

State of Iowa COVID-19 Response Part 3

Below is a summary of the of Governor Reynold's tenth Emergency Disaster Proclamation compiled by attorneys Tim Coonan and Sydney Gangestad.

Her actions are authorized by Iowa Code Chapter 29C, Emergency Management and Security.

Part 3 of the Proclamation

Suspension of Tax Deferred Savings Deadlines		
Section 113	Section 422.7(32)(a) 701 IA Admin Code § 40.53(1)(b)	Suspends provisions that require a taxpayer that has made contributions to an Iowa educational savings plan or trust on or after January 1, 2020, but on or before the date prescribed in section 422.21 to elect to be deemed to have made a contribution on the last day of the preceding calendar year if that election is made on or before the end of this suspension or extension of this suspension; taxpayers should not expect this suspension will be extended beyond July 31, 2020
Section 114	Sections 541B.3(1)(a) and .3(2)(a) 701 IA Admin Code § 40.82(2)(b)(4)	Suspends provisions that require the designation of an account and an individual as a beneficiary of a first-time homebuyer savings account by April 30 for accounts opened in 2019, so long as the designation is made on or before the end of this suspension or extension of this suspension; taxpayers should not expect this suspension will be extended beyond July 31, 2020
Sales of Alcohol		
Section 115	Sections 123.30(3)(c) and 123.49(2)(d)	Class "C" liquor holder may sell unopened bottles of wine or alcoholic liquor for consumption off premises if promptly taken from premises prior to any consumption via carry-out or drive-through, or delivery
Section 116	Section 123.130(4) 185 IA Admin Code § 4.6(3)(c) & (e)	Continues to suspend provisions that require that beer sold at retail at the manufacturing premises for consumption off premises must be in-person and transferred to another container at the time of sale
Section 117	Sections 123.30(3)(c) and 123.49(2)(d)	Class "C" liquor holder may sell mixed drinks or cocktails for consumption off premises if sealed with

		a lid (or other secure method) and is promptly taken from premises prior to any consumption via carry-out or drive-through, or delivery (Notes: Does NOT modify open container in motor vehicle laws sections 321.284 and 321.284A)
Food Establishment Licensure Relief		
Section 118	Section 137F.4 481 IA Admin Code § 30.3(6)	Suspends provisions requiring food establishments renew licenses within 60-days of expiration
Bottle and Can Redemption		
Section 119	Section 455C.3(1) 567 IA Admin Code § 107	Continues to suspend bottle/can redemption activity; retailers are authorized to stop accepting empty beverage containers (for duration of proclamation)
Financial Relief		
Section 120	Section 123.137	Continues to suspend requirement that Class "A" beer permit holders report barrels of beer sold/pay Alcohol Beverages Division tax; associated penalties will not be assessed
Section 121	Section 123.184	Continues to suspend requirement that Class "A" wine permit holders/direct shippers report gallons of wine sold/pay Alcohol Beverages Division tax; associated penalties will not be assessed
Section 122	Section 123.34(5)	Temporarily suspends provisions that prohibit refund of fees paid for licenses (six/eight-month seasonal licenses, 5-day/14-day license or permit)
Section 123	Section 99B.12(1)(e) 481 IA Admin Code § 100.3(3)	Continues to suspend provisions that prescribe that raffle license fees are not refundable
Interim Indigent Defense Fee Claims		
Section 124	493 IA Admin Code § 12.3(1)	Suspends provisions that prohibit an attorney from submitting an interim claim in a juvenile case at the continuance of a dispositional hearing/post-dispositional review hearing; does not affect other requirements related to submission of claims to SPD
Section 125	493 IA Admin Code § 12.3(4)	Suspends provisions that prohibit an attorney from submitting an interim claim in other cases, including

		all adult criminal cases except Class A felony cases, at the continuance of trial; does not affect other requirements related to submission of claims to SPD
Veterans Assistance		
Section 126	Sections 35A.16(3) and 35B.6 Any IA Admin §§ implementing those provisions	Suspends any provisions that prohibit a county from expending an allocation from the county commission of veteran's fund for the current fiscal year to provide services to veterans coping with this disaster, including but not limited to the provision of food or other basic necessities
School Ready Funding Limitation		
Section 127	Section 256I.9(4)(e)	Suspends provisions that limit the amount of school ready children grant funding an area board may carry forward from FY 2020 to FY 2021 to 20%, but only if the amount does not exceed 35% consistent with any policy adopted by the Early Childhood Iowa State Board
Suspension of Paper Bidding Procedures		
Section 128	Chapter 26	Suspends provisions that require the distribution, receipt, opening, or recording of paper documents by governmental entity under the Iowa Construction Bidding Procedures Act, if the government entity complies with Chapter 26 by electronic means (including an electronic bidding service)
Electronic Search Warrant Returns of Service		
Section 129	Section 808.8(2)	Suspends provisions requiring a peace officer's statement on a return of service be made under oath, to the extent that a peach officer may use electronic means to file the return of service and submit an inventory of seized property, subject to any processes and procedures established by the judicial branch
Electronic Corporate Shareholder Meetings		
Section 130	Chapters 490, 491, 499, and 501A	Continues to suspend provisions that require a physical meeting of shareholders, policyholders, or members, if that meeting is held by remote communication and provides participants reasonable opportunity to participate (communicate

		and read/hear proceedings concurrently with proceedings) in the meeting and vote on matters submitted for action
Electronic Meetings and Hearings		
Section 131	Sections 21.8, 26.12, and 414.12	Continues to suspend provisions preventing local government bodies from holding electronic meetings/meetings, provided there is proper notice, including a telephone number and website
In-Person Open Records Examination		
Section 132	Sections 22.2(1) and 22.3(1)	Suspends provisions imposing requirements for examination or copying of public records, if they can be examined/copies provided by mail or electronic means; does not apply to searches of indexes, general and specific, of the public records related or relating to documents, instruments and muniments of title, for the purpose of performing title searches, real property searches, or creating real property abstracts
Section 133	Section 22.4	Suspends provisions that require a lawful custodian of records maintain officer hours to receive in-person records requests, if the custodian has posted clear instructions for making a request in writing, by telephone, or by electronic means in a prominent place that is easily accessible to the public
Deadline to Fill City Council Vacancies		
Section 134	Section 372.13(2)	Continues to suspend requirement that city councils fill vacancies within 60-days after the vacancy; no special election required
Remote Notarization and Witnessing		
Section 135	Section 9B.6	Continues to suspend personal appearance requirement for notarial acts (complies with requirements of section 6 of 2019 Iowa Acts chapter 44 (SF475)); additional guidance to be provided by Secretary of State
Section 136	Sections 144B.3, 633.279, and 633B.105	Continues to suspend provisions that require the physical presence of all parties and witnesses for specific acts (POA/will signings) if the persons involved can see and hear the acts by electronic

		means (e.g. video conference, Skype, Facetime, Zoom); does not need to be recorded
Suspension of In-Person Foster Care Review		
Section 137	Section 237.20(1)(a)(1)-(5)	Suspends provisions that require in-person case review of a child receiving foster care
Suspension of In-Person Child Health Protection Interviews		
Section 138	641 IA Admin Code § 94.2	Suspends provisions that require “forensic interviews” be conducted face to face
Suspension of New Elevator Standards		
Section 139	875 IA Admin Code § 72.10, 73.1	Suspends provisions that set an enforcement date of May 1, 2020, for the American Society of Engineers Safety Code for Existing Elevators and Escalators, A17.3 (2011)
Critical Trucking Operations		
Section 140	Sections 321.463(6)(a), (b) and 321E.29 761 IA Admin Code § 511	Continues to temporarily suspend weight limits related to vehicles, as they restrict the movement of oversize/overweight loads of vaccines, antivirals, prescription drugs, protective equipment, other necessary medical assets, food, medical supplies, cleaning products, other household goods, agriculture supplies and commodities, or any other goods and supplies necessary to respond to the public health disaster: A. Applies to loads transported on all highways within Iowa, excluding the interstate system, and those which do not exceed 90,000 lbs gross weight/max axle weight by more than 12.5% B. Intended for vehicles transporting food, medical supplies, cleaning products, and other household goods (only for duration of proclamation)
Section 141	Section 321.449	Continues to suspend provisions pertaining to hours of service of motor carriers and drivers of commercial vehicles while transporting vaccines, antivirals, prescription drugs, protective equipment, other necessary medical assets, food, medical supplies, cleaning products, other household goods, agriculture supplies and commodities, or any other

		<p>goods and supplies necessary to respond to the public health disaster:</p> <ul style="list-style-type: none"> A. 49 CFR 383 still applies (re: substance/alcohol use and testing, and financial responsibility requirements) B. Fatigued or ill drivers should not operate motor vehicles; drivers who need rest shall be given ten consecutive hours off duty C. Carriers must give drivers at least 34 consecutive hours off when they have been on duty for more than 70 hours in any eight consecutive days D. If a carrier has an out-of-service order in effect, may not take advantage of relief from regulations under 49 CFR 390.23. E. When a driver has been relieved of all duty, a driver who has had at least 34 consecutive hours off the clock must be permitted to start on-duty status hours with the 60/70 clock at zero F. Applies only to hours of motor carriers and drivers while actively transporting medical assets related to this public health emergency)
Section 142	Sections 321.463(3), 321E.2, 321E.8, and 321E.9	Continues to suspend provisions that limit issuance of permits for oversize or overweight loads which are indivisible to allow annual permits and single-trip permits to be issued for loads related to responding to this public health emergency; trucks do not need to be registered for the gross weight of the vehicle; permit fees are waived (movement must comply with all other requirements of 321E)
Section 143		DOT is directed to monitor to assure public's safety and facilitate movement of trucks
Motor Vehicle Licensing and Registration Relief		
Section 144	Section 321.196	Continues to suspend provisions that require a driver's license issued to a person age 72 expire after two years (limited to those licenses which have expired within 60 days prior to the proclamation or during the duration of the proclamation); upon expiration of the proclamation, the 60-day period for renewal will resume
Section 145	Section 321.174A	Continues to suspend provisions that prohibit a person from operating a motor vehicle on the

		highway with an expired driver’s license (limited to those licenses which have expired within 60 days prior to the proclamation or during the duration of the proclamation); upon expiration of the proclamation, the 60-day period for renewal will resume
Section 146	Section 321.39	Continues to suspend provisions related to expiration dates for vehicle registration, registration card, or registration plates (limited to those registrations which have expired within 60 days prior to the proclamation or during the duration of the proclamation)
Section 147	Section 321.46	Continues to suspend provisions which require a transferee of a new motor vehicle to apply for a new registration and title within 30 days of purchase
Section 148	Section 321.25	Continues to suspend provision which allows vehicles to operate upon the highway without registration plates for 45-days after the date of delivery of the vehicle to the purchaser if the owner displays a “registration applied for” card on the rear of the vehicle; this is not necessary during the duration of the proclamation
Section 149	Section 321.20A	Continues to suspend provisions which require the owner of a commercial vehicle subject to provisions of chapter 326 to apply for a certificate of title within 30-days of purchase/transfer and pay fees for new registration
Section 150	Section 321.52(4)(b)	Continues to suspend provisions that prescribe a vehicle rebuilder, a person engaged in the business of buying, selling, or exchanging vehicles, to be registered in the state, or an insurer must obtain a salvage certificate of title for wrecked or salvaged vehicles within 30-days after date of assignment of the certificate of title
Section 151	Section 326.14	Continues to suspend provisions that prescribe late filing penalties for renewals under the International Registration Plan and enforcement deadlines for failure to display plates/registration (limited to renewals that have expired during proclamation)

Weapons Permitting Procedures		
Section 152	Section 724.18	Continues to suspend requirement of personal delivery of application for permit to acquire a weapon; each county sheriff should formulate/implement a procedure for applications that shall include an in-person drop-off (without in-person interaction), acceptance by mail, and if possible, electronic means
Section 153	Sections 724.6, 724.7, and 724.20	Continues to suspend expiration of professional and nonprofessional permits to carry for duration of proclamation (does not extend to permit to be used to purchase if past original expiration date)
Online Apprenticeship Instruction		
Section 154	Section 15B.4	Suspends provisions that limit online instruction in determining contact hours for apprenticeship sponsor or lead apprenticeship sponsors; limited to instruction provided during duration of proclamation.
High School Equivalency Testing		
Section 155	281 IA Admin Code § 32.7(1)	Suspends provisions that require applicants to retake a high school equivalency degree test if he/she has not earned a high school equivalency degree within 5 years of taking the first subtest; suspension applies during duration of this proclamation
Community College Instruction Hours		
Section 156	281 IA Admin Code § 21.2(12)(i)-(m)	Suspends provisions that set minimum contact-hour requirements for community college instruction, but only if the community college notifies the Department of Education of any modifications consistent with the Department's guidance; suspension applies during duration of this proclamation
Annual Sports Physical Requirements		
Section 157	281 IA Admin Code § 36.14(1)	Suspends provisions requiring students participating in interscholastic athletics provide certification that the student has been examined by a health professional and may engage in athletic

		competition; suspension applies during duration of this proclamation
Other Regulatory		
Section 158	281 IA Admin Code § 21.31	Continues to suspend regulatory requirement that requires instructional courses for drinking drivers to be delivered in-person
Section 159	661 IA Admin Code § 221.3	Continues to suspend regulatory requirement that requires an unattended fueling dispenser to provide a public phone
Section 160	Section 206.5(2)(a)	Continues to suspend provisions that provide fee requirements as it applies to commercial applicators, public applicators, and private applicators who were certified applicators as of December 31, 2019
Section 161	Section 206.5(3)	Suspends provisions that require applicators to be certified to apply pesticides, as long as applicator is under the direct supervision of a certified applicator
Section 162	Section 206.6(1)	Suspends provisions requiring licensure to engage in the business of applying pesticides to land or property of another, a person may engage in the business of applying pesticides with non-restricted general use pesticides indoors and for the sole purpose of disinfecting or sanitizing areas where humans live, work, and congregate; does not exempt a person from acquiring required license/certification
Section 163	Section 206.5(4)	Suspends provisions that require a commercial applicator who applies pesticides to ag land to be certified, as long as the applicator meets the requirements of a private applicator; does not apply to aerial applicators
Retired Public Disaster Responders		
Section 164	Sections 97B.48A and 97B.52A	Continues to suspend the provisions that require the repayment or reduction of a member's retirement allowance if the member is reemployed or returns to employment during the disaster emergency as:

		<ul style="list-style-type: none"> • licensed health care professional employed by a hospital • state or local government public health employee • “protection occupation” (defined in section 97B.49B(1)(e)) • sheriff/deputy sheriff (defined in section 97B,49C(1)(b) or (c))
Section 165	Sections 411.3(3), 411.6(1)(c), and 411.21(3)	Continues to suspend provisions that limit a retired police officer or firefighter from continuing to receive a service requirement allowance without interruption if reemployed as a police officer or firefighter during the disaster emergency
State Agency Operations		
Section 166		Continues activation of the disaster response and recovery aspects of Iowa Homeland Security and Iowa Emergency Response Plan; authorizes the use of all state resources, supplies, equipment, and materials as necessary to assist citizens in disaster affected counties
Section 167		Activates public health response or state disaster emergency plan, authorizes use of all available state resources, supplies, equipment and materials
Section 168	Sections 135.144 and 135.143	Directs DPH to take reasonable and necessary actions to address public health disaster, includes mobilizing response teams to supplement/support local and medical and public health personnel, hospitals, and resources; registered members of public health teams that provide assistance will receive protections and benefits of state employees
Section 169	11 IA Admin Code § 53.11(3)	Continues to suspend provisions that prohibit certain State of Iowa employees from receiving overtime pay while they are engaged in assigned disaster response work
Section 170		Orders state agencies to utilize personnel, equipment and facilities to assist IDPH and IDHSEM in performing any and all activities necessary to prevent, contain, and mitigation the effects of the COVID-19 virus.

Section 171	Section 8A.413(1) 11 IA Admin Code § 57.4, 57.7	Continues to suspend provisions that limit the number of hours per fiscal year for temporary employees in state agencies and the limit on the period of time a temporary employee may work as an excluded public employee
Section 172	Sections 8A, 8B, 313.10 11 IA Admin Code § 117, 118 129 IA Admin Code § 10 641 IA Admin Code § 176	Continues to suspend provisions that require agencies involved in the response to procure goods and services through a competitive selection process (this is limited to this public health emergency for the duration of this proclamation and to facilitate telework by state employees and mitigate/respond to increased cyber threats/attacks)
Implementation and Interpretation		
Section 173		DPS, DPH, DOE, Iowa Homeland Security, and DOT are directed to monitor operation and implementation of the proclamation
Section 174		All peace officers of the state are called upon to assist in the enforcement of the proclamation
Section 175		Nothing shall be construed as an exemption from any other provision of the Iowa Code or Admin Code unless specifically identified
Section 176		Effective immediately and expires May 27 at 11:59 p.m.