

Motor Vehicle Division Information Memo #19-02
SPECIAL PROVISIONS FOR CUSTOMERS IMPACTED BY FLOODING - Vehicle Services

DATE: March 25, 2019

FROM: Melissa Spiegel, Director
Motor Vehicle Division

TO: Iowa County Treasurers
Iowa Automobile Dealers Association
Iowa Independent Automobile Dealers Association
Iowa DOT Vehicle & Motor Carrier Services personnel

SUBJECT

This informational memo is to inform counties, dealers and staff concerning the Governor's Proclamation of Disaster Emergency issued on March 22, 2019, to provide relief from regulatory provisions for individuals impacted by recent severe weather and flooding.

EXPLANATION

The Governor's Proclamation provides relief from certain regulatory provisions of the Iowa DOT Vehicle & Motor Carrier Services for individual and dealer customers located in counties subject to Governor's Disaster Proclamations in March 2019. A list of impacted counties has been posted to the following website under "Recovery Resources" <https://www.floods2019.iowa.gov/>.

1. The proclamation waives the five-day waiting period for a customer to receive a replacement title when the original title was lost or destroyed. The customer must note in writing that he/she was impacted by the flooding.
2. The fee for a replacement title is waived when the original title was lost or destroyed, again requiring a written statement by the customer.
3. The proclamation waives the fee for replacement plates or registration cards (including the sticker) upon written statement by the customer stating impact by the floods.
4. The proclamation allows Iowa DOT to issue a temporary extension lot permit at no charge to a motor vehicle dealer, travel trailer dealer, or recycler that sustains damage due to flooding or cannot access its property. All extension lots must be in the same county or an adjacent county to the dealership's or recycler's principal place of business. The proclamation provides the fee waiver only through April 21, 2019; however, the temporary permit for the extension lot will expire on August 31, 2019, to allow sufficient time for facility repairs and/or repairs to roads and bridges to allow access to the facility.
5. The proclamation waives the requirement that a vehicle involved in a movement related to disaster relief be registered for the gross weight of the vehicle and its load. It also allows a

vehicle engaged in disaster relief to move loads of up to 90,000 pounds without a permit, except on an Interstate highway.

The Governor's Proclamation also provides regulatory relief and fee waivers for issuance of driver's licenses and non-operator's identification cards, and motor carriers involved in disaster relief. Please see MVD Information Memo #19-03 and MVD Information Memo #19-04, respectively, for full details and for information on these other topics.

EXCEPTIONS

All impacted parties should carefully review the Governor's Proclamation (attached below) for details and requirements of these provisions. These provisions are to be applied only to the circumstances of severe weather and flooding referred to in the Governor's Proclamation and only in those counties that are identified through previous Governor's Disaster Proclamations and at <https://www.floods2019.iowa.gov/>.

Each County Treasurer office shall have authority to determine the reasonableness and applicability of a customer's written statement regarding flooding impacts. County Treasurer offices may consult with Iowa DOT Vehicle & Motor Carrier Services as necessary.

Iowa DOT Vehicle & Motor Carrier Services shall have the authority to determine the reasonableness and applicability concerning a dealer's accessibility to its primary office.

QUESTIONS AND ANSWERS

WHY ARE THESE PROVISIONS BEING ENACTED?

The Governor and Iowa DOT recognize the extraordinary circumstances of the recent weather events. These provisions will remove barriers and aid customers to restore their personal affairs and be able to respond to life-altering events.

WHEN WILL THESE PROVISIONS END?

The emergency provisions remain in effect until April 21, 2019, as stated in the Governor's Proclamation, except as noted above regarding the expiration of the temporary extension lot licenses.

HOW WILL CUSTOMERS BE IMPACTED?

Customers will need to provide a written statement to accompany applications as noted above. Iowa DOT is not prescribing a specific form for the written statement and a single written statement may suffice for multiple applications.

HOW WILL I KNOW WHICH COUNTIES ARE COVERED BY THE PROCLAMATION?

Iowa DOT will identify the counties covered by the Governor's Proclamation on the Web at <https://www.floods2019.iowa.gov/>. This site also provides other flooding related information and a summary of the March 22 proclamation.

Please continue to visit the Web site as additional counties may be added in response to ongoing severe weather and flooding concerns.

HOW WILL DEALERS BE IMPACTED?

Dealers may apply for the temporary extension lot license on the Iowa DOT website at <https://iowadot.gov/mvd/buyingselling/dealers>.

HOW WILL COUNTY TREASURER OFFICES BE IMPACTED?

Iowa County Treasurers shall have authority to determine the reasonableness of a customer’s written statement regarding flooding impacts and apply waivers accordingly.

County Treasurer staff should use adjustment comment fields and sticky notes in ARTS to explain fee waivers or deadline adjustments. To aid in future ARTS record searches, County Treasurer staff should begin each comment or note with “March 2019 flood” with additional explanation if needed.

County Treasurer staff do not need to raise the tonnage over 40 tons for trucks hauling overweight if the movement is related to disaster relief.

County Treasurer staff may address specific transaction questions to Iowa DOT Vehicle & Motor Carrier Services through vscusto@iowadot.us.

HOW WILL IOWA DOT NOTIFY CUSTOMERS AND PARTNERS?

Iowa DOT will use a variety of outreach methods to notify customers and partners of the closures, including (but not limited to) the following:

- Distribution of this policy to the recipients noted above
- Announcements at regularly scheduled meetings with dealers and counties
- Web site notices

WHO WILL BE THE BEST CONTACT PERSON REGARDING QUESTIONS?

Daniel Yeh, Manager
Iowa DOT Vehicle Services
Daniel.yeh@iowadot.us
515-237-3325

PROCLAMATION OF DISASTER EMERGENCY

WHEREAS, on March 13, 2019, and continuing thereafter, widespread flooding and flash flooding events began to impact the State of Iowa due to rapid snow melt combined with heavy rains, which are causing dangerous flood conditions across much of the state; and

WHEREAS, Howard County suffered significant damage from this event; and

WHEREAS, reports forwarded to the Iowa Department of Homeland Security and Emergency Management by the emergency management coordinators in the affected counties indicate that state individual assistance pursuant to Iowa Code § 29C.20A and 441 Iowa Admin. Code 58.2 (1) is needed to assist certain individuals and families adversely affected by the disaster who cannot be helped by other means of financial assistance and for whom federal assistance under the Stafford Act is either not available or does not adequately meet the needs of the citizens in the disaster area; and

WHEREAS, strict compliance with the provisions of various state statutes, orders, and rules governing the conduct of business is preventing, hindering, and/or delaying necessary action in coping with the emergency by limiting the transportation and delivery of goods and services while responding to disaster sites; and

WHEREAS, strict compliance with the provisions of various state statutes, orders, and rules governing the conduct of business is hindering necessary actions of residents coping with this event; and

WHEREAS, these conditions threaten the public peace, health, and safety of citizens of the State of Iowa and have damaged and destroyed public and private property. Because of this, they provide legal justification for the issuance of a Proclamation of a State of Disaster Emergency pursuant to Iowa Code § 29C.6 (1).

NOW, THEREFORE, I, KIMBERLY K. REYNOLDS, Governor of the State of Iowa, by the power and authority vested in me by the Iowa Constitution Art. IV, §§ 1, 8 and Iowa Code § 29C.6 (1), and all other applicable laws, do hereby proclaim a **STATE OF DISASTER EMERGENCY** throughout the State of Iowa and do hereby **ORDER** and **DIRECT** the following:

SECTION ONE. As required by Iowa Code § 29C.6 (1), (10) and 42 U.S.C. § 5170 in cases of Presidential Disaster Declarations, this Proclamation of Disaster Emergency activates the disaster response and recovery aspects of the Iowa Department of Homeland Security and Emergency Management's Iowa Emergency Response Plan and those additional response plans applicable to the counties affected by this disaster and authorizes the use and deployment of all available state resources, supplies, equipment, and materials as are reasonably necessary to assist those citizens located in the disaster counties.

SECTION TWO. I authorize the Iowa Department of Human Services under the terms and conditions as allowed by Iowa law to render individual disaster assistance to eligible residents of Howard County. Iowa Code § 29C.20A and 441 Iowa Admin. Code 58.2 (1).

SECTION THREE. I temporarily suspend the regulatory provisions of Iowa Code § 321.449 pertaining to hours of service for disaster repair crews and drivers delivering goods

and services while responding to disaster sites during the duration of this disaster, subject to these conditions:

- A. Nothing contained in this Proclamation shall be construed as an exemption from the controlled substances and alcohol use and testing requirements under 49 CFR Part 382, the commercial drivers' license requirements under 49 CFR Part 383, the financial responsibility requirements of 49 CFR Part 387, or any other portion of the Code of Federal Regulations not specifically identified in this proclamation.
- B. No motor carrier operating under the terms of this proclamation shall require or allow a fatigued or ill driver to operate a motor vehicle. A driver who informs a carrier that he or she needs immediate rest shall be given at least ten consecutive hours off duty before the driver is required to return to service.
- C. Upon the request of a driver, a commercial motor carrier operating under this proclamation must give a driver at least thirty-four (34) consecutive hours off when the driver has been on duty for more than seventy (70) hours during any eight consecutive days.
- D. Motor carriers that have an out-of-service order in effect may not take advantage of the relief from regulations that this declaration provides under title 49 CFR § 390.23.
- E. Upon the expiration of the effective date of this Proclamation, or when a driver has been relieved of all duty and responsibility to provide direct assistance to the emergency effort, a driver that has had at least thirty-four (34) consecutive hours off duty shall be permitted to start his or her on-duty status hours and 60/70 hour clock at zero.

Iowa Code § 29C.6 (6).

SECTION FOUR. I temporarily suspend the regulatory provisions of Iowa Code §§ 321.463(5) (a), (5) (b) and 321E.29 and 761 Iowa Admin. Code Chapter 511, to the extent those provisions restrict the movement of loads related to disaster repairs on all highways within Iowa, excluding the interstate system, and require a permit to transfer such loads, when such loads:

- A. Do not exceed a maximum of 90,000 pounds gross weight,
- B. Do not exceed by more than twelve and one-half percent (12.5%) the maximum axle weight limit determined under the non-primary highway maximum gross weight table in Iowa Code § 321.463(5) (b),
- C. Do not exceed the legal maximum axle weight limit of 20,000 pounds, and
- D. Comply with posted weight limits on roads and bridges.

Iowa Code § 29C.6 (6).

SECTION FIVE. I do hereby suspend the regulatory provisions of Iowa Code § 321.42(2)(b) prescribing a five (5) day waiting period for issuance of a replacement copy of an original certificate of title to the owner of a vehicle, as applied to an owner whose original certificate of title was lost or destroyed as a result of the above-described severe weather and flooding. A written statement by the owner, in or appended to the owner's application for replacement copy of original certificate of title, confirming that the original certificate of title was lost or destroyed as a result of the above-described severe weather and flooding shall be required to invoke this suspension. Iowa Code § 29C.6(6).

SECTION SIX. I do hereby suspend the regulatory provisions of Iowa Code § 321.42(2)(a) prescribing a fee for issuance of a replacement copy of an original certificate of title, as applied to an owner or lienholder whose original certificate of title was lost or destroyed as a result of the above-described severe weather and flooding. A written statement by the owner or lienholder, in or appended to the owner's or lienholder's application for replacement copy of original certificate of title, confirming that the original certificate of title was lost or destroyed as

a result of the above-described severe weather and flooding shall be required to invoke this suspension. Iowa Code § 29C.6(6).

SECTION SEVEN. I do hereby suspend the regulatory provisions of Iowa Code § 321.42(1) prescribing a fee for issuance of a replacement registration card, plate or pair of plates, as applied to any registration card, plate or pair of plates lost in or made illegible as a result of the above-described severe weather and flooding. A written statement by the owner, in or appended to the application for same, confirming that the registration card, plate or pair of plates was lost or made illegible as a result of the above-described severe weather and flooding shall be required to invoke this suspension. Iowa Code § 29C.6(6).

SECTION EIGHT. I do hereby suspend the regulatory provisions of Iowa Code § 321.195 prescribing a fee for issuance of a duplicate or substitute driver's license or non-operator's identification card as applied to a person whose driver's license or non-operator's identification card was lost or destroyed in any one of the disaster counties as a result of said storms. A written statement by the person, in or appended to the person's application for same, confirming that the person's driver's license or non-operator's identification card was lost or destroyed in any one of the disaster counties as a result of said storms shall be required to invoke this suspension. Iowa Code § 29C.6(6).

SECTION NINE. I do hereby suspend the regulatory provisions of Iowa Code § 322.5(1)(a) prescribing a fee for any additional car lot established by an affected new or used motor vehicle dealer to cope with said emergency and waive the requirement that such car lot be in the city or township in which the principal place of business is located; provided, however, that any such car lot established by an affected new or used motor vehicle dealer must remain within the same community as defined in Iowa Code § 322a(1)(2) and provided further that any such lot established by an affected dealer, new or used, must remain in the same county as the principal place of business or an Iowa county adjacent thereto. Iowa Code § 29C.6(6).

SECTION TEN. I do hereby suspend the regulatory provisions of Iowa Code § 322C.4(1) prescribing a fee for any additional travel trailer lot established in addition to the principal place of business by an affected travel trailer dealer to cope with said emergency and waive the requirement that such travel trailer lot be in the city or township in which the principal place of business is located; provided, however, that any such travel trailer lot established by an affected travel trailer dealer be in the same county as the principal place of business or an Iowa county adjacent thereto. Iowa Code § 29C.6(6).

SECTION ELEVEN. I do hereby suspend the regulatory provisions of Iowa Code section § 321H.2(3) and Iowa Code § 321H.4(2) prescribing a separate license be obtained by an affected recycler for each county in which an affected recycler conducts business and waive the requirement for a separate license to be obtained by an affected recycler who has established an extension lot to cope with said emergency and waive the requirement that such extension be in the same county as the principal place of business or an Iowa county adjacent thereto. Iowa Code § 29C.6(6).

SECTION TWELVE. The suspensions listed in sections "5" to "8" above apply to original certificates of title, registration cards, plates or pairs of plates, driver's licenses or non-operator's identification cards issued in any of the counties of Iowa, and may be relied upon by the treasurers of any of the counties of Iowa, so long as the respective loss, destruction, or illegibility occurred in any one of the disaster counties as a result of said storms.

SECTION THIRTEEN. This state of disaster emergency shall be effective on March 22, 2019, shall continue for thirty (30) days, and shall expire on April 21, 2019, unless sooner terminated or extended in writing by me. Iowa Code § 29C.6 (1).

**IN TESTIMONY WHEREOF, I HAVE
HEREUNTO SUBSCRIBED MY NAME AND
CAUSED THE GREAT SEAL OF THE STATE
OF IOWA TO BE AFFIXED AT DES MOINES,
IOWA THIS TWENTY-SECOND DAY OF**

MARCH IN THE YEAR OF OUR LORD TWO
THOUSAND NINETEEN

KIMBERLY K. REYNOLDS
GOVERNOR

ATTEST:

PAUL D. PATE
SECRETARY OF STATE