federal Drug Supply Chain Security Act, 21 U.S.C. §360eee et seq. 4. The board may deny, suspend, or revoke a third-party logistics provider license, or otherwise discipline a third-party logistics provider, for failure to meet the applicable standards or for a violation of the laws of this state, another state, or the United States, or for a violation of this chapter, chapter 124, 124B, 126, or 205, or a rule of the board. 2018 Acts, ch 1141, §14

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.18 - Penalties.

155A.18 Penalties. The board shall impose penalties as allowed under section 272C.3. In addition, civil penalties not to exceed twenty-five thousand dollars, may be imposed. 87 Acts, ch 215, §18

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.19 - Notifications to board.

155A.19 Notifications to board. 1. A pharmacy shall report in writing to the board, pursuant to its rules, the following: a. Permanent closing. b. Change of ownership. c. Change of location. d. Change of pharmacist in charge. e. The sale or transfer of prescription drugs, including controlled substances, on the permanent closing or change of ownership of the pharmacy. f. Change of legal name or doing-business-as name. g. Theft or significant loss of any controlled substance on discovery of the theft or loss. h. Disasters, accidents, and emergencies that may affect the strength, purity, or labeling of drugs, medications, devices, or other materials used in the diagnosis or the treatment of injury, illness, and disease. 2. A pharmacist shall report in writing to the board within ten days a change of name, address, or place of employment. 3. A wholesaler shall report in writing to the board, pursuant to its rules, the following: a. Permanent closing or discontinuation of wholesale distributions into this state. b. Change of ownership. c. Change of location. d. Change of the wholesaler's responsible individual. e. Change of legal name or doing-business-as name. f. Theft or significant loss of any controlled substance on discovery of the theft or loss. g. Disasters, accidents, and emergencies that may affect the strength, purity, or labeling of drugs, medications, devices, or other materials used in the diagnosis or the treatment of injury, illness, and disease. h. Other information or activities as required by rule. 87 Acts, ch 215, §19; 91 Acts, ch 233, §4; 2005 Acts, ch 179, §182, 183

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.2 - Legislative declaration — purpose — exceptions.

155A.2 Legislative declaration — purpose — exceptions. 1. It is the purpose of this chapter to promote, preserve, and protect the public health, safety, and welfare through the effective regulation of the practice of pharmacy and the licensing of pharmacies, pharmacists, and others engaged in the sale, delivery, or distribution of prescription drugs and devices or other classes of drugs or devices which may be authorized. 2. Practitioners licensed under a separate chapter of the Code are not regulated by this chapter except when engaged in the operation of a pharmacy for the retailing of prescription drugs. 3. A family planning clinic is not regulated by this chapter when engaged in the dispensing of birth control drugs and devices pursuant to section 147.107, subsection 5. 87 Acts, ch 215, §2; 2009 Acts, ch 69, §2 Section not amended; internal reference change applied

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.20 - Unlawful use of terms and titles — impersonation.

155A.20 Unlawful use of terms and titles — impersonation. 1. A person, other than a pharmacy or wholesaler licensed under this chapter, shall not display in or on any store, internet site, or place of business, nor use in any advertising or promotional literature, communication, or representation, the word or words: “apothecary”, “drug”, “drug store”, or “pharmacy”, either in English or any other language, any other word or combination of words of the same or similar meaning, or any graphic representation in a manner that would mislead the public. 2. A person shall not do any of the following: a. Impersonate before the board an applicant applying for licensing under this chapter. b. Impersonate an Iowa licensed pharmacist. c. Use the title pharmacist, druggist, apothecary, or

words of similar intent unless the person is licensed to practice pharmacy. 3. A pharmacist shall not utilize the title “Dr.” or “Doctor” if that pharmacist has not acquired the doctor of pharmacy degree from an approved college of pharmacy or the doctor of philosophy degree in an area related to pharmacy. 87 Acts, ch 215, §20; 2005 Acts, ch 179, §184

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.21 - Unlawful possession of prescription drug or device — penalty.

155A.21 Unlawful possession of prescription drug or device — penalty. 1. A person found in possession of a drug or device limited to dispensation by prescription, unless the drug or device was so lawfully dispensed, commits a serious misdemeanor. 2. Subsection 1 does not apply to a licensed pharmacy, licensed wholesaler, physician, veterinarian, dentist, podiatric physician, optometrist, advanced registered nurse practitioner, physician assistant, a nurse acting under the direction of a physician, or the board of pharmacy, its officers, agents, inspectors, and representatives, or to a common carrier, manufacturer’s representative, or messenger when transporting the drug or device in the same unbroken package in which the drug or device was delivered to that person for transportation. 87 Acts, ch 215, §21; 95 Acts, ch 108, §14; 2005 Acts, ch 179, §185; 2007 Acts, ch 10, §154; 2012 Acts, ch 1004, §4

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.22 - General penalty.

155A.22 General penalty. A person who violates any of the provisions of this chapter or any chapter pertaining to or affecting the practice of pharmacy for which a specific penalty is not provided commits a simple misdemeanor. 87 Acts, ch 215, §22

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.23 - Prohibited acts.

155A.23 Prohibited acts. 1. A person shall not perform or cause the performance of or aid and abet any of the following acts: a. Obtaining or attempting to obtain a prescription drug or device or procuring or attempting to procure the administration of a prescription drug or device by: (1) Engaging in fraud, deceit, misrepresentation, or subterfuge. (2) Forging or altering a written, electronic, or facsimile prescription or any written, electronic, or facsimile order. (3) Concealing a material fact. (4) Using a false name or giving a false address. b. Willfully making a false statement in any prescription, report, or record required by this chapter. c. For the purpose of obtaining a prescription drug or device, falsely assuming the title of or claiming to be a manufacturer, wholesaler, pharmacist, pharmacy owner, physician, dentist, podiatric physician, prescribing psychologist, veterinarian, or other authorized person. d. Making or uttering any false or forged oral, written, electronic, or facsimile prescription or oral, written, electronic, or facsimile order. e. Forging, counterfeiting, simulating, or falsely representing any drug or device without the authority of the manufacturer, or using any mark, stamp, tag, label, or other identification device without the authorization of the manufacturer. f. Manufacturing, repackaging, selling, delivering, or holding or offering for sale any drug or device that is adulterated, misbranded, counterfeit, suspected of being counterfeit, or that has otherwise been rendered unfit for distribution. g. Adulterating, misbranding, or counterfeiting any drug or device. h. Receiving any drug or device that is adulterated, misbranded, stolen, obtained by fraud or deceit, counterfeit, or suspected of being counterfeit, and delivering or proffering delivery of such drug or device for pay or otherwise. i. Adulterating, mutilating, destroying, obliterating, or removing the whole or any part of the labeling of a drug or device or committing any other act with respect to a drug or device that results in the drug or device being misbranded. j. Purchasing or receiving a drug or device from a person who is not licensed to distribute the drug or device to that purchaser or recipient. k. Selling or transferring a drug or device to a person who is not authorized under the law of the jurisdiction in which the person receives the drug or device to purchase or possess the drug or device from the person selling or transferring the drug or device. l. Failing to maintain or provide records as required by this chapter, chapter 124, or rules of the board. m. Providing the board or any of its representatives or any state or federal official with false or fraudulent records or making false or fraudulent statements regarding any matter within the scope of this chapter, chapter 124, or rules of the board. n. Distributing at wholesale any drug or device that meets any of the following conditions: (1) The drug or device was purchased by a public or private hospital or other health care entity. (2) The drug or device was donated or supplied at a reduced price to a charitable organization. (3) The drug or device was purchased from a person not licensed to distribute the drug or device. (4) The drug or device was stolen or obtained by fraud or deceit. o. Failing to obtain a license or operating without a valid license when a license is required pursuant to this chapter or chapter 147. p. Engaging in misrepresentation or fraud in the distribution of a drug or device. q. Distributing a drug or device to a patient without a prescription drug order or medication order from a practitioner licensed by law to use or prescribe the drug or device. r. Distributing a drug or device that was previously dispensed by a pharmacy or distributed by a practitioner except as provided by rules of the board. s. Failing to report any prohibited act. 2. Information communicated to a physician in an unlawful effort to procure a prescription drug or device or to procure the administration of a prescription drug shall not be deemed a privileged communication. 3. Subsection 1, paragraphs “f” and “g”, shall not apply to the wholesale distribution by a manufacturer of a prescription drug or device that has been delivered into commerce pursuant to an application approved by the federal food and drug administration. 87 Acts, ch 215, §23; 95 Acts, ch 108, §15; 2004 Acts, ch 1036, §13, 14; 2005 Acts, ch 179, §186; 2009 Acts, ch 41, §196; 2016 Acts, ch 1112, §14 Referred to in §155A.24

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.24 - Penalties.

155A.24 Penalties. 1. Except as otherwise provided in this section, a person who violates a provision of section 155A.23 or who sells or offers for sale, gives away, or administers to another person any prescription drug or device in violation of this chapter

commits a public offense and shall be punished as follows: a. If the prescription drug is a controlled substance, the person shall be punished pursuant to section 124.401, subsection 1, and other provisions of chapter 124, subchapter IV. b. If the prescription drug is not a controlled substance, the person, upon conviction of a first offense, is guilty of a serious misdemeanor. For a second offense, or if in case of a first offense the offender previously has been convicted of any violation of the laws of the United States or of any state, territory, or district thereof relating to prescription drugs or devices, the offender is guilty of an aggravated misdemeanor. For a third or subsequent offense or if in the case of a second offense the offender previously has been convicted two or more times in the aggregate of any violation of the laws of the United States or of any state, territory, or district thereof relating to prescription drugs or devices, the offender is guilty of a class “D” felony. 2. A person who violates any provision of this chapter by selling, giving away, or administering any prescription drug or device to a minor is guilty of a class “C” felony. 3. A wholesaler who, with intent to defraud or deceive, fails to deliver to another person, when required by rules of the board, complete and accurate pedigree concerning a drug prior to transferring the drug to another person is guilty of a class “C” felony. 4. A wholesaler who, with intent to defraud or deceive, fails to acquire, when required by rules of the board, complete and accurate pedigree concerning a drug prior to obtaining the drug from another person is guilty of a class “C” felony. 5. A wholesaler who knowingly destroys, alters, conceals, or fails to maintain, as required by rules of the board, complete and accurate pedigree concerning any drug in the person’s possession is guilty of a class “C” felony. 6. A wholesaler who is in possession of pedigree documents required by rules of the board, and who knowingly fails to authenticate the matters contained in the documents as required, and who nevertheless distributes or attempts to further distribute drugs is guilty of a class “C” felony. 7. A wholesaler who, with intent to defraud or deceive, falsely swears or certifies that the person has authenticated any documents related to the wholesale distribution of drugs or devices is guilty of a class “C” felony. 8. A wholesaler who knowingly forges, counterfeits, or falsely creates any pedigree, who falsely represents any factual matter contained in any pedigree, or who knowingly fails to record material information required to be recorded in a pedigree is guilty of a class “C” felony. 9. A wholesaler who knowingly purchases or receives drugs or devices from a person not authorized to distribute drugs or devices in wholesale distribution is guilty of a class “C” felony. 10. A wholesaler who knowingly sells, barter, brokers, or transfers a drug or device to a person not authorized to purchase the drug or device under the jurisdiction in which the person receives the drug or device in a wholesale distribution is guilty of a class “C” felony. 11. A person who knowingly manufacturers, sells, or delivers, or who possesses with intent to sell or deliver, a counterfeit, misbranded, or adulterated drug or device is guilty of the following: a. If the person manufactures or produces a counterfeit, misbranded, or adulterated drug or device; or if the quantity of a counterfeit, misbranded, or adulterated drug or device being sold, delivered, or possessed with intent to sell or deliver exceeds one thousand units or dosages; or if the violation is a third or subsequent violation of this subsection, the person is guilty of a class “C” felony. b. If the quantity of a counterfeit, misbranded, or adulterated drug or device being sold, delivered, or possessed with intent to sell or deliver exceeds one hundred units or dosages but does not exceed one thousand units or dosages; or if the violation is a second or subsequent violation of this subsection, the person is guilty of a class “D” felony. c. All other violations of this subsection shall constitute an aggravated misdemeanor. 12. A person who knowingly forges, counterfeits, or falsely creates any label for a drug or device or who falsely represents any factual matter contained on any label of a drug or device is guilty of a class “C” felony. 13. A person who knowingly possesses, purchases, or brings into the state a counterfeit, misbranded, or adulterated drug or device is guilty of the following: a. If the quantity of a counterfeit, misbranded, or adulterated drug or device being possessed, purchased, or brought into the state exceeds one hundred units or dosages; or if the violation is a second or subsequent violation of this subsection, the person is guilty of a class “D” felony. b. All other violations of this subsection shall constitute an aggravated misdemeanor. 14. This section does not prevent a licensed practitioner of medicine, dentistry, podiatry, nursing, psychology, veterinary medicine, optometry, or pharmacy from acts necessary in the ethical and legal performance of the practitioner’s profession. 15. Subsections 1 and 2 shall not apply to a parent or legal guardian administering, in good faith, a prescription drug or device to a child of the parent or a child for whom the individual is designated a legal guardian. 87 Acts, ch 215, §24; 2005 Acts, ch 179, §187; 2007 Acts, ch 22, §42; 2008 Acts, ch 1016, §4; 2016 Acts, ch 1112, §15

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.25 - Burden of proof.

155A.25 Burden of proof. In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of any provisions of this chapter, it shall not be necessary to negate any exception, excuse, proviso, or exemption contained in this chapter, and the burden of proof of any such exception, excuse, proviso, or exemption shall be upon the defendant. 87 Acts, ch 215, §25

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.26 - Enforcement — agents as peace officers.

155A.26 Enforcement — agents as peace officers. The board, its officers, agents, inspectors, and representatives, and all peace officers within the state, and all county attorneys shall enforce all provisions of this chapter, except those specifically delegated, and shall cooperate with all agencies charged with the enforcement of the laws of the United States, of this state, and of all other states relating to prescription drugs. Officers, agents, inspectors, and representatives of the board shall have the powers and status of peace officers when enforcing the provisions of this chapter and chapters 124, 126, and 205. Officers, agents, inspectors, and representatives of the board of pharmacy may: 1. Administer oaths, acknowledge signatures, and take testimony. 2. Make audits of the supply and inventory of controlled substances and prescription drugs in the possession of any and all individuals or institutions authorized to have possession of any controlled substances or prescription drugs, regardless of the location of the individual or

institution. 3. Conduct routine and unannounced inspections of pharmacies, drug wholesalers, and the offices or business locations of all individuals and institutions authorized to have possession of prescription drugs including controlled substances or prescription devices, regardless of the location of the office or business. 4. Conduct inspections and investigations related to the practice of pharmacy and the distribution of prescription drugs and devices in and into this state. 5. Seize controlled or counterfeit substances or articles used in the manufacture or sale of controlled or counterfeit substances which they have reasonable grounds to believe are held in violation of law. 6. Seize prescription medications which they believe are held in violation of law. 7. Perform other duties as specifically authorized or mandated by law or rule. 87 Acts, ch 215, §26; 2007 Acts, ch 10, §155; 2008 Acts, ch 1088, §77; 2016 Acts, ch 1093, §6

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.27 - Requirements for prescription.

155A.27 Requirements for prescription. 1. Except when dispensed directly by a prescriber to an ultimate user, a prescription drug shall not be dispensed without a prescription that is authorized by a prescriber and based on a valid patient-prescriber relationship. 2. a. Beginning January 1, 2020, every prescription issued for a prescription drug shall be transmitted electronically as an electronic prescription to a pharmacy by a prescriber or the prescriber's authorized agent unless exempt under paragraph "b". b. Paragraph "a" shall not apply to any of the following: (1) A prescription for a patient residing in a nursing home, long-term care facility, correctional facility, or jail. (2) A prescription authorized by a licensed veterinarian. (3) A prescription for a device. (4) A prescription dispensed by a department of veterans affairs pharmacy. (5) A prescription requiring information that makes electronic transmission impractical, such as complicated or lengthy directions for use or attachments. (6) A prescription for a compounded preparation containing two or more components. (7) A prescription issued in response to a public health emergency in a situation where a non-patient specific prescription would be permitted. (8) A prescription issued for an opioid antagonist pursuant to section 135.190 or a prescription issued for epinephrine pursuant to section 135.185. (9) A prescription issued during a temporary technical or electronic failure at the location of the prescriber or pharmacy, provided that a prescription issued pursuant to this subparagraph shall indicate on the prescription that the prescriber or pharmacy is experiencing a temporary technical or electronic failure. (10) A prescription issued pursuant to an established and valid collaborative practice agreement, standing order, or drug research protocol. (11) A prescription issued in an emergency situation pursuant to federal law and regulation and rules of the board. c. A practitioner, as defined in section 124.101, subsection 27, paragraph "a", who violates paragraph "a" is subject to an administrative penalty of two hundred fifty dollars per violation, up to a maximum of five thousand dollars per calendar year. The assessment of an administrative penalty pursuant to this paragraph by the appropriate licensing board of the practitioner alleged to have violated paragraph "a" shall not be considered a disciplinary action or reported as discipline. A practitioner may appeal the assessment of an administrative penalty pursuant to this paragraph, which shall initiate a contested case proceeding under chapter 17A. A penalty collected pursuant to this paragraph shall be deposited into the drug information program fund established pursuant to section 124.557. The board shall be notified of any administrative penalties assessed by the appropriate professional licensing board and deposited into the drug information program fund under this paragraph. d. A pharmacist who receives a written, oral, or facsimile prescription shall not be required to verify that the prescription is subject to an exception under paragraph "b" and may dispense a prescription drug pursuant to an otherwise valid written, oral, or facsimile prescription. However, a pharmacist shall exercise professional judgment in identifying and reporting suspected violations of this section to the board or the appropriate professional licensing board of the prescriber. 3. For prescriptions issued prior to January 1, 2020, or for prescriptions exempt from the electronic prescription requirement in subsection 2, paragraph "b", a prescriber or the prescriber's authorized agent may transmit a prescription for a prescription drug to a pharmacy by any of the following means: a. Electronically. b. By facsimile. c. Orally. d. By providing an original signed prescription to a patient or a patient's authorized representative. 4. A prescription shall be issued in compliance with this subsection. Regardless of the means of transmission, a prescriber shall provide verbal verification of a prescription upon request of the pharmacy. a. If written, electronic, or facsimile, each prescription shall contain all of the following: (1) The date of issue. (2) The name and address of the patient for whom, or the owner of the animal for which, the drug is dispensed. (3) The name, strength, and quantity of the drug prescribed. (4) The directions for use of the drug, medicine, or device prescribed. (5) The name, address, and written or electronic signature of the prescriber issuing the prescription. (6) The federal drug enforcement administration number, if required under chapter 124. b. If electronic, each prescription shall comply with all of the following: (1) The prescriber shall ensure that the electronic system used to transmit the electronic prescription has adequate security and safeguards designed to prevent and detect unauthorized access, modification, or manipulation of the prescription. (2) Notwithstanding paragraph "a", subparagraph (5), for prescriptions that are not controlled substances, if transmitted by an authorized agent, the electronic prescription shall not require the written or electronic signature of the prescriber issuing the prescription. c. If facsimile, in addition to the requirements of paragraph "a", each prescription shall contain all of the following: (1) The identification number of the facsimile machine which is used to transmit the prescription. (2) The date and time of transmission of the prescription. (3) The name, address, telephone number, and facsimile number of the pharmacy to which the prescription is being transmitted. d. If oral, the prescriber issuing the prescription shall furnish the same information required for a written prescription, except for the written signature and address of the prescriber. Upon receipt of an oral prescription, the recipient shall promptly reduce the oral prescription to a written format by recording the information required in a written prescription. e. A prescription transmitted by electronic, facsimile, or oral means by a prescriber's agent shall also include the name and title of the prescriber's agent completing the transmission. 5. An electronic, facsimile, or oral prescription shall serve as the original signed prescription and the prescriber shall not provide a patient, a patient's authorized representative, or the dispensing pharmacist with a signed written prescription.

Prescription records shall be retained pursuant to rules of the board. 6. This section shall not prohibit a pharmacist, in exercising the pharmacist's professional judgment, from dispensing, at one time, additional quantities of a prescription drug, with the exception of a prescription drug that is a controlled substance as defined in section 124.101, up to the total number of dosage units authorized by the prescriber on the original prescription and any refills of the prescription, not to exceed a ninety-day supply of the prescription drug as specified on the prescription. 7. A prescriber, medical group, institution, or pharmacy that is unable to timely comply with the electronic prescribing requirements in subsection 2, paragraph "a", may petition the board for an exemption from the requirements based upon economic hardship, technical limitations that the prescriber, medical group, institution, or pharmacy cannot control, or other exceptional circumstances. The board shall adopt rules establishing the form and specific information to be included in a request for an exemption and the specific criteria to be considered by the board in determining whether to approve a request for an exemption. The board may approve an exemption for a period of time determined by the board, not to exceed one year from the date of approval, and may be annually renewed subject to board approval upon request. 87 Acts, ch 215, §27; 97 Acts, ch 39, §3, 4; 2004 Acts, ch 1036, §15, 16; 2009 Acts, ch 69, §5; 2016 Acts, ch 1060, §1; 2017 Acts, ch 145, §29; 2018 Acts, ch 1138, §11; 2019 Acts, ch 59, §53 Referred to in §124.308, 126.11, 147.107, 155A.29

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.28 - Label of prescription drugs — interchangeable biological product list.

155A.28 Label of prescription drugs — interchangeable biological product list. 1. The label of any drug, biological product, or device sold and dispensed on the prescription of a practitioner shall be in compliance with rules adopted by the board. 2. The board shall maintain a link on its internet site to the current list of all biological products that the United States food and drug administration has determined to be interchangeable biological products. 87 Acts, ch 215, §28; 2017 Acts, ch 5, §2

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.29 - Prescription refills.

155A.29 Prescription refills. 1. Except as specified in subsection 2, a prescription for any prescription drug or device which is not a controlled substance shall not be filled or refilled more than eighteen months after the date on which the prescription was issued and a prescription which is authorized to be refilled shall not be refilled more than twelve times. 2. A pharmacist may exercise professional judgment by refilling a prescription without prescriber authorization if all of the following are true: a. The pharmacist is unable to contact the prescriber after reasonable effort. b. Failure to refill the prescription might result in an interruption of therapeutic regimen or create patient suffering. c. The pharmacist informs the patient or the patient's representative at the time of dispensing, and the practitioner at the earliest convenience that prescriber reauthorization is required. 3. Prescriptions may be refilled once pursuant to subsection 2 for a period of time reasonably necessary for the pharmacist to secure prescriber authorization. 4. An authorization to refill a prescription drug order shall be transmitted to a pharmacy by a prescriber or the prescriber's authorized agent pursuant to section 155A.27, except that prescription drug orders for controlled substances shall be transmitted pursuant to section 124.308, and, if not transmitted directly by the practitioner, shall also include the name and title of the practitioner's agent completing the transmission. 87 Acts, ch 215, §29; 2007 Acts, ch 19, §5; 2009 Acts, ch 69, §6; 2018 Acts, ch 1138, §12

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.2A - Board of pharmacy — alternate members.

155A.2A Board of pharmacy — alternate members. Notwithstanding sections 17A.11, 69.16, 69.16A, 147.12, 147.14, and 147.19, the board may have a pool of up to seven alternate members, including members licensed to practice under this chapter and members not licensed to practice under this chapter, to substitute for board members who are disqualified or become unavailable for any reason for contested case hearings. 1. The board may recommend, subject to approval by the governor, up to seven people to serve in a pool of alternate members. 2. A person serves in the pool of alternate members at the discretion of the board; however, the length of time an alternate member may serve in the pool shall not exceed nine years. A person who serves as an alternate member may later be appointed to the board and may serve nine years, in accordance with sections 147.12 and 147.19. A former board member may serve in the pool of alternate members. 3. An alternate member licensed under this chapter shall hold an active license and shall have been actively engaged in the practice of pharmacy in the preceding three years, with the two most recent years of practice being in Iowa. 4. When a sufficient number of board members are unavailable to hear a contested case, the board may request alternate members to serve. 5. Notwithstanding section 17A.11, section 147.14, subsection 2, and section 272C.6, subsection 5: a. An alternate member is deemed a member of the board only for the hearing panel for which the alternate member serves. b. A hearing panel containing alternate members must include at least five people. c. The majority of a hearing panel containing alternate members shall be members of the board. d. The majority of a hearing panel containing alternate members shall be licensed to practice under this chapter. e. A decision of a hearing panel containing alternate members is considered a final decision of the board. f. An alternate member shall not receive compensation in excess of that authorized by law for a board member. 2017 Acts, ch 93, §1

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.3 - Definitions.

155A.3 Definitions. As used in this chapter, unless the context otherwise requires: 1. "Administer" means the direct application of a prescription drug, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by one

of the following: a. A practitioner or the practitioner's authorized agent. b. The patient or research subject at the direction of a practitioner. 2. "Authorized agent" means an individual designated by a practitioner who is under the supervision of the practitioner and for whom the practitioner assumes legal responsibility. 3. "Biological product" means the same as defined in 42 U.S.C. §262. 4. "Board" means the board of pharmacy. 5. "Brand name" or "trade name" means the registered trademark name given to a drug product or ingredient by its manufacturer, labeler, or distributor. 6. "College of pharmacy" means a school, university, or college of pharmacy that satisfies the accreditation standards of the accreditation council for pharmacy education to the extent those standards are adopted by the board, or that has degree requirements which meet the standards of accreditation adopted by the board. 7. "Controlled substance" means a drug substance, immediate precursor, or other substance listed in subchapter II of chapter 124. 8. "Controlled substances Act" means chapter 124. 9. "Deliver" or "delivery" means the actual, constructive, or attempted transfer of a prescription drug or device or controlled substance from one person to another, whether or not for a consideration. 10. "Demonstrated bioavailability" means the rate and extent of absorption of a drug or drug ingredient from a specified dosage form, as reflected by the time-concentration curve of the drug or drug ingredient in the systemic circulation. 11. "Device" means a medical device, as classified by the United States food and drug administration, intended for use by a patient that is required by the United States food and drug administration to be ordered or prescribed for a patient by a practitioner. 12. "Dispense" means to deliver a prescription drug, device, or controlled substance to an ultimate user or research subject by or pursuant to the lawful prescription drug order or medication order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery. 13. "Distribute" means the delivery of a prescription drug or device. 14. "Drug product selection" means the act of selecting the source of supply of a drug product. 15. "Drug sample" means a drug that is distributed without consideration to a pharmacist or practitioner. 16. "Electronic order" or "electronic prescription" means an order or prescription which is transmitted by a computer device in a secure manner, including computer-to-computer transmission and computer-to-facsimile transmission. 17. "Electronic signature" means a confidential personalized digital key, code, or number used for secure electronic transmissions which identifies and authenticates the signatory. 18. "Facsimile order" or "facsimile prescription" means an order or prescription which is transmitted by a device which sends an exact image to the receiver. 19. "Generic name" means the official title of a drug or drug ingredient published in the current official United States Pharmacopoeia and National Formulary, official Homeopathic Pharmacopoeia, or other drug compendium published by the United States pharmacopoeial convention or any supplement to any of them. 20. "Interchangeable biological product" means either of the following: a. A biological product that the United States food and drug administration has licensed and has determined meets the standards for interchangeability pursuant to 42 U.S.C. §262(k)(4). b. A biological product that the United States food and drug administration has determined to be therapeutically equivalent to another biological product as set forth in the latest edition or supplement of the United States food and drug administration approved drug products with therapeutic equivalence evaluations publication. 21. "Internship" means a practical experience program approved by the board for persons training to become pharmacists. 22. "Label" means written, printed, or graphic matter on the immediate container of a drug or device. 23. "Labeling" means the process of preparing and affixing a label including information required by federal or state law or regulation to a drug or device container. The term does not include the labeling by a manufacturer, packer, or distributor of a nonprescription drug or commercially packaged prescription drug or device or unit dose packaging. 24. "Limited distributor" means a person operating or maintaining a location, regardless of the location, where prescription drugs or devices are distributed at wholesale or to a patient pursuant to a prescription drug order, who is not eligible for a wholesale distributor license or pharmacy license. "Limited distributor" does not include a secondary distributor as defined in section 135.190. 25. "Managing pharmacy" means a licensed pharmacy that oversees the activities of a telepharmacy site. 26. "Manufacturer" means manufacturer as defined by the federal Drug Supply Chain Security Act, 21 U.S.C. §360eee et seq. 27. "Medical convenience kit" means a collection of devices, which may include a product or biological product, assembled in kit form strictly for the convenience of the purchaser or ultimate user. 28. "Medical gas" means a gas or liquid oxygen intended for human consumption. 29. "Medication order" means a written order from a practitioner or an oral order from a practitioner or the practitioner's authorized agent for administration of a drug or device. 30. "Pedigree" means a recording of each distribution of any given drug or device, from the sale by the manufacturer through acquisition and sale by any wholesaler, pursuant to rules adopted by the board. 31. "Pharmacist" means a person licensed by the board to practice pharmacy. 32. "Pharmacist in charge" means the pharmacist designated on a pharmacy license as the pharmacist who has the authority and responsibility for the pharmacy's compliance with laws and rules pertaining to the practice of pharmacy. 33. "Pharmacist-intern" means an undergraduate student enrolled in the professional sequence of a college of pharmacy approved by the board, or a graduate of a college of pharmacy, who is participating in a board-approved internship under the supervision of a preceptor. 34. "Pharmacy" means a location where prescription drugs are compounded, dispensed, or sold by a pharmacist and where prescription drug orders are received or processed in accordance with the pharmacy laws. 35. "Pharmacy license" means a license issued to a pharmacy or other place where prescription drugs or devices are dispensed to the general public pursuant to a prescription drug order. 36. "Pharmacy support person" means a person, other than a licensed pharmacist, a registered pharmacist-intern, or a registered pharmacy technician, who may perform nontechnical duties assigned by a supervising pharmacist under the pharmacist's responsibility and supervision. 37. "Pharmacy technician" means a person registered by the board who is in a technician training program or who is employed by a pharmacy under the responsibility of a licensed pharmacist to assist in the technical functions of the practice of pharmacy. 38. "Practice of pharmacy" is a dynamic patient-oriented health service profession that applies a scientific body of knowledge to improve and promote patient health by means of appropriate drug use and related drug therapy. 39. "Practitioner" means a physician, dentist, podiatric physician, prescribing psychologist, veterinarian, optometrist, physician assistant, advanced registered

nurse practitioner, or other person licensed or registered to prescribe, distribute, or dispense a prescription drug or device in the course of professional practice in this state or a person licensed by another state in a health field in which, under Iowa law, licensees in this state may legally prescribe drugs. 40. "Preceptor" means a pharmacist in good standing licensed in this state to practice pharmacy and approved by the board to supervise and be responsible for the activities and functions of a pharmacist-intern in the internship program. 41. "Prescription drug" or "drug" means a drug, as classified by the United States food and drug administration, that is required by the United States food and drug administration to be prescribed or administered to a patient by a practitioner prior to dispensation. 42. "Prescription drug order" means a written, electronic, or facsimile order from a practitioner or an oral order from a practitioner or the practitioner's authorized agent who communicates the practitioner's instructions for a prescription drug or device to be dispensed. 43. "Product" means the same as defined in 21 U.S.C. §360eee. 44. "Proprietary medicine" or "over-the-counter medicine" means a nonnarcotic drug or device that may be sold without a prescription and that is labeled and packaged in compliance with applicable state or federal law. 45. "Repackager" means a person who owns or operates an establishment that repackages or relabels a product or package for further sale or for distribution without a further transaction. 46. "Statewide protocol" means a framework developed and issued by the board that specifies the conditions under which pharmacists are authorized to order and administer a medication or category of medications when providing a clinical service. 47. "Technician product verification" means the process by which a certified pharmacy technician provides the final product verification for prescription drugs or devices filled or prepared by a registered pharmacy technician, pharmacist-intern, or with an automated dispensing system. 48. "Telepharmacy" means the practice of pharmacy via telecommunications as provided by the board by rule. 49. "Telepharmacy site" means a licensed pharmacy that is operated by a managing pharmacy and staffed by one or more qualified certified pharmacy technicians where pharmaceutical care services, including the storage and dispensing of prescription drugs, drug regimen review, and patient counseling, are provided by a licensed pharmacist through the use of technology. 50. "Third-party logistics provider" means an entity that provides or coordinates warehousing or other logistics services of a product in interstate commerce on behalf of a manufacturer, wholesale distributor, or dispenser of a product, but does not take ownership of the product nor have responsibility to direct the sale or other disposition of the product. 51. "Ultimate user" means a person who has lawfully obtained and possesses a prescription drug or device for the person's own use or for the use of a member of the person's household or for administering to an animal owned by the person or by a member of the person's household. 52. "Unit dose packaging" means the packaging of individual doses of a drug in containers which preserve the identity and integrity of the drug from the point of packaging to administration and which are properly labeled pursuant to rules of the board. 53. "Wholesale distribution" means the distribution of a drug to a person other than a consumer or patient, or the receipt of a drug by a person other than a consumer or patient, but does not include any of the following: a. Intracompany distribution of any drug between members of an affiliate, as defined in 21 U.S.C. §360eee, or within a manufacturer. b. The distribution of a drug, or an offer to distribute a drug among hospitals or other health care entities under common control. c. The distribution of a drug or an offer to distribute a drug for emergency medical reasons, including a public health emergency declaration as defined in 42 U.S.C. §247d, except that for purposes of this paragraph a drug shortage not caused by a public health emergency shall not constitute an emergency medical reason. d. The dispensing of a drug pursuant to a prescription drug order. e. The distribution of minimal quantities of a drug by a pharmacy to a practitioner for office use. f. The distribution of a drug or an offer to distribute a drug by a charitable organization to an affiliate, as defined in 21 U.S.C. §360eee, of the organization that is a nonprofit, to the extent otherwise permitted by law. g. The purchase or other acquisition of a drug by a dispenser, as defined in 21 U.S.C. §360eee, hospital, or other health care entity for use by such dispenser, hospital, or other health care entity. h. The distribution of a drug by the manufacturer of such drug. i. The receipt or transfer of a drug by a third-party logistics provider, provided that such third-party logistics provider does not take ownership of the drug. j. A common carrier that transports a drug, provided that the common carrier does not take ownership of the drug. k. The distribution of a drug or an offer to distribute a drug by a repackager that has taken ownership or possession of the drug and repackages it. l. The return of a saleable product when conducted by a dispenser. m. The distribution of a medical convenience kit under any of the following circumstances: (1) The medical convenience kit is assembled in an establishment registered with the United States food and drug administration as a device manufacturer. (2) The medical convenience kit does not contain a controlled substance. (3) In the case of a medical convenience kit that includes a product, the person that manufactures the kit does all of the following: (a) Purchases the product directly from a pharmaceutical manufacturer or from a wholesale distributor that purchased the product directly from the pharmaceutical manufacturer. (b) Does not alter the primary container or label of the product as purchased from the manufacturer or wholesale distributor. (4) In the case of a medical convenience kit that includes a product, the product is any of the following: (a) An intravenous solution intended for the replenishment of fluids and electrolytes. (b) Intended to maintain the equilibrium of water and minerals in the body. (c) Intended for irrigation or reconstitution. (d) An anesthetic. (e) An anticoagulant. (f) A vasopressor. (g) A sympathomimetic. n. The distribution of an intravenous drug that by its formulation is intended for the replenishment of fluids and electrolytes such as sodium, chloride, and potassium, or calories such as dextrose and amino acids. o. The distribution of an intravenous drug used to maintain the equilibrium of water and minerals in the body such as a dialysis solution. p. The distribution of a drug intended for irrigation or sterile water intended for irrigation or for injection. q. The distribution of a medical gas. r. The facilitation of the distribution of a product by providing administrative services, including the processing of orders and payments. s. The transfer of a product by a hospital or other health care entity, or by a wholesale distributor or manufacturer operating at the direction of the hospital or other health care entity, to a repackager for the purpose of repackaging the product for use by that hospital or other health care entity under common control, if the ownership of the product remains with the hospital or other health care entity at all times. 54. "Wholesale distributor" means a person, other than a manufacturer, a

manufacturer's co-licensed partner, a third-party logistics provider, or repackager, engaged in the wholesale distribution of a drug. "Wholesale distributor" does not include a secondary distributor as defined in section 135.190. 87 Acts, ch 215, §3; 88 Acts, ch 1232, §2; 95 Acts, ch 108, §13; 96 Acts, ch 1070, §1; 2002 Acts, ch 1108, §24; 2004 Acts, ch 1036, §11, 12; 2004 Acts, ch 1167, §9; 2005 Acts, ch 179, §172 – 177; 2007 Acts, ch 10, §153; 2007 Acts, ch 19, §1, 2; 2008 Acts, ch 1016, §2; 2016 Acts, ch 1093, §2; 2016 Acts, ch 1112, §13; 2017 Acts, ch 5, §1; 2017 Acts, ch 93, §2; 2018 Acts, ch 1141, §2 – 9; 2018 Acts, ch 1142, §2; 2021 Acts, ch 68, §2, 3; 2023 Acts, ch 86, §23 Referred to in §124.308, 124B.1, 124B.6, 135M.2, 147.107, 155A.47, 321J.2, 423.3, 462A.14, 510B.1, 514L.1, 716A.3 Subsections 24 and 54 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.30 - Out-of-state prescription orders.

155A.30 Out-of-state prescription orders. Prescription drug orders issued by out-of-state practitioners who would be authorized to prescribe if they were practicing in Iowa may be filled by licensed pharmacists operating in licensed Iowa pharmacies. 87 Acts, ch 215, §30

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.31 - Reference library.

155A.31 Reference library. A licensed pharmacy in this state shall maintain a reference library pursuant to rules of the board. 87 Acts, ch 215, §31

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.32 - Drug product selection — restrictions.

155A.32 Drug product selection — restrictions. 1. a. If an authorized prescriber prescribes, in writing, electronically, by facsimile, or orally, a drug by its brand or trade name, the pharmacist may exercise professional judgment in the economic interest of the patient by selecting a drug product with the same generic name and demonstrated bioavailability as the drug product prescribed for dispensing and sale to the patient. If the cost of the prescription or any part of it will be paid by expenditure of public funds authorized under chapter 249A, the pharmacist shall exercise professional judgment by selecting a drug product with the same generic name and demonstrated bioavailability as the drug product prescribed for dispensing and sale. b. If an authorized prescriber prescribes a biological product, the pharmacist may exercise professional judgment in the economic interest of the patient by selecting a biological product that is an interchangeable biological product for the biological product prescribed for dispensing and sale to the patient. If the cost of the prescription or any part of it will be paid by expenditure of public funds authorized under chapter 249A, the pharmacist shall exercise professional judgment by selecting a biological product that is an interchangeable biological product for the biological product prescribed for dispensing and sale. 2. The pharmacist shall not exercise the drug or biological product selection described in this section if any of the following is true: a. The prescriber specifically indicates that no drug or biological product selection shall be made. b. The person presenting the prescription indicates that only the specific drug product prescribed should be dispensed. However, this paragraph does not apply if the cost of the prescription or any part of it will be paid by expenditure of public funds authorized under chapter 249A. 3. If selection of a generically equivalent drug product or an interchangeable biological product is made under this section, the pharmacist making the selection shall inform the patient and note that fact and the name of the manufacturer of the selected drug on the prescription presented by the patient or the patient's adult representative or transmitted by the prescriber or the prescriber's authorized agent. 4. a. Within five business days following the dispensing of a biological product, the dispensing pharmacist or the pharmacist's designee shall make an entry of the specific biological product provided to the patient, including the name of the biological product and the manufacturer. The entry shall be electronically accessible to the prescriber through one of the following means: (1) An interoperable electronic medical records system. (2) An electronic prescribing technology. (3) A pharmacy benefit management system. (4) A pharmacy record. b. An entry into an electronic records system as described in this subsection is presumed to provide notice to the prescriber. If the entry is not made electronically, the pharmacist shall communicate the name and manufacturer of the biological product dispensed to the prescriber using facsimile, telephone, electronic transmission, or other prevailing means. c. Communication under this subsection shall not be required in either of the following circumstances: (1) There is no federal food and drug administration-approved interchangeable biological product for the product prescribed. (2) A refill prescription is not changed from the product dispensed on the prior filling of the prescription. 87 Acts, ch 215, §32; 2004 Acts, ch 1036, §17; 2017 Acts, ch 5, §3 Referred to in §514F.7

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.33 - Delegation of functions.

155A.33 Delegation of functions. A pharmacist may delegate any technical functions to pharmacy technicians and any nontechnical functions to pharmacy support persons, but only if the pharmacist is available to provide professional oversight of the delegated functions performed by the pharmacy technician or pharmacy support person. Verification of automated dispensing, technician product verification, and telepharmacy practice accuracy and completeness remains the responsibility of the pharmacist and shall be determined in accordance with rules adopted by the board. 87 Acts, ch 215, §33; 96 Acts, ch 1070, §4; 2002 Acts, ch 1108, §25; 2008 Acts, ch 1016, §5; 2016 Acts, ch 1093, §7; 2018 Acts, ch 1142, §4; 2021 Acts, ch 68, §5 Referred to in §155A.47

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.33A - Technician product verification programs.

155A.33A Technician product verification programs. 1. A pharmacist in charge of a pharmacy located in this state may formally establish a technician product verification program to optimize the provision of pharmacist patient care services. The board may require a pharmacist in charge intending to implement a technician product verification program to submit a program plan for board consideration and approval. The plan shall demonstrate that onsite practice hours for a pharmacist will not be reduced but will be redistributed directly to patient care activities. 2. The board shall adopt rules for the development, implementation, and oversight of technician product verification programs. The rules shall address program policy and procedures, pharmacist and pharmacy technician training, program quality assurance and evaluation, recordkeeping, redistribution of pharmacist activities, and other matters necessary for the development, implementation, and oversight of the program. 2018 Acts, ch 1142, §5

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.33B - Registered nurses — vaccinations and immunizations.

155A.33B Registered nurses — vaccinations and immunizations. A registered nurse licensed pursuant to chapter 152 or 152E shall be authorized to assist in the administration of immunizations and vaccinations and the utilization of statewide protocols, pursuant to a pharmacist's order and consistent with the practice of the profession of a registered nurse as defined in section 152.1, without obtaining a registration from the board. 2022 Acts, ch 1108, §2 Referred to in §152.1

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.34 - Transfer of prescriptions.

155A.34 Transfer of prescriptions. Any prescription transfer shall be from a licensed pharmacy to another licensed pharmacy and be performed in accordance with rules adopted by the board. 87 Acts, ch 215, §34; 2008 Acts, ch 1016, §6; 2018 Acts, ch 1142, §6

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.35 - Patient medication records.

155A.35 Patient medication records. A licensed pharmacy shall maintain patient medication records in accordance with rules adopted by the board. 87 Acts, ch 215, §35

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.36 - Medication delivery systems.

155A.36 Medication delivery systems. Drugs dispensed utilizing unit dose packaging shall comply with labeling and packaging requirements in accordance with rules adopted by the board. 87 Acts, ch 215, §36

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.37 - Code of professional responsibility for board employees.

155A.37 Code of professional responsibility for board employees. 1. The board shall adopt a code of professional responsibility to regulate the conduct of board employees responsible for inspections and surveys of pharmacies. 2. The code shall contain a procedure to be followed by personnel of the board in all of the following: a. On entering a pharmacy. b. During inspection of the pharmacy. c. During the exit conference. 3. The code shall contain standards of conduct that personnel of the board are to follow in dealing with the staff and management of the pharmacy and the general public. 4. The board shall establish a procedure for receiving and investigating complaints of violations of this code. The board shall investigate all complaints of violations. 5. The board may adopt rules establishing sanctions for violations of this code of professional responsibility. 87 Acts, ch 215, §37; 2004 Acts, ch 1167, §10

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.38 - Dispensing drug samples.

155A.38 Dispensing drug samples. A person authorized pursuant to this chapter to dispense shall, when dispensing drug samples, do so without additional charge to the patient. 88 Acts, ch 1232, §3

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.39 - Program to monitor impaired pharmacists, pharmacist-interns, or pharmacy technicians — immunity and funding.

155A.39 Program to monitor impaired pharmacists, pharmacist-interns, or pharmacy technicians — immunity and funding. 1. The board may establish a review committee and may implement a program to monitor impaired pharmacists, pharmacist-interns, and pharmacy technicians pursuant to section 272C.3, subsection 1, paragraph "k". 2. An employee or a member of the board, a review committee member, or any other person who furnishes information, data, reports, or records in good faith for the purpose of aiding an impaired pharmacist, pharmacist-intern, or pharmacy technician, shall be immune from civil liability. This immunity from civil liability shall be liberally construed to accomplish the purpose of this section and is in addition to other immunity provided by law. 3. An employee or member of the board or a review committee member is presumed to have acted in good faith. A person alleging a lack of good faith has the burden of proof on that issue. 4. The board may add a surcharge of not more than ten percent of the applicable fee to a pharmacist license fee, pharmacist license renewal fee, pharmacist-intern registration fee, pharmacy technician registration fee, or pharmacy technician registration renewal fee authorized under this chapter to fund a program to monitor impaired pharmacists, pharmacist-interns, or pharmacy technicians. 5. The board may accept, transfer, and expend funds made available by the federal or state government or by another public or private source to be used in a program authorized by this section. 6. Funds and surcharges collected under this section shall be deposited in an account and may be used by the board to administer a program

authorized by this section, but shall not be used for costs incurred for a participant's initial evaluation, referral services, treatment, or rehabilitation subsequent to intervention. 7. The board may disclose that the license of a pharmacist, the registration of a pharmacist-intern, or the registration of a pharmacy technician who is the subject of an order of the board that is confidential pursuant to section 272C.6 is suspended, revoked, canceled, restricted, or retired; or that the pharmacist, pharmacist-intern, or pharmacy technician is in any manner otherwise limited in the practice of pharmacy; or other relevant information pertaining to the pharmacist, pharmacist-intern, or pharmacy technician which the board deems appropriate. 8. The board may adopt rules necessary for the implementation of this section. 97 Acts, ch 39, §5; 2017 Acts, ch 93, §3

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.4 - Prohibition against unlicensed persons dispensing or distributing prescription drugs — exceptions.

155A.4 Prohibition against unlicensed persons dispensing or distributing prescription drugs — exceptions. 1. A person shall not dispense prescription drugs unless that person is a licensed pharmacist or is authorized by section 147.107 to dispense or distribute prescription drugs. 2. Notwithstanding subsection 1, it is not unlawful for: a. A limited distributor, third-party logistics provider, or wholesale distributor to distribute prescription drugs or devices as provided by state or federal law. b. A practitioner, licensed by the appropriate state board, to dispense prescription drugs to patients as incident to the practice of the profession, except with respect to the operation of a pharmacy for the retailing of prescription drugs. c. A practitioner, licensed by the appropriate state board, to administer drugs to patients. This chapter does not prevent a practitioner from delegating the administration of a prescription drug to a nurse, intern, or other qualified individual or, in the case of a veterinarian, to an orderly or assistant, under the practitioner's direction and supervision. d. A person to sell at retail a proprietary medicine, an insecticide, a fungicide, or a chemical used in the arts, if properly labeled. e. A person to procure prescription drugs for lawful research, teaching, or testing and not for resale. f. A pharmacy to distribute a prescription drug to another pharmacy or to a practitioner. g. A qualified individual authorized to administer prescription drugs and employed by a home health agency or hospice to obtain, possess, and transport emergency prescription drugs as provided by state or federal law or by rules of the board. 87 Acts, ch 215, §4; 97 Acts, ch 39, §1; 2005 Acts, ch 179, §178; 2007 Acts, ch 19, §3; 2018 Acts, ch 1141, §10, 11

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.40 - Criminal history record checks.

155A.40 Criminal history record checks. 1. The board may request and obtain, notwithstanding section 692.2, subsection 5, criminal history data for any applicant for an initial or renewal license or registration issued pursuant to this chapter or chapter 147, any applicant for reinstatement of a license or registration issued pursuant to this chapter or chapter 147, or any licensee or registrant who is being monitored as a result of a board order or agreement resolving an administrative disciplinary action, for the purpose of evaluating the applicant's, licensee's, or registrant's eligibility for licensure, registration, or suitability for continued practice of the profession. Criminal history data may be requested for all owners, managers, and principal employees of a pharmacy or drug wholesaler licensed pursuant to this chapter. The board shall adopt rules pursuant to chapter 17A to implement this section. The board shall inform the applicant, licensee, or registrant of the criminal history requirement and obtain a signed waiver from the applicant, licensee, or registrant prior to submitting a criminal history data request. 2. A request for criminal history data shall be submitted to the department of public safety, division of criminal investigation, pursuant to section 692.2, subsection 1. The board may also require such applicants, licensees, and registrants to provide a full set of fingerprints, in a form and manner prescribed by the board. Such fingerprints may be submitted to the federal bureau of investigation through the state criminal history repository for a national criminal history check. The board may authorize alternate methods or sources for obtaining criminal history record information. The board may, in addition to any other fees, charge and collect such amounts as may be incurred by the board, the department of public safety, or the federal bureau of investigation in obtaining criminal history information. Amounts collected shall be considered repayment receipts as defined in section 8.2. 3. Criminal history information relating to an applicant, licensee, or registrant obtained by the board pursuant to this section is confidential. The board may, however, use such information in a license or registration denial proceeding. In a disciplinary proceeding, such information shall constitute investigative information under section 272C.6, subsection 4, and may be used only for purposes consistent with that section. 4. This section shall not apply to a manufacturer of a prescription drug or device that has been delivered into commerce pursuant to an application approved by the federal food and drug administration. 2005 Acts, ch 35, §31; 2005 Acts, ch 179, §188

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.41 - Continuous quality improvement program.

155A.41 Continuous quality improvement program. 1. Each licensed pharmacy shall implement or participate in a continuous quality improvement program to review pharmacy procedures in order to identify methods for addressing pharmacy medication errors and for improving patient use of medications and patient care services. Under the program, each pharmacy shall assess its practices and identify areas for quality improvement. 2. The board shall adopt rules for the administration of a continuous quality improvement program. The rules shall address all of the following: a. Program requirements and procedures. b. Program record and reporting requirements. c. Any other provisions necessary for the administration of a program. 2005 Acts, ch 179, §189

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.42 - Limited distributor license.

155A.42 Limited distributor license. 1. A person other than a wholesale distributor, licensed pharmacy, or practitioner, shall not engage in any of the following activities in this state without a limited distributor license: a. Distribution of a medical gas or device at wholesale or to a patient pursuant to a prescription drug order. b. Wholesale distribution of a prescription animal drug. c. Wholesale distribution of a prescription drug, or brokering the distribution of a prescription drug at wholesale, by a manufacturer, a manufacturer's co-licensed partner, or a repackager. d. Intracompany distribution of a prescription drug, including pharmacy chain distribution centers. e. Distribution at wholesale of a combination product as defined by the United States food and drug administration, medical convenience kit, intravenous fluid or electrolyte, dialysis solution, radioactive drug, or irrigation or sterile water solution to be dispensed by prescription only. f. Distribution of a dialysis solution by the manufacturer or the manufacturer's agent to a patient pursuant to a prescription drug order, provided that a licensed pharmacy processes the prescription drug order. 2. The board shall adopt rules establishing the requirements for a limited distributor license, licensure fees, compliance standards, and any other relevant matters. A limited distributor shall not be required to have an onsite pharmacist. 3. The board may deny, suspend, or revoke a limited distributor's license, or otherwise discipline a limited distributor, for failure to meet the applicable standards or for a violation of the laws of this state, another state, or the United States, or for a violation of this chapter, chapter 124, 124B, 126, or 205, or a rule of the board. 2007 Acts, ch 19, §6; 2017 Acts, ch 145, §22; 2018 Acts, ch 1141, §15

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.43 - Pharmaceutical collection and disposal program — annual allocation.

155A.43 Pharmaceutical collection and disposal program — annual allocation. Of the fees collected by the board pursuant to sections 124.301 and 147.80 and this chapter, and retained by the board pursuant to section 147.82, the board may annually allocate a sum deemed by the board to be adequate for administering the pharmaceutical collection and disposal program. The program shall provide for the management and disposal of unused, excess, and expired pharmaceuticals, including the management and disposal of controlled substances pursuant to state and federal regulations. The board may contract with one or more vendors for the provision of supplies and services to manage and maintain the program and to safely and appropriately dispose of pharmaceuticals collected through the program. 2011 Acts, ch 129, §88, 156; 2014 Acts, ch 1026, §143; 2015 Acts, ch 137, §74, 162, 163; 2017 Acts, ch 93, §4

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.45 - Reports — disclosure.

155A.45 Reports — disclosure. 1. Notwithstanding section 272C.6, subsection 4, paragraph "a", an inspection report in possession of the board, regardless of whether the report is based on a routine inspection or an inspection prompted by one or more complaints, may be disclosed to the national association of boards of pharmacy's inspection network. 2. Notwithstanding section 272C.6, subsection 4, paragraph "a", any complaints, investigative information, or data collected pertaining to compounded human drug products may be disclosed to the United States food and drug administration, including through the use of an information sharing network, in order to comply with any memorandum of understanding with the United States food and drug administration. 2016 Acts, ch 1093, §8; 2021 Acts, ch 68, §7

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.46 - Statewide protocols.

155A.46 Statewide protocols. 1. a. A pharmacist may, pursuant to statewide protocols developed by the board in consultation with the department of health and human services and consistent with subsection 2, order and administer the following to patients ages eighteen years and older: (1) Opioid antagonists for overdose reversals. (2) Nicotine replacement tobacco cessation products. (3) An immunization or vaccination recommended by the United States centers for disease control and prevention advisory committee on immunization practices in its approved vaccination schedule for adults. (4) An immunization or vaccination recommended by the United States centers for disease control and prevention for international travel. (5) A Tdap (tetanus, diphtheria, acellular pertussis) vaccination in a booster application. (6) Other emergency immunizations or vaccinations in response to a public health emergency. (7) An immunization or vaccination for COVID-19 as defined in section 686D.2. b. A pharmacist may, pursuant to statewide protocols developed by the board in consultation with the department of health and human services and consistent with subsection 2, order and administer the following to patients ages six months and older: (1) A vaccine or immunization for influenza. (2) Other emergency immunizations or vaccines in response to a public health emergency. c. A pharmacist may, pursuant to statewide protocols developed by the board in consultation with the department of health and human services and consistent with subsection 2, order and administer the final two doses in a course of vaccinations for HPV to patients ages eleven years and older. d. Prior to the ordering and administration of a vaccination or immunization authorized by this subsection, pursuant to statewide protocols, a licensed pharmacist shall consult and review the statewide immunization registry or health information network. The board shall adopt rules requiring the reporting of the administration of vaccines and immunizations authorized by this subsection to a patient's primary health care provider, primary physician, and a statewide immunization registry or health information network. e. A pharmacist may, pursuant to statewide protocols developed by the board in consultation with the department of health and human services and consistent with subsection 2, order and administer the following to patients ages six years and older: (1) Point-of-care testing and treatment for influenza, streptococcus A, and COVID-19 as defined in section 686D.2 at the point of interaction between a pharmacist and a patient. (2) Point-of-care testing at the point of interaction between a pharmacist and a patient in response to a public health emergency. 2. A pharmacist ordering or administering a prescription drug, product, test, or treatment pursuant to subsection 1 shall do all of the following: a. Maintain a record of all prescription drugs, products, tests, and treatments administered

pursuant to this section. b. Notify the patient's primary health care provider of any prescription drugs, products, tests, or treatments administered to the patient, or enter such information in a patient record system also used by the primary health care provider, as permitted by the primary health care provider. If the patient does not have a primary health care provider, the pharmacist shall provide the patient with a written record of the prescription drugs, products, tests, or treatment provided to the patient and shall advise the patient to consult a physician. c. Complete continuing pharmacy education related to statewide protocols recognized and approved by the board. 2018 Acts, ch 1142, §7; 2021 Acts, ch 103, §1, 2; 2023 Acts, ch 19, §273 – 276; 2023 Acts, ch 86, §24 Subsection 1, paragraph a, unnumbered paragraph 1 amended Subsection 1, paragraph a, subparagraph (1) amended Subsection 1, paragraph b, unnumbered paragraph 1 amended Subsection 1, paragraph c amended Subsection 1, paragraph e, unnumbered paragraph 1 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.47 - Pilot or demonstration research projects.

155A.47 Pilot or demonstration research projects. 1. Notwithstanding any provision of section 147.107, subsection 2, or section 155A.33 to the contrary, the board may approve a pilot or demonstration research project of innovative applications in the practice of pharmacy to provide enhanced patient care. 2. The board shall adopt rules pursuant to chapter 17A for application for and approval of such projects. The rules may include exceptions to any existing rules under the purview of the board as necessary for completion of the project, limited to the duration of the project. The board may approve a project for no more than eighteen months. The board may extend or renew a project in accordance with board rules. All projects shall comply with the rules adopted for such projects. 3. The board shall not approve any project that expands the practice of pharmacy as defined in section 155A.3. 2021 Acts, ch 68, §8

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.48 - Collaborative pharmacy practice — agreements — payment.

155A.48 Collaborative pharmacy practice — agreements — payment. 1. For the purposes of this section: a. "Collaborative pharmacy practice" means a practice of pharmacy whereby a pharmacist provides patient care and drug therapy management services not otherwise permitted to be performed by a pharmacist to patients under a collaborative pharmacy practice agreement with another pharmacist or practitioner which defines the nature, scope, conditions, and limitations of the patient care and drug therapy management services to be provided by a pharmacist in order to ensure that a patient achieves the desired outcomes. b. "Health benefit plan" means the same as defined in section 514J.102. c. "Health carrier" means the same as defined in section 514J.102. 2. Notwithstanding any provision of law to the contrary, a pharmacist may engage in a collaborative pharmacy practice, in accordance with rules adopted by the board pursuant to chapter 17A and under a collaborative pharmacy practice agreement, to provide patient care and drug therapy management services to a patient. 3. Notwithstanding any provision of a health benefit plan to the contrary, whenever a health benefit plan provides for payment or reimbursement for a service that is within the lawful scope of practice of a practitioner or pharmacist and the service is provided by a pharmacist pursuant to a collaborative pharmacy practice agreement under this section, the health carrier may provide payment or reimbursement for the service. 2021 Acts, ch 103, §3

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.5 - Injunction.

155A.5 Injunction. Notwithstanding the existence or pursuit of any other remedy the board may, in the manner provided by law, maintain an action in the name of the state for injunction or other process against any person to restrain or prevent the establishment, conduct, management, or operation of a pharmacy, limited distributor, third-party logistics provider, or wholesale distributor without a license, or to prevent the violation of provisions of this chapter. Upon request of the board, the attorney general shall institute the proper proceedings and the county attorney, at the request of the attorney general, shall appear and prosecute the action when brought in the county attorney's county. 87 Acts, ch 215, §5; 2018 Acts, ch 1141, §12

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.6 - Pharmacist internship program.

155A.6 Pharmacist internship program. 1. A program of pharmacist internships is established. Each internship is subject to approval by the board. 2. A person desiring to be a pharmacist-intern in this state shall apply to the board for registration. The application must be on a form prescribed by the board. A pharmacist-intern shall be registered during internship training and thereafter pursuant to rules adopted by the board. 3. The board shall establish standards for pharmacist-intern registration and may deny, suspend, or revoke a pharmacist-intern registration for failure to meet the standards or for any violation of the laws of this state, another state, or the United States relating to prescription drugs, controlled substances, or nonprescription drugs, or for any violation of this chapter or chapter 124, 124B, 126, 147, or 205, or any rule of the board. 4. The board shall adopt rules in accordance with chapter 17A on matters pertaining to pharmacist-intern registration standards, registration fees, conditions of registration, termination of registration, and approval of preceptors. 87 Acts, ch 215, §6; 96 Acts, ch 1070, §2, 3; 2007 Acts, ch 20, §1; 2017 Acts, ch 145, §17

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.6A - Pharmacy technician registration.

155A.6A Pharmacy technician registration. 1. A registration program for pharmacy technicians is established for the purpose of

establishing technician competency and for the purposes of identification, tracking, and disciplinary action for the violation of federal drug laws or regulations, state drug or pharmacy laws, or board rules. The ultimate responsibility for the actions of a pharmacy technician working under a licensed pharmacist's supervision shall remain with the licensed pharmacist. 2. A person who is or desires to be a pharmacy technician in this state shall apply to the board for registration. The application shall be submitted on a form prescribed by the board. A pharmacy technician must be registered pursuant to rules adopted by the board. Except as provided in subsection 3, all applicants for a new pharmacy technician registration or for a pharmacy technician renewal shall provide proof of current certification by a national technician certification authority approved by the board. Notwithstanding section 272C.2, subsection 1, a pharmacy technician registration shall not require continuing education for renewal. 3. A person who is in the process of acquiring national certification as a pharmacy technician and who is in training to become a pharmacy technician shall register with the board as a pharmacy technician. 4. The board shall adopt rules in accordance with chapter 17A on matters pertaining to pharmacy technician registration, application, forms, renewals, fees, termination of registration, technician product verification programs, national certification, training, and any other relevant matters. 5. The board may deny, suspend, or revoke the registration of, or otherwise discipline, a registered pharmacy technician for any violation of the laws of this state, another state, or the United States relating to prescription drugs, controlled substances, or nonprescription drugs, or for any violation of this chapter or chapter 124, 124B, 126, 147, 205, or 272C, or any rule of the board. 2007 Acts, ch 20, §2; 2008 Acts, ch 1016, §3; 2010 Acts, ch 1193, §112, 137, 138; 2017 Acts, ch 29, §45; 2017 Acts, ch 145, §18; 2018 Acts, ch 1026, §55, 56, 182; 2018 Acts, ch 1142, §3; 2021 Acts, ch 68, §4

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.6B - Pharmacy support person registration.

155A.6B Pharmacy support person registration. 1. The board shall establish a registration program for pharmacy support persons who work in a licensed pharmacy and who are not licensed pharmacists or registered pharmacy technicians for the purposes of identification, tracking, and disciplinary action for the violation of federal drug laws or regulations, state drug or pharmacy laws, or board rules. The registration shall not include any determination of the competency of the registered individual and, notwithstanding section 272C.2, subsection 1, shall not require continuing education for renewal. 2. A person registered with the board as a pharmacy support person may assist pharmacists by performing routine clerical and support functions. Such a person shall not perform any professional duties or any technical or dispensing duties. The ultimate responsibility for the actions of a pharmacy support person working under a licensed pharmacist's supervision shall remain with the licensed pharmacist. 3. Applicants for registration must apply to the board for registration on a form prescribed by the board. 4. The board shall adopt rules in accordance with chapter 17A on matters pertaining to pharmacy support persons, and pharmacy support person exemptions, registration, application, renewals, fees, termination of registration, training, and any other relevant matters. 5. The board may deny, suspend, or revoke the registration of a pharmacy support person or otherwise discipline the pharmacy support person for any violation of the laws of this state, another state, or the United States relating to prescription drugs, controlled substances, or nonprescription drugs, or for any violation of this chapter or chapter 124, 124B, 126, 147, 205, or 272C, or any rule of the board. 2009 Acts, ch 69, §3; 2017 Acts, ch 145, §19

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.7 - Pharmacist license.

155A.7 Pharmacist license. A person shall not engage in the practice of pharmacy in this state without a license. The license shall be identified as a pharmacist license. 87 Acts, ch 215, §7

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.8 - Requirements for pharmacist license.

155A.8 Requirements for pharmacist license. To qualify for a pharmacist license, an applicant shall meet the following requirements: 1. Be a graduate of a school or college of pharmacy or of a department of pharmacy of a university recognized and approved by the board. 2. File proof, satisfactory to the board, of internship for a period of time fixed by the board. 3. Pass an examination prescribed by the board. 87 Acts, ch 215, §8 Referred to in §155A.9, 155A.12

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 155A - PHARMACY Section 155A.9 - Approved colleges — graduates of foreign colleges.

155A.9 Approved colleges — graduates of foreign colleges. 1. A college of pharmacy shall not be approved by the board unless the college is accredited by the accreditation council for pharmacy education. 2. An applicant who is a graduate of a school or college of pharmacy located outside the United States but who is otherwise qualified to apply for a pharmacist license in this state may be deemed to have satisfied the requirements of section 155A.8, subsection 1, by verification to the board of the applicant's academic record and graduation and by meeting other requirements established by rule of the board. The board may require the applicant to pass an examination or examinations given or approved by the board to establish proficiency in English and equivalency of education as a prerequisite for taking the licensure examination required in section 155A.8, subsection 3. 87 Acts, ch 215, §9; 2007 Acts, ch 19, §4

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 156 - FUNERAL DIRECTING, MORTUARY SCIENCE, AND

CREMATIONSection 156.1 - Definitions.

156.1 Definitions. As used in this chapter unless the context otherwise requires: 1. “Board” means the board of mortuary science. 2. “Cremation” means the technical process, using heat and flame, that reduces human remains to bone fragments. The reduction takes place through heat and evaporation. Cremation shall include the processing, and may include the pulverization, of the bone fragments. 3. “Cremation establishment” means a place of business as defined by the board which provides any aspect of cremation services. 4. “Funeral director” means a person licensed by the board to practice mortuary science. 5. “Funeral establishment” means a place of business as defined by the board devoted to providing any aspect of mortuary science. 6. “Intern” means a person registered by the board to practice mortuary science under the direct supervision of a preceptor certified by the board. 7. “Mortuary science” means the engaging in any of the following: a. Preparing, for burial or disposal, or directing and supervising burial or disposal of dead human bodies except supervising cremations. b. Making funeral arrangements or furnishing any funeral services in connection with disposition of dead human bodies or sale of any casket, vault, urn, or other burial receptacle. c. Using the words “funeral director”, “mortician”, or any other title implying that the person is engaged as a funeral director as defined in this section. d. Embalming dead human bodies, entire or in part, by the use of chemical substances, fluids, or gases in the body, or by the introduction of the same into the body by vascular injections, hypodermic injections, or by surface application into the organs or cavities for the purpose of preservation or disinfection. 8. “Removal” means the act of taking human remains from the place of death or place where the human remains are being held to a funeral establishment or other designated place. 9. “Removal technician” means a person registered with the board to perform removals. [S13, §2575-a36; C24, 27, §2584; C31, 35, §2585-c1; C39, §2585.01; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §156.1] 96 Acts, ch 1148, §3 ; 2007 Acts, ch 10, §156 ; 2007 Acts, ch 159, §5, 6 ; 2023 Acts, ch 21, §1 Referred to in §156.2, 523A.302, 523A.601 NEW subsections 8 and 9

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 156 - FUNERAL DIRECTING, MORTUARY SCIENCE, AND CREMATIONSection 156.10 - Inspection.

156.10 Inspection. 1. The director of the department of inspections, appeals, and licensing may inspect all places where dead human bodies are prepared or held for burial, entombment, or cremation, and may adopt and enforce such rules and regulations in connection with the inspection as may be necessary for the preservation of the public health. 2. The department of inspections, appeals, and licensing may assess an inspection fee for an inspection of a place where dead human bodies are prepared for burial or cremation. The fee may be determined by the department by rule. [C31, 35, §2585-c7; C39, §2585.06; C46, 50, §156.6; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §156.10] 96 Acts, ch 1148, §8; 2007 Acts, ch 159, §10; 2014 Acts, ch 1106, §18; 2023 Acts, ch 19, §1633 Section amended

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 156 - FUNERAL DIRECTING, MORTUARY SCIENCE, AND CREMATIONSection 156.12 - Funeral directors — solicitation of business — exceptions — penalty.

156.12 Funeral directors — solicitation of business — exceptions — penalty. Every funeral director, or person acting on behalf of a funeral director, who pays or causes to be paid any money or other thing of value as a commission or gratuity for the securing of business for the funeral director, and every person who accepts or offers to accept any money or other thing of value as a commission or gratuity from a funeral director in order to secure business for the funeral director commits a simple misdemeanor. This section does not prohibit any person, firm, cooperative burial association, or corporation, subject to the provisions of this chapter, from using legitimate and honest advertising. This section does not apply to sales made in accordance with chapter 523A. [C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §156.12] 87 Acts, ch 30, §2

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 156 - FUNERAL DIRECTING, MORTUARY SCIENCE, AND CREMATIONSection 156.14 - Funeral establishment and cremation establishment license.

156.14 Funeral establishment and cremation establishment license. 1. A person shall not establish, conduct, or maintain a funeral establishment or a cremation establishment in this state without a license. The license shall be identified as an establishment license. a. An establishment license issued by the board under this chapter shall be issued for a site and in the name of the individual in charge and is not transferable or assignable. b. A license is required for each place of practice. c. The license of the establishment shall be displayed. 2. The board shall specify by rule the licensing procedures to be followed, including specifications of forms for use in applying for an establishment license and fees for filing an application. The board shall specify by rule minimum standards for professional responsibility in the conduct of a funeral establishment or a cremation establishment. 3. To qualify for a funeral establishment or a cremation establishment license, the applicant shall submit to the board a license fee as determined by the board and a completed application on a form prescribed by the board that shall include the following information and be given under oath: a. Ownership of the establishment. b. Location of the establishment. c. The license number of each funeral director employed by the establishment at the time of the application. d. The trade or corporate name of the establishment. e. The name of the individual in charge, who has the authority and responsibility for the establishment’s compliance with laws and rules pertaining to the operation of the establishment. 4. A person who falsely makes the affidavit prescribed in subsection 3 is subject to all penalties prescribed for making a false affidavit. 96 Acts, ch 1148, §9 Referred to in §156.15

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 156 - FUNERAL DIRECTING, MORTUARY SCIENCE, AND

CREMATIONSection 156.15 - Funeral establishments and cremation establishments — license required — discipline, violations, and penalties.

156.15 Funeral establishments and cremation establishments — license required — discipline, violations, and penalties. 1. A funeral establishment or cremation establishment shall not be operated until a license or renewal certificate has been issued to the establishment by the board. 2. The board shall refuse to issue an establishment license when an applicant fails to meet the requirements of section 156.14. The board may refuse to issue or renew a license or may impose a penalty, not to exceed ten thousand dollars, issue a reprimand, or revoke, restrict, cancel, or suspend a license, and may place a licensee on probation, if the board finds that the applicant or licensee has done any of the following: a. Been convicted of a felony or any crime related to the practice of mortuary science or implicating the establishment's ability to safely perform mortuary science services, or if the applicant is an association, joint stock company, partnership, or corporation, that a managing officer or owner has been convicted of such a crime, under the laws of this state, another state, or the United States. b. Violated this chapter or any rule adopted under this chapter or that any owner or employee of the establishment has violated this chapter or any rule adopted under this chapter. c. Knowingly aided, assisted, procured, advised, or allowed a person to unlawfully practice mortuary science. d. Failed to engage in or ceased to engage in the business described in the application for a license. 3. Failed to keep and maintain records as required by this chapter or rules adopted under this chapter. 96 Acts, ch 1148, §10; 2007 Acts, ch 159, §11

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 156 - FUNERAL DIRECTING, MORTUARY SCIENCE, AND CREMATIONSection 156.16 - Unlicensed practice — injunctions, civil penalties, consent agreements.

156.16 Unlicensed practice — injunctions, civil penalties, consent agreements. 1. If the board has reasonable grounds to believe that a person or establishment which is not licensed under this chapter has engaged, or is about to engage, in an act or practice which requires licensure under this chapter, or otherwise violates a provision of this chapter, the board may issue an order to require the unlicensed person or establishment to comply with the provisions of this chapter, and may impose a civil penalty not to exceed one thousand dollars for each violation of this chapter by an unlicensed person or establishment. Each day of a continued violation constitutes a separate offense. 2. The board may conduct an investigation as needed to determine whether probable cause exists to initiate the proceedings described in this section. To aid in such an investigation or in connection with any other proceeding under this section, the board may issue subpoenas to compel witnesses to testify or persons to produce evidence consistent with the provisions of section 272C.6, subsection 3. 3. The board, in determining the amount of a civil penalty to be imposed, may consider any of the following: a. Whether the amount imposed will be a substantial economic deterrent to the violation. b. The circumstances leading to the violation. c. The severity of the violation and the risk of harm to the public. d. The economic benefits gained by the violator as a result of noncompliance. e. The interest of the public. 4. The board, before issuing an order under this section, shall provide the person or establishment written notice and the opportunity to request a hearing. The hearing must be requested within thirty days after receipt of the notice and shall be conducted in the same manner as provided for disciplinary proceedings involving a licensee under this chapter. 5. The board may request the attorney general to bring an action to enforce the subpoena. 6. A person or establishment aggrieved by the issuance of an order or the imposition of a civil penalty under this section may seek judicial review pursuant to section 17A.19. 7. If a person or establishment fails to pay a civil penalty within thirty days after entry of an order imposing the civil penalty, or, if the order is stayed pending an appeal, within ten days after the court enters a final judgment in favor of the board, the board shall notify the attorney general. The attorney general may commence an action to recover the amount of the penalty, including reasonable attorney fees and costs. 8. An action to enforce an order under this section may be joined with an action for an injunction pursuant to section 147.83. 9. The board, in its discretion and in lieu of issuing or enforcing an order or imposing a civil penalty for an initial violation under this section, may enter into a consent agreement with a violator, or with a person who aided or abetted a violator, which acknowledges the violation and the violator's agreement to refrain from any further violation. 2004 Acts, ch 1168, §11

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 156 - FUNERAL DIRECTING, MORTUARY SCIENCE, AND CREMATIONSection 156.1A - Provision of services.

156.1A Provision of services. Nothing contained in this chapter shall be construed as prohibiting the operation of any funeral home, funeral establishment, or cremation establishment by any person, heir, fiduciary, firm, cooperative burial association, or corporation. However, each such person, firm, cooperative burial association, or corporation shall ensure that all mortuary science services are provided by a funeral director, and shall keep the department of inspections, appeals, and licensing advised of the name of the funeral director. [C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §156.1(unn. 2)] CS2007, §156.1A 2023 Acts, ch 19, §1632; 2023 Acts, ch 119, §21 Section amended

2024 Iowa CodeTitle IV - PUBLIC HEALTHChapter 156 - FUNERAL DIRECTING, MORTUARY SCIENCE, AND CREMATIONSection 156.2 - Persons excluded.

156.2 Persons excluded. The terms defined in section 156.1 shall not be construed to include the following classes of persons: 1. Manufacturers, wholesalers, distributors, and retailers of caskets, vaults, urns, or other burial receptacles not engaged in the other functions of furnishing of funeral services or embalming as above defined. 2. Those who use bodies for scientific purposes as defined in sections 142.1, 142.2, and 142.5; or those who make scientific examinations of dead bodies; or those who perform

autopsies. 3. Physicians or institutions who preserve parts of human bodies either for scientific purposes or for use as evidence in prospective legal cases. 4. Persons who, without compensation, bury their own dead under a burial transit permit secured pursuant to section 144.32. [C31, 35, §2585-c2; C39, §2585.02; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §156.2] 96 Acts, ch 1148, §4; 2019 Acts, ch 59, §54

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 156 - FUNERAL DIRECTING, MORTUARY SCIENCE, AND CREMATION Section 156.3 - Eligibility requirements.

156.3 Eligibility requirements. To be eligible to take the examination for a funeral director's license, a person must have completed two academic years of instruction in a recognized college or university in a course of study approved by the board or have equivalent education as defined by the board and have satisfactorily completed a course of instruction in mortuary science in an accredited school approved by the board. [S13, §2575-a37, -a38; C24, 27, §2585; C31, 35, §2585-c3, -c4, -c9; C39, §2585.03, 2585.04, 2585.09; C46, 50, §156.3, 156.4, 156.9; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §156.3] 90 Acts, ch 1253, §3

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 156 - FUNERAL DIRECTING, MORTUARY SCIENCE, AND CREMATION Section 156.4 - Funeral directors.

156.4 Funeral directors. 1. The practice of a funeral director must be conducted from a funeral establishment licensed by the board. The board may specify criteria for exceptions to the requirement of this subsection in rules. 2. A person shall not engage in the practice of mortuary science unless licensed. 3. Applications for the examination for a funeral director's license shall be verified on a form furnished by the board. 4. Applicants shall pass an examination prescribed by the board, which shall include the subjects of funeral directing, burial or other disposition of dead human bodies, sanitary science, embalming, restorative art, anatomy, public health, transportation, business ethics, and such other subjects as the board may designate. 5. After the applicant has completed satisfactorily the course of instruction in mortuary science in an accredited school approved by the board, the applicant must pass the examination prescribed by the board as provided in section 147.34. The applicant may then receive an internship certificate and shall then complete a minimum one-year internship as determined by the board. [C24, 27, §2585; C31, 35, §2585-c3, -c4; C39, §2585.03, 2585.04; C46, 50, §156.3, 156.4; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §156.4] 96 Acts, ch 1148, §5; 2000 Acts, ch 1140, §41; 2005 Acts, ch 89, §19; 2007 Acts, ch 159, §7

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 156 - FUNERAL DIRECTING, MORTUARY SCIENCE, AND CREMATION Section 156.5 - Removal technicians.

156.5 Removal technicians. The board shall adopt rules pursuant to chapter 17A to allow a funeral director, without first assuming custody of human remains, to delegate to a removal technician the ability to perform a removal regardless of whether the funeral director is present. The board shall consider the prerequisites for registration, including any required training that the removal technician shall complete prior to performing a removal. 2023 Acts, ch 21, §2 NEW section

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 156 - FUNERAL DIRECTING, MORTUARY SCIENCE, AND CREMATION Section 156.8 - Internships.

156.8 Internships. The board shall, by rule, provide for internships in mortuary science, and shall regulate the registration, training, and fee for internships. [C31, 35, §2585-c4; C39, §2585.04; C46, 50, §156.4; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §156.8] 96 Acts, ch 1148, §6

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 156 - FUNERAL DIRECTING, MORTUARY SCIENCE, AND CREMATION Section 156.8A - Student practicum.

156.8A Student practicum. The board, by rule, shall provide for practicums in mortuary science for students available through any school accredited by the American board of funeral service education. 2000 Acts, ch 1140, §42; 2007 Acts, ch 159, §8

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 156 - FUNERAL DIRECTING, MORTUARY SCIENCE, AND CREMATION Section 156.9 - Revocation of license to practice mortuary science.

156.9 Revocation of license to practice mortuary science. 1. Notwithstanding section 147.87, the board may restrict, suspend, or revoke a license to practice mortuary science or place a licensee on probation. The board shall adopt rules of procedure pursuant to chapter 17A by which to restrict, suspend, or revoke a license. The board may also adopt rules pursuant to chapter 17A relating to conditions of license reinstatement. 2. In addition to the grounds stated in sections 147.55 and 272C.10, the board may revoke or suspend the license of, or otherwise discipline, a funeral director for any one of the following acts: a. Knowingly misrepresenting any material matter to a prospective purchaser of funeral merchandise, furnishings, or services. b. A violation of chapter 144 related to the practice of mortuary science. c. Knowingly aiding, assisting, procuring, advising, or allowing a person to unlawfully practice mortuary science. d. Willful or repeated violations of this chapter, or the rules adopted pursuant to this chapter. [C31, 35, §2585-c5; C39, §2585.05; C46, 50, §156.5; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §156.9] 87 Acts, ch 30, §1; 96 Acts, ch 1148, §7; 2007 Acts, ch 159, §9; 2008 Acts, ch 1088, §110; 2020 Acts, ch 1103, §20, 31

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 157 - BARBERING AND COSMETOLOGY Section 157.1 - Definitions.

157.1 Definitions. For purposes of this chapter: 1. “Barbering and cosmetology” means all of the following practices performed for cosmetic purposes and not for the treatment of disease of physical or mental ailments: a. Curling, waving, press and curl hair straightening, shampooing, cutting, singeing, bleaching, coloring, hair body processing, blow waving, hair relaxing, applying hair tonics, or similar works, upon the hair or beard of any person, or upon a wig or hairpiece when done in conjunction with haircutting or hairstyling by any means. b. Massaging, cleansing, stimulating, exercising, or beautifying the superficial epidermis of the scalp, face, neck, arms, hands, legs, feet, or upper body of any person with the hands or mechanical or electrical apparatus or appliances or with the use of cosmetic preparations, including cleansers, toners, moisturizers, masques, antiseptics, powders, oils, clays, waxes, or lotions. c. Removing superfluous hair from the face or body of a person with the use of depilatories, wax, sugars, or tweezing. d. Applying makeup or eyelashes, tinting of lashes or brows, or lightening of hair on the face or body. e. Cleansing, shaping, or polishing the fingernails, applying sculptured nails, nail extensions, wraps, overlays, nail art, or any other nail technique to the fingernails or toenails of a person. f. Shaving or trimming for hair removal by the use of a straight edge razor. 2. “Barbering and cosmetology arts and sciences” means any or all of the following disciplines performed with or without compensation by a licensee: a. Barbering and cosmetology. b. Electrology. c. Esthetics. d. Nail technology. 3. “Board” means the board of barbering and cosmetology arts and sciences. 4. “Certified laser product” means a product which is certified by a manufacturer pursuant to the requirements of 21 C.F.R. pt. 1040 and as specified by rule. 5. “Chemical exfoliation” means the removal of surface epidermal cells of the skin by using only nonmedical strength cosmetic preparations consistent with labeled instructions and as specified by rule. 6. “Cosmetologist” or “barber” means a person who performs the practice of barbering and cosmetology arts and sciences or otherwise by the person’s occupation claims to have knowledge or skill particular to the practice of barbering and cosmetology arts and sciences. Cosmetologists and barbers shall not represent themselves to the public as being primarily in the practice of haircutting unless that function is, in fact, their primary specialty. 7. “Department” means the department of inspections, appeals, and licensing. 8. “Depilatory” means an agent used for the temporary removal of superfluous hair by dissolving it at the epidermal surface. 9. “Electrologist” means a person who performs the practice of electrology. 10. “Electrology” means the removal of superfluous hair of a person by the use of an electric needle or other electronic process. 11. “Establishment” means a fixed location or a location that is readily movable where one or more persons engage in the practice of barbering and cosmetology arts and sciences, including but not limited to a retail establishment. 12. “Esthetician” means a person who performs the practice of esthetics. 13. “Esthetics” means the following: a. Beautifying, massaging, cleansing, stimulating, or hydrating the skin of a person, except the scalp, by the use of cosmetic preparations, including cleansers, antiseptics, tonics, lotions, creams, exfoliants, masques, and essential oils, to be applied with the hands or any device, electrical or otherwise, designed for the nonmedical care of the skin. b. Applying makeup or eyelashes to a person, tinting eyelashes or eyebrows, or lightening hair on the body except the scalp. c. Removing superfluous hair from the body of a person by the use of depilatories, waxing, sugaring, tweezers, or use of any certified laser products or intense pulsed light devices. This excludes threading and the practice of electrology, whereby hair is removed with an electric needle. d. The application of permanent makeup or cosmetic micropigmentation. 14. “Exfoliation” means the process whereby the superficial epidermal cells are removed from the skin. 15. “General supervision” means the supervising physician is not on site for laser procedures or use of an intense pulsed light device for hair removal conducted on minors, but is available for direct communication, either in person or by telephone, radio, radiotelephone, television, or similar means. 16. “Instructor” means a person licensed for the purpose of teaching barbering and cosmetology arts and sciences. 17. “Intense pulsed light device” means a device that uses incoherent light to destroy the vein of the hair bulb. 18. “Laser” means light amplification by the stimulated emission of radiation. 19. “Manicuring” means the practice of cleansing, shaping, or polishing the fingernails and massaging the hands and lower arms of a person. “Manicuring” does not include the application of sculptured nails or nail extensions to the fingernails or toenails of a person, and does not include the practice of pedicuring. 20. “Manicurist” means a person who performs the practice of manicuring. 21. “Mechanical exfoliation” means the physical removal of surface epidermal cells by means that include but are not limited to brushing machines, granulated scrubs, peel-off masques, peeling creams or drying preparations that are rubbed off, and microdermabrasion. 22. “Microdermabrasion” means mechanical exfoliation using an abrasive material or apparatus to remove surface epidermal cells with a machine which is specified by rule. 23. “Minor” means an unmarried person who is under the age of eighteen years. 24. “Nail technologist” means a person who performs the practice of nail technology. 25. “Nail technology” means all of the following: a. Applying sculptured nails, nail extensions, wraps, overlays, nail art, or any other nail technique to the fingernails and toenails of a person. b. Massaging the hands, arms, ankles, and feet of a person. c. Removing superfluous hair from hands, arms, feet, or legs of a person by the use of wax or a tweezer. d. Manicuring the nails of a person. 26. “Physician” means a person licensed in Iowa to practice medicine and surgery or osteopathic medicine and surgery. 27. “School of barbering and cosmetology arts and sciences” means an establishment operated for the purpose of teaching barbering and cosmetology arts and sciences. [C27, 31, 35, §2585-b1; C39, §2585.10; C46, 50, 54, 58, 62, 66, 71, 73, 77, 79, 81, §157.1] 92 Acts, ch 1205, §1; 93 Acts, ch 61, §1; 2004 Acts, ch 1044, §1 – 6; 2005 Acts, ch 89, §20 – 22; 2007 Acts, ch 10, §157, 158; 2008 Acts, ch 1088, §141; 2010 Acts, ch 1163, §4, 5; 2015 Acts, ch 30, §62; 2022 Acts, ch 1005, §1, 2; 2023 Acts, ch 19, §1634; 2023 Acts, ch 99, §7 – 11 Referred to in §157.2, 157.3A Section amended and editorially internally renumbered

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 157 - BARBERING AND COSMETOLOGY Section 157.10 - Course of study.

157.10 Course of study. 1. a. The course of study required for licensure for the practice of barbering and cosmetology shall be a minimum of one thousand five hundred fifty clock hours, or fifty-one semester credit hours or the equivalent thereof as determined pursuant to administrative rule and regulations promulgated by the United States department of education. The clock hours, and equivalent number of semester credit hours or the equivalent thereof as determined pursuant to administrative rule and regulations promulgated by the United States department of education, of a course of study required for licensure for the practices of electrology, and esthetics, nail technology shall be established by the board. The board shall adopt rules to define the course and content of study for each practice of cosmetology arts and sciences. b. The course of study required for licensure which is limited to the practice of esthetics shall be a minimum of six hundred hours. c. The course of study required for licensure which is limited to the practice of nail technology shall be a minimum of three hundred twenty-five hours. 2. A person licensed in or a student of a practice of barbering and cosmetology arts and sciences shall be granted full credit for each course successfully completed which meets the requirements for licensure in another practice of barbering and cosmetology arts and sciences. 3. A student in a barber school who enrolls in a school of barbering and cosmetology arts and sciences shall be granted, at the discretion of the school, at least half credit and up to full credit for each course successfully completed for licensure in the practice of barbering which meets the requirements for licensure in a practice of barbering and cosmetology arts and sciences. [C77, 79, 81, §157.10] 88 Acts, ch 1110, §1; 92 Acts, ch 1205, §8; 2004 Acts, ch 1100, §2; 2006 Acts, ch 1184, §102; 2023 Acts, ch 99, §37 Referred to in §157.2 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 157 - BARBERING AND COSMETOLOGY Section 157.11 - Establishment licenses.

157.11 Establishment licenses. 1. An establishment shall not operate unless the owner has obtained a license issued by the department. The owner shall apply to the department on forms prescribed by the board. The department may perform a sanitary inspection of each establishment biennially and may perform a sanitary inspection of an establishment prior to the issuance of a license. An inspection of an establishment may also be conducted upon receipt of a complaint by the department. 2. The application shall be accompanied by the biennial license fee determined pursuant to section 147.80. The license is valid for two years and may be renewed. 3. A licensed school of barbering and cosmetology arts and sciences at which students practice barbering and cosmetology arts and sciences is exempt from licensing as an establishment. [C77, 79, 81, §157.11] 83 Acts, ch 206, §10; 91 Acts, ch 268, §431; 92 Acts, ch 1205, §9; 99 Acts, ch 141, §28; 2014 Acts, ch 1106, §17; 2023 Acts, ch 99, §38 Referred to in §157.12B, 157.12C Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 157 - BARBERING AND COSMETOLOGY Section 157.12 - Supervisors.

157.12 Supervisors. A person who directly supervises the work of practitioners of barbering and cosmetology arts and sciences shall be licensed in the practice supervised. [C31, 35, §2585-c11; C39, §2585.21; C46, 50, 54, 58, 62, 66, 71, 73, 77, 79, 81, §157.12] 88 Acts, ch 1110, §2; 92 Acts, ch 1205, §10; 2023 Acts, ch 99, §39 Referred to in §157.13 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 157 - BARBERING AND COSMETOLOGY Section 157.12A - Use of laser or light products on minors.

157.12A Use of laser or light products on minors. A laser hair removal product or device, or intense pulsed light device, shall not be used on a minor unless the minor is accompanied by a parent or guardian and only under the general supervision of a physician. 2004 Acts, ch 1044, §11; 2005 Acts, ch 89, §32

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 157 - BARBERING AND COSMETOLOGY Section 157.12B - Threading.

157.12B Threading. 1. A person engaged exclusively in the practice of threading is not required to receive a license issued under section 157.3. 2. A person may engage in the practice of threading at a location that is not licensed pursuant to section 157.11. 3. For the purposes of this section, “threading” means the removal of hairs from the eyebrows, upper lip, or other body parts by the use of a thread and includes the use of astringents, gels, powders, tweezers, and scissors incidental to the use of a thread. 2022 Acts, ch 1005, §3

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 157 - BARBERING AND COSMETOLOGY Section 157.12C - Blow-dry styling.

157.12C Blow-dry styling. 1. A person engaged exclusively in the practice of blow-dry styling is not required to receive a license issued under section 157.3. 2. A person shall not engage in the practice of blow-dry styling except at an establishment that is licensed pursuant to section 157.11 or an establishment established in a residence pursuant to section 157.6. 3. A person shall not engage exclusively in the practice of blow-dry styling unless the person has completed two hours of education related to Iowa cosmetology law and rules and sanitation, as determined by the board by rule. 4. For the purposes of this section, “blow-dry styling” means the practice of shampooing, conditioning, drying, arranging, curling, straightening or styling hair using only mechanical devices, hair sprays, and topical agents such as balms, oils and serums, and includes the use and styling of hair extensions, hair

pieces and wigs. “Blow-dry styling” does not include cutting hair or the application of dyes, bleaches, reactive chemicals, keratin treatments, or other preparations to color or alter the structure of hair. 2023 Acts, ch 99, §40 NEW section

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 157 - BARBERING AND COSMETOLOGY Section 157.13 - Violations.

157.13 Violations. 1. It is unlawful for a person to employ an individual to practice barbering and cosmetology arts and sciences unless that individual is licensed or has obtained a temporary permit under this chapter. It is unlawful for a licensee to practice with or without compensation in any place other than a licensed establishment, or a licensed school of barbering and cosmetology arts and sciences. The following exceptions to this subsection shall apply: a. A licensee may practice at a location which is not a licensed establishment, school of barbering and cosmetology arts and sciences, or licensed barbershop pursuant to rules adopted by the board. b. Notwithstanding section 157.12, when the licensee is employed by a physician and provides barbering and cosmetology services at the place of practice of a physician and is under the supervision of a physician licensed to practice pursuant to chapter 148. c. When the practice occurs in a facility licensed pursuant to chapter 135B or 135C. 2. A licensed cosmetologist may work in a licensed barbershop. It is unlawful for a person to employ a licensed cosmetologist or barber, esthetician, or electrologist to perform the services described in section 157.3A if the licensee has not received the additional training and met the other requirements specified in section 157.3A. 3. If the owner or manager of an establishment does not comply with the sanitary rules adopted under section 157.6 or fails to maintain the establishment as prescribed by rules of the department, the department may notify the owner or manager in writing of the failure to comply. If the rules are not complied with within five days after receipt of the written notice by the owner or manager, the department shall in writing order the establishment closed until the rules are complied with. It is unlawful for a person to practice in an establishment which has been closed under this section. The county attorney in each county shall assist the department in enforcing this section. 4. If the board has reasonable grounds to believe that a person or establishment which is not licensed under this chapter has engaged, or is about to engage, in an act or practice which requires licensure under this chapter, or otherwise violates a provision of this chapter, the board may issue an order to require the unlicensed person or establishment to comply with the provisions of this chapter, and may impose a civil penalty not to exceed one thousand dollars for each violation of this chapter by an unlicensed person or establishment. Each day of a continued violation after an order or citation by the board constitutes a separate offense, with the maximum penalty not to exceed ten thousand dollars. a. In determining the amount of a civil penalty, the board may consider the following: (1) Whether the amount imposed will be a substantial economic deterrent to the violation. (2) The circumstances leading to or resulting in the violation. (3) The severity of the violation and the risk of harm to the public. (4) The economic benefits gained by the violator as a result of noncompliance. (5) The welfare or best interest of the public. b. The board may conduct an investigation as needed to determine whether probable cause exists to initiate the proceedings described in this subsection. Before issuing an order or citation under this section, the board shall provide written notice and the opportunity to request a hearing on the record. The hearing must be requested within thirty days of the issuance of the notice and shall be conducted as provided in chapter 17A. The board may, in connection with a proceeding under this section, issue subpoenas to compel the attendance and testimony of witnesses and the disclosure of evidence and may request the attorney general to bring an action to enforce the subpoena. c. A person aggrieved by the imposition of a civil penalty under this section may seek judicial review in accordance with section 17A.19. The board shall notify the attorney general of the failure to pay a civil penalty within thirty days after entry of an order pursuant to this subsection, or within ten days following final judgment in favor of the board if an order has been stayed pending appeal. The attorney general may commence an action to recover the amount of the penalty, including reasonable attorney fees and costs. An action to enforce an order under this subsection may be joined with an action for an injunction. [C31, 35, §2585-c12; C39, §2585.22; C46, 50, 54, 58, 62, 66, 71, 73, 77, 79, 81, §157.13] 88 Acts, ch 1110, §3; 92 Acts, ch 1205, §11; 2004 Acts, ch 1044, §12, 13; 2005 Acts, ch 89, §33; 2006 Acts, ch 1184, §103, 104; 2008 Acts, ch 1088, §111; 2023 Acts, ch 99, §41 – 43 Referred to in §157.4 Subsection 1, unnumbered paragraph 1 amended Subsection 1, paragraphs a and b amended Subsections 2 and 3 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 157 - BARBERING AND COSMETOLOGY Section 157.14 - Rules.

157.14 Rules. The board shall adopt rules pursuant to chapter 17A to administer the provisions of this chapter. [C77, 79, 81, §157.14] 89 Acts, ch 3, §1

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 157 - BARBERING AND COSMETOLOGY Section 157.15 - Penalty.

157.15 Penalty. A person convicted of violating any of the provisions of this chapter or rules adopted pursuant to this chapter is guilty of a serious misdemeanor. [C35, §2522; C39, §2585.24; C46, 50, 54, 58, 62, 66, 71, 73, 77, 79, 81, §157.15] 92 Acts, ch 1205, §12

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 157 - BARBERING AND COSMETOLOGY Section 157.2 - Prohibitions — exceptions.

157.2 Prohibitions — exceptions. 1. It is unlawful for a person to practice barbering and cosmetology arts and sciences with or without compensation unless the person possesses a license issued under section 157.3. However, practices listed in section 157.1 when performed by the following persons are not defined as the practice of barbering and cosmetology arts and sciences: a.

Licensed physicians and surgeons, osteopathic physicians and surgeons, nurses, dentists, podiatric physicians, optometrists, chiropractors, and physical therapists, when exclusively engaged in the practice of their respective professions. b. Students enrolled in licensed schools of barbering and cosmetology arts and sciences who are practicing under the instruction or immediate supervision of an instructor. c. Persons who perform without compensation any of the practices listed in section 157.1 on an emergency basis or on a casual basis. d. Employees of hospitals, health care facilities, orphans' homes, juvenile homes, and other similar facilities who perform barbering and cosmetology services for any resident without receiving direct compensation from the person receiving the service. e. Volunteers for and residents of health care facilities, orphans' homes, juvenile homes, and other similar facilities who shampoo, arrange, dress, or curl the hair, apply makeup, or polish the nails of any resident without receiving compensation from the person receiving the service. f. Persons who perform any of the practices listed in section 157.1 on themselves or on a member of the person's immediate family. g. Persons who apply samples of makeup, nail polish or other nail care products, cosmetics, or other cosmetology or esthetics preparations to persons to demonstrate the products in the regular course of business. 2. Cosmetologists and barbers shall not represent themselves to the public as electrologists, estheticians, or nail technologists unless the cosmetologist or barber has completed the course of study for the respective practice as prescribed by the board pursuant to section 157.10. 3. With the exception of hair removal, manicuring, and nail technology services, persons licensed under this chapter shall not administer any procedure in which human tissue is cut, shaped, vaporized, or otherwise structurally altered. 4. Persons licensed under this chapter shall only use intense pulsed light devices for purposes of hair removal. [C27, 31, 35, §2585-b2; C39, §2585.11; C46, 50, 54, 58, 62, 66, 71, 73, 77, 79, 81, §157.2] 89 Acts, ch 240, §2; 92 Acts, ch 1205, §2; 93 Acts, ch 61, §2, 3; 96 Acts, ch 1034, §68; 2004 Acts, ch 1044, §7; 2005 Acts, ch 89, §23; 2006 Acts, ch 1184, §100, 101; 2008 Acts, ch 1088, §141; 2023 Acts, ch 99, §12 – 16 Registration for persons performing natural hair braiding; §10A.532 Section amended and editorially internally redesignated and renumbered

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 157 - BARBERING AND COSMETOLOGY Section 157.3 - License requirements.

157.3 License requirements. 1. An applicant who has graduated from high school or its equivalent shall be issued a license to practice any of the barbering and cosmetology arts and sciences by the department when the applicant satisfies all of the following: a. Presents to the department a diploma, or similar evidence, issued by a licensed school of barbering and cosmetology arts and sciences indicating that the applicant has completed the course of study for the appropriate practice of the cosmetology arts and sciences prescribed by the board. An applicant may satisfy this requirement upon presenting a diploma or similar evidence issued by a school in another state, recognized by the board, which provides instruction regarding the practice for which licensure is sought, provided that the course of study is equivalent to or greater in length and scope than that required for a school in this state, and is approved by the board. b. Completes the application form prescribed by the board. c. Passes an examination prescribed by the board. The examination may include both practical demonstrations and written or oral tests and shall not be confined to any specific system or method. However, a member of the board who is a licensed instructor of barbering and cosmetology arts and sciences shall not be involved in the selection or administration of the exam. 2. Notwithstanding subsection 1, a person who completes the application form prescribed by the board and who submits satisfactory proof of having been licensed in a practice of the barbering and cosmetology arts and sciences in another state for at least twelve months in the twenty-four month period preceding the submission of the application shall be allowed to take the examination for a license to practice the appropriate practice of the barbering and cosmetology arts and sciences. However, the examination requirement shall be waived for those persons who submit evidence of licensure in another state which has a reciprocal agreement with the state of Iowa under sections 147.44, 147.48, and 147.49. [C27, 31, 35, §2585-b3, -b4; C39, §2585.12, 2585.13; C46, 50, 54, 58, 62, 66, 71, 73, §157.3, 157.4; C77, 79, 81, §157.3] 92 Acts, ch 1097, §5; 92 Acts, ch 1205, §3; 2005 Acts, ch 89, §24; 2023 Acts, ch 99, §17 – 19 Referred to in §157.2, 157.3A, 157.12B, 157.12C Subsection 1, unnumbered paragraph 1 amended Subsection 1, paragraphs a and c amended Subsection 2 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 157 - BARBERING AND COSMETOLOGY Section 157.3A - License requirements — additional training.

157.3A License requirements — additional training. In addition to the license requirements of section 157.3, a written application and proof of additional training and certification shall be required prior to approval by the board for the provision of the services described in this section. 1. a. A licensed esthetician, who intends to provide services pursuant to section 157.1, subsection 13, paragraphs "a" and "c", having received additional training on the use of microdermabrasion, a certified laser product, or an intense pulsed light device, shall submit a written application and proof of additional training and certification for approval by the board. Training shall be specific to the service provided or certified laser product used. b. A licensed esthetician who applies permanent makeup or cosmetic micropigmentation shall comply with the provisions of section 10A.531 and applicable rules. c. Extractions shall be administered only by a licensed esthetician who has been trained in extraction procedures. d. Chemical peels shall be administered only by a licensed esthetician who has been certified by the manufacturer of the product being used. 2. a. A licensed cosmetologist or barber having received additional training in the use of chemical peels, microdermabrasion, a certified laser product, or an intense pulsed light device for hair removal shall submit a written application and proof of additional training and certification for approval by the board. A cosmetologist or barber who is licensed after July 1, 2005, shall not be eligible to provide chemical peels, practice microdermabrasion procedures, use certified laser products, or use an intense pulsed light device for hair removal. b. A licensed cosmetologist or barber who applies permanent makeup or cosmetic micropigmentation shall comply with

the provisions of section 10A.531 and applicable rules. 3. A licensed electrologist having received additional training on the use of a certified laser product or an intense pulsed light device for the purpose of hair removal shall submit a written application and proof of additional training and certification for approval by the board. 4. Any additional training received by a licensed esthetician, cosmetologist or barber, or electrologist and submitted to the board relating to utilization of a certified laser product or an intense pulsed light device shall include a safety training component which provides a thorough understanding of the procedures being performed. The training program shall address fundamentals of nonbeam hazards, management and employee responsibilities relating to control measures, and regulatory requirements. 5. A certified laser product shall only be used on surface epidermal layers of the skin except for hair removal. 6. Shaving or trimming for hair removal by a cosmetologist or barber trained and certified in the use of a straight edge razor in compliance with applicable rules of the board. The board shall not require a cosmetologist or barber to complete more than forty clock hours of training to receive a certification under this subsection. 2004 Acts, ch 1044, §8; 2005 Acts, ch 3, §39; 2005 Acts, ch 89, §25 – 28; 2023 Acts, ch 99, §20 – 22 Referred to in §157.13 Subsection 2, paragraphs a and b amended Subsection 4 amended NEW subsection 6

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 157 - BARBERING AND COSMETOLOGY Section 157.3B - Examination information.

157.3B Examination information. Notwithstanding section 147.21, individual pass or fail examination results made available from the authorized national testing agency to the board may be disclosed to the board-approved education program from which the applicant for licensure graduated for purposes of verifying accuracy of national data and reporting aggregate licensure examination results as required for a program's continued accreditation. 2009 Acts, ch 182, §129

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 157 - BARBERING AND COSMETOLOGY Section 157.4 - Temporary permits.

157.4 Temporary permits. 1. The department may issue a temporary permit which allows the applicant to practice in the barbering and cosmetology arts and sciences for purposes determined by rule. The board shall determine and state its recommendations and the length of time the temporary permit issued under this subsection is valid. 2. The fee for a temporary permit shall be established by the board as provided in section 147.80. 3. Notwithstanding section 157.13, subsection 1, the board may issue a temporary permit to practice in the barbering and cosmetology arts and sciences for the purpose of demonstrating barbering and cosmetology arts and sciences services to the public or for providing barbering and cosmetology arts and sciences services to the public at not-for-profit events. A permit issued pursuant to this subsection shall be subject to the following requirements: a. The permit shall be issued for a specific event and may be issued to an establishment, school of barbering and cosmetology arts and sciences, or person. b. The permit shall be posted and visible to the public at the location where the barbering and cosmetology arts and sciences services are provided. c. The permit shall be valid for no longer than twelve days. d. An applicant for a temporary permit shall submit a completed application on a form provided by the board at least thirty days in advance of the intended use date. e. An applicant shall submit an application fee determined by the board by rule. f. The board shall issue no more than four permits to an applicant during a calendar year. g. A person providing barbering and cosmetology arts and sciences services at a not-for-profit event shall hold a current license to practice barbering and cosmetology arts and sciences. [C31, 35, §2585-c10; C39, §2585.20; C46, 50, 54, 58, 62, 66, 71, 73, §157.11; C77, 79, 81, §157.4] 92 Acts, ch 1205, §4; 2005 Acts, ch 89, §29; 2018 Acts, ch 1156, §1, 2; 2023 Acts, ch 99, §23 – 25 Subsection 1 amended Subsection 3, unnumbered paragraph 1 amended Subsection 3, paragraphs a, b, and g amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 157 - BARBERING AND COSMETOLOGY Section 157.4A - License and government-issued identification — peace officer request.

157.4A License and government-issued identification — peace officer request. 1. For purposes of this section, unless the context otherwise requires: a. "Government-issued identification" means any of the following: (1) An unexpired driver's license issued by any state, territory, or district of the United States. (2) An unexpired identification card issued by any state, territory, or district of the United States. (3) An unexpired United States passport. (4) A naturalization certificate issued by the United States citizenship and immigration services. (5) An unexpired permanent resident card, also known as a green card, issued by the United States citizenship and immigration services. (6) An unexpired employment authorization document issued by the United States citizenship and immigration services. b. "Peace officer" means any of the following: (1) Sheriffs and their regular deputies who are subject to mandated law enforcement training. (2) Marshals and police officers of cities. (3) Peace officer members of the department of public safety as defined in chapter 80. (4) Special security officers employed by board of regents institutions as set forth in section 262.13. (5) Employees of an aviation authority designated as peace officers by the authority under section 330A.8, subsection 16. 2. A person licensed or who purports to be licensed under this chapter shall, upon the request of any peace officer investigating a complaint of illegal services, present a copy of the person's valid license issued pursuant to this chapter and a government-issued identification to the peace officer. 2021 Acts, ch 123, §3; 2023 Acts, ch 85, §7 Referred to in §710A.1, 710A.2, 710A.3 Subsection 1, paragraph b, subparagraph (5) stricken and former subparagraph (6) renumbered as (5)

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 157 - BARBERING AND COSMETOLOGY Section 157.4B - Announcements to the public.

157.4B Announcements to the public. 1. For purposes of this section, “announcement to the public” means the use of any print media, broadcast media, subscription internet site, internet site available to the public, or any other means to do any of the following: a. Advertise or market barbering or cosmetology services. b. Provide a site for clients to post reviews. c. Offer a virtual marketplace at which goods or services may be offered or clients may be solicited. 2. A person shall not do any of the following in an announcement to the public: a. Represent that another person is licensed under this chapter when the person knows, or has reason to know, that the other person is not licensed. b. Falsely represent the person’s self as licensed under this chapter. c. Offer, or imply the offer of, services that violate state law. 3. A person who violates subsection 2 commits a serious misdemeanor. 2021 Acts, ch 123, §4; 2023 Acts, ch 99, §26 Referred to in §710A.3 Subsection 1, paragraph a amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 157 - BARBERING AND COSMETOLOGY Section 157.5 - Consent and reporting requirements.

157.5 Consent and reporting requirements. 1. A licensed cosmetologist or barber, esthetician, or electrologist who provides services relating to the use of a certified laser product, intense pulsed light device for hair removal, chemical peel, or microdermabrasion, shall obtain a consent in writing prior to the administration of the services. A consent in writing shall create a presumption that informed consent was given if the consent: a. Sets forth in general terms the nature and purpose of the procedure or procedures, together with the known risks associated with the procedure or procedures, if reasonably determinable. b. Acknowledges that the disclosure of that information has been made and that all questions asked about the procedure or procedures have been answered in a satisfactory manner. c. Is signed by the client for whom the procedure is to be performed, or if the client for any reason lacks legal capacity to consent, is signed by a person who has legal authority to consent on behalf of that client in those circumstances. 2. A licensed cosmetologist or barber, esthetician, or electrologist who provides services related to the use of a certified laser product, intense pulsed light device for hair removal, chemical peel, or microdermabrasion, shall submit a report to the board within thirty days of any incident involving the provision of such services which results in physical injury requiring medical attention. Failure to comply with this section shall result in disciplinary action being taken by the board. 2004 Acts, ch 1044, §9; 2005 Acts, ch 89, §30, 31; 2023 Acts, ch 99, §27, 28 Subsection 1, unnumbered paragraph 1 amended Subsection 2 amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 157 - BARBERING AND COSMETOLOGY Section 157.6 - Sanitary rules — practice in the home.

157.6 Sanitary rules — practice in the home. The department shall prescribe sanitary rules for establishments and schools of barbering and cosmetology arts and sciences which shall include the sanitary conditions necessary for the practice of barbering and cosmetology arts and sciences and for the prevention of infectious and contagious diseases. Subject to local zoning ordinances, an establishment may be established in a residence if a room other than the living quarters is equipped for that purpose. The department shall enforce this section and make necessary inspections for enforcement purposes. [C27, 31, 35, §2585-b6; C39, §2585.15; C46, 50, 54, 58, 62, 66, 71, 73, 77, 79, 81, §157.6] 92 Acts, ch 1205, §6; 2023 Acts, ch 99, §29 Referred to in §157.8, 157.12C, 157.13 Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 157 - BARBERING AND COSMETOLOGY Section 157.7 - Inspectors and clerical assistants.

157.7 Inspectors and clerical assistants. 1. The department shall employ personnel pursuant to chapter 8A, subchapter IV, to perform duties related to inspection functions under this chapter. 2. The department may employ clerical assistants pursuant to chapter 8A, subchapter IV, to administer and enforce this chapter. The costs and expenses of the clerical assistants shall be paid from funds appropriated to the department. [C27, 31, 35, §2585-b9; C39, §2585.17; C46, 50, 54, 58, 62, 66, 71, 73, §157.8; C77, 79, 81, §157.7] 90 Acts, ch 1204, §23; 2003 Acts, ch 145, §201; 2019 Acts, ch 24, §104; 2023 Acts, ch 19, §1635; 2023 Acts, ch 99, §30 See Code editor’s note on simple harmonization at the beginning of this Code volume Section amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 157 - BARBERING AND COSMETOLOGY Section 157.8 - Licensing of schools of barbering and cosmetology arts and sciences and instructors.

157.8 Licensing of schools of barbering and cosmetology arts and sciences and instructors. 1. It is unlawful for a school of barbering and cosmetology arts and sciences to operate unless the owner has obtained a license issued by the department. The owner shall file a verified application with the department on forms prescribed by the board. 2. a. The application for a license for a school shall be accompanied by the annual license fee determined pursuant to section 147.80 and shall state the name and location of the school and such other additional information as the board may require. The license is valid for one year and may be renewed. b. The license shall contain a statement which provides that the licensee is approved by the department as a provider of postsecondary education. c. The school of barbering and cosmetology arts and sciences must pass a sanitary inspection under section 157.6. An annual inspection of each school of barbering and cosmetology arts and sciences, including the educational activities of each school, shall be conducted and completed by the board or its designee prior to renewal of the license. 3. a. The number of instructors for each school shall be based upon total enrollment, with a minimum of two licensed instructors employed on a full-time basis for up to thirty students and an additional licensed instructor for each fifteen additional students. A student instructor shall not be used to meet licensed instructor-to-student ratios. A school operated by an area community college prior to September 1, 1982, with only one

instructor per fifteen students is not subject to this paragraph and may continue to operate with the ratio of one licensed instructor to fifteen students. A student instructor may not be used to meet this requirement. b. A school with less than thirty students enrolled may have one licensed instructor on site in the school if offering only clinic services or only theory instruction in a single classroom and less than fifteen students are present. If a school is offering clinic services and theory instruction simultaneously to less than fifteen students, at least two licensed instructors must be on site. Schools with more than thirty students enrolled shall meet the licensed instructor-to-student ratio as provided in paragraph “a”. c. A person employed as an instructor in the barbering and cosmetology arts and sciences by a licensed school shall be licensed in the practice and shall possess a separate instructor’s license which shall be renewed biennially. An instructor shall file an application with the department on forms prescribed by the board. Requirements for licensure as an instructor shall be determined by the board by rule. d. The application for an instructor’s license shall be accompanied by the biennial fee determined pursuant to section 147.80. [C31, 35, §2585-c9; C39, §2585.18; C46, 50, 54, 58, 62, 66, 71, 73, §157.9; C77, 79, 81, §157.8] 83 Acts, ch 68, §1; 92 Acts, ch 1205, §7; 2004 Acts, ch 1044, §10; 2010 Acts, ch 1163, §6; 2012 Acts, ch 1062, §1; 2023 Acts, ch 99, §31 – 34 Subsection 1 amended Subsection 2, paragraph c stricken and former paragraph d amended and redesignated as c Subsection 3, paragraph c amended

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 157 - BARBERING AND COSMETOLOGY Section 157.8A - Use of schools of barbering and cosmetology arts and sciences.

157.8A Use of schools of barbering and cosmetology arts and sciences. A school of barbering and cosmetology arts and sciences may be used for purposes other than student instruction so long as the other activities do not disrupt classes. The board shall adopt rules for the implementation of this section. 2023 Acts, ch 99, §35 NEW section

2024 Iowa Code Title IV - PUBLIC HEALTH Chapter 157 - BARBERING AND COSMETOLOGY Section 157.9 - License suspension and revocation.

157.9 License suspension and revocation. Any license issued by the department under the provisions of this chapter may be suspended, revoked, or renewal denied by the board for violation of any provision of this chapter or rules promulgated by the board under the provisions of chapter 17A. [C77, 79, 81, §157.9] 2023 Acts, ch 99, §36 Section amended