



Motor Vehicle Division Informational Memo # 22-05

Special Provisions for Avian Influenza- Motor Carrier Services

DATE: March 9, 2022
FROM: Melissa Gillett, Director
Motor Vehicle Division
TO: Iowa Motor Carriers
Iowa Motor Truck Association
All Vehicle & Motor Carrier Services staff
Iowa DOT Motor Vehicle Enforcement

SUBJECT

This informational memo is to inform motor carriers, law enforcement, and staff about the Governor's Proclamation of Disaster Emergency issued March 6, 2022, to provide relief from regulatory provisions for motor carriers responding to highly pathogenic avian influenza in Buena Vista County.

SUMMARY

Due to confirmed cases of highly pathogenic avian influenza in the State of Iowa, the Governor has proclaimed a state of disaster emergency for Buena Vista County. The Governor has issued a proclamation that provides relief for the following:

- Allows a vehicle to move overweight loads of up to 90,000 pounds related to the response to the Buena Vista disaster declaration without needing to obtain a permit on non-interstate highways (Iowa Code 321.463).
- Allows extended hours of service of motor carriers and drivers of commercial motor vehicles for loads related to the response to the Buena Vista disaster declaration (Iowa Code 321.449).

HELPFUL QUESTIONS AND ANSWERS

The following questions and answers will provide additional clarification for staff and customers.

WHICH DIVISIBLE LOADS ARE ALLOWED TO TRAVEL WITHOUT PERMIT UNDER THE GOVERNOR'S PROCLAMATION?

Certain divisible loads may travel without permits on state highways if:

- The load is related to the response to the Buena Vista disaster declaration for avian influenza.
- The load does not exceed 90,000 pounds gross weight.
- The load does not exceed the maximum axle weight limit determined under the non-primary highway maximum gross weight table by more than 12.5%.
- The load does not exceed the legal maximum axle weight limit of 20,000 pounds.
- The load otherwise complies with posted limits on roads and bridges.

Under these conditions, the divisible load is authorized to travel on Iowa and US highways, excluding the interstate system, without a permit.

CAN OVERWEIGHT DIVISIBLE LOADS RESPONDING TO THE DISASTER TRAVEL ON THE INTERSTATE WITHOUT A PERMIT?

No, the Governor’s proclamation is limited to Iowa highways, excluding the interstate system.

HOW DID THE GOVERNOR’S PROCLAMATION AFFECT HOURS OF SERVICE OF MOTOR CARRIERS AND DRIVERS OF COMMERCIAL VEHICLES?

The Governor’s proclamation suspended the regulatory provisions of Iowa Code § 321.449 pertaining to hours of service of motor carriers and drivers of commercial motor vehicles under certain conditions. To be eligible for this suspension, the following conditions apply:

- the customers are crews and drivers delivering loads related to the response to the Buena Vista disaster declaration.
- Motor carriers are not exempt from the controlled substances and alcohol use and testing requirements, commercial drivers’ license requirements, financial responsibilities requirements, or any other portion of the Code of Federal Regulations not specifically identified the Proclamation.
- Motor carriers cannot be required or allowed to operate if fatigued or ill.
- Drivers who inform 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.
- Motor carriers must give the 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 (8) consecutive days.
- Motor carriers that have an out-of-service order in effect may not take advantage of this relief.

WHEN DOES THE GOVERNOR’S PROCLAMATION EXPIRE?

April 5, 2022 at 11:59 p.m. unless sooner terminated or extended by the Governor.

WHAT IS THE BEST WAY TO CONTACT DOT REGARDING QUESTIONS?

omcs@iowadot.us

515-237-3264