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May 8, 2020

RE: Temporary Waiver of the requirement for a motor vehicle dealer to notify the department 10 days in advance of any business hours change as a result of the Governor's March 17 Proclamation of Disaster Emergency due to the Coronavirus (COVID-19) outbreak.

To whom it may concern:

On March 17, 2020, Governor Reynolds issued a Proclamation of Disaster Emergency due to the Coronavirus (COVID-19) outbreak.

As a result of the emergency referenced above, motor vehicle dealers have requested suspension of a portion of Iowa Administrative Rule 761—425.18. Of relevance to this petition, the rule requires a motor vehicle dealer to notify the department in writing 10 days in advance of any change in business hours. Because of the recommended social distancing measures and other guidelines under this disaster emergency, there is a desire for motor vehicle dealers to maintain the flexibility of being able to change their business hours as they move towards providing normal services in the upcoming weeks and months. While some motor vehicle dealers will choose to resume normal business hours, others may choose a phased-in approach. Therefore, requiring 10 days advance notice each time a motor vehicle seeks to adjust their business hours based on staffing levels, customer foot traffic or other factors would present an unnecessary burden during these unprecedented times.

On behalf of the Iowa Department of Transportation, I am accepting this request as a petition for rule waiver under 761 Iowa Administrative Code chapter 11, which allows me to grant a waiver when application of a rule would pose a hardship that is undue, when the waiver would not prejudice the substantial legal rights of any person, when the rule provisions are not mandated by statute or other provisions of law and when equal protection of the public health, safety, and welfare will be afforded by a means other than that prescribed in the rule for which the waiver or variance is requested.

This rule implements Iowa Code chapter 322, which governs the requirements for issuance of a motor vehicle dealer license. However, the requirement that a motor vehicle dealer notify the department 10 days in advance of any business hours change is a requirement of administrative rule 761—425.18, but is not explicitly mandated by statute or other provision of law.

Accordingly, as director, I find that under the authority cited, I may take the following action to provide relief from the following portion of the administrative rule:

- Iowa Administrative Rule 761—425.18 stating that "A motor vehicle dealer shall file a written statement with the vehicle and motor carrier services bureau at least ten days before any change of...hours..."

I hereby waive the listed portion of the above-referenced rule specifically related to the requirement that a motor vehicle dealer notify the department 10 days in advance of any business hours change, as that requirement would be an undue hardship during this public health emergency. I find that equal protection of the public health, safety, and welfare can be met by allowing a motor vehicle dealer to post their business hours for the week conspicuously at each location as well as notify the department of a change in business hours when they are seeking a renewal of their motor vehicle dealer's license for the 2021 calendar year.

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This decision does not waive the requirements in Iowa Administrative Rule 761-425.3 that the motor vehicle dealer must conduct regular business hours that include a minimum of 32 posted hours between 7 a.m. and 9 p.m., Monday through Friday. This decision does not waive the requirements in Iowa Administrative Rule 761-425.10(5) that the principal place of business must be staffed during regular business hours. This decision does not waive any other provisions of administrative rule or Iowa law related to regulation of motor vehicle dealers.

This waiver shall become effective immediately and shall end December 31, 2020.

Please contact Daniel Yeh, by email at [daniel.yeh@iowadot.us](mailto:daniel.yeh@iowadot.us) or by telephone at (515) 237-3325 if you have any questions about this decision

Sincerely,

Scott Marler, Director