# State of Iowa

## Executive Department

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF IOWA

## PROCLAMATION OF DISASTER EMERGENCY

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

**WHEREAS**, on March 14, 2019, a Proclamation of Disaster Emergency was issued statewide activating the disaster response and recovery aspects of the Iowa Emergency Response Plan and those additional response plans applicable to counties affected by the disaster, and temporarily suspending certain regulatory provisions of Iowa Code; and

**WHEREAS**, on March 22, 2019, a Proclamation of Disaster Emergency was issued temporarily suspending certain regulatory provisions statewide related to the transportation and delivery of goods and services while responding to disaster sites; and

**WHEREAS**, on March 25, 2019, a Proclamation of Disaster Emergency was issued amending and expanding the temporary suspensions to certain regulatory provisions statewide related to the transportation and delivery of goods and services while responding to disaster sites; and

**WHEREAS**, on April 12, 2019, a Proclamation of Disaster Emergency was issued extending all previous proclamations of disaster emergency signed between March 14 through March 25, 2019 and also temporarily suspended certain regulatory provisions of Iowa Code relating to length of stay and fee requirements at certain state parks; and

**WHEREAS**, on May 10, 2019, a Proclamation of Disaster Emergency was issued extending all previous proclamations of disaster emergency signed between March 14 through April 12, 2019; and

**WHEREAS**, on June 10, 2019, a Proclamation of Disaster Emergency was issued extending the temporary suspension of certain regulatory provisions of Iowa Code enacted through previous proclamations of disaster emergency signed between March 14 through April 12, 2019; and

**WHEREAS**, surveys and reports forwarded by local officials indicate there is an ongoing need for state assistance to respond to and recover from the effects of this event; and

**WHEREAS**, the aforementioned Proclamations of Disaster Emergency continue to be needed to provide ongoing support to those impacted by this event; and

**WHEREAS**, these conditions threaten the public peace, health, and safety of citizens of the State of Iowa. 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** to be extended 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 affected counties.

**SECTION TWO.** I temporarily suspend the regulatory provisions of Iowa Code Chapter 8A, Iowa Code § 313.10, 11 Iowa Admin. Code Chapters 117 and 118, and 641 Iowa Admin. Code Chapter 176, requiring the Iowa Department of Homeland Security and Emergency Management, the Iowa Department of Transportation, the Iowa Department of Public Safety, the Iowa Department of Natural Resources, the Iowa Department of Public Health, and other state agencies involved in the response to this disaster emergency to procure goods and services through a competitive selection process. Suspension of these provisions is limited to the duration of this proclamation and is further limited to procurements which are necessary to respond to and recover from this disaster emergency. Iowa Code § 29C.6 (6).

**SECTION THREE.** I temporarily suspend the following Iowa Department of Natural Resources length-of-stay and fee requirements at Waubonsie State Park located in Fremont County for those residents of Iowa and adjoining states who have been displaced from their homes by this disaster:

A. The provisions of Iowa Code § 461A.49 limiting an individual's ability to camp in a state park or preserve to no more than fourteen consecutive nights in all state parks, preserves, and state forest campgrounds managed by the state of Iowa.

B. The provisions of 571 Iowa Admin. Code 61.4 (5), limiting an individual's ability to camp in a state park or preserve to no more than fourteen consecutive nights with a minimum of three nights separating each two-week stay in all state parks or preserves managed by the state of Iowa.

C. The provisions of 571 Iowa Admin. Code 61.3 (4), 61.4 (1), 62.4 and 62.5 (2), relating to camping and related transactions fees for state parks, preserves and forests managed by the state of Iowa.

D. The provisions of 571 Iowa Admin. Code 61.3(2) (b) (2) and 62.4(2) (b), relating to the Iowa Department of Natural Resources establishing minimal numbers of campground sites that must be made available through the online reservation system.

E. The provisions of 571 Iowa Admin. Code 61.3 and 62.4, relating to the methods persons may make reservations for state parks, preserves and forest campgrounds. Pursuant to this suspension, persons displaced by this disaster may make reservations only by telephone or in person to be eligible for any fee waivers provided by this section.

Iowa Code § 29C.6 (6).

**SECTION FOUR.** 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 FIVE.** I temporarily suspend the regulatory provisions of Iowa Code §§ 321.463(6)(a), (6)(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 and recovery 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 SIX.** I temporarily suspend the regulatory provisions of Iowa Code §§ 321.463(3), 321E.2, 321E.8, and 321E.9 that limit issuance of permits for oversize or overweight loads to loads which are indivisible, to allow annual permits issued under Iowa Code § 321E.8 and single-trip permits issued under § 321E.9 to be issued for loads which are divisible and related to disaster repair and recovery. I further waive for vehicle and loads, whether divisible or indivisible, the regulatory provisions of Iowa Code § 321E.12 that require the vehicle traveling under a permit to be registered for the gross weight of the vehicle and load and the regulatory provisions of Iowa Code § 321E.14 that require the payment of a fee for a permit issued for a vehicle and load related to disaster repair and recovery. The provisions of this paragraph apply only when the movement of the vehicle and load is related to disaster repair and recovery. The movement of any vehicle or load under this paragraph must comply with all other requirements of Chapter 321E of the Iowa Code and of the permit issued, other than as suspended herein. The provisions of this paragraph relating to the permitting and movement of divisible loads authorize the movement of such loads on all highways of this state, excluding the interstate system. Iowa Code § 29C.6 (6).

**SECTION SEVEN.** I temporarily suspend the regulatory provisions of Iowa Code § 321.457(2)(n) and any rules adopted by the Iowa Department of Transportation, to the extent those rules restrict the movement of combinations of vehicles otherwise permitted under that section to economic export corridors established by the department, and allow such vehicles be operated on all highways of the state, other than the interstate system, provided the movement is related to disaster repair and recovery. Iowa Code § 29C.6 (6).

**SECTION EIGHT.** 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 NINE.** 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 TEN.** 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 ELEVEN.** 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 the above-described severe weather and flooding. 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 the above-described severe weather and flooding shall be required to invoke this suspension. Iowa Code § 29C.6 (6).

**SECTION TWELVE.** 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 THIRTEEN.** 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 FOURTEEN.** 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 FIFTEEN.** The suspensions listed in sections "eight" to "eleven" 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 the above-described severe weather and flooding.

**SECTION SIXTEEN.** This state of disaster emergency shall be effective on July 10, 2019, shall continue for thirty (30) days, and shall expire on August 9, 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 NINTH DAY OF JULY IN THE YEAR OF OUR LORD TWO THOUSAND NINETEEN.

KIMBERLY K. REYNOLDS
GOVERNOR

**ATTEST:**

PAUL D. PATE
SECRETARY OF STATE