

State of Iowa  
Executive Department

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

PROCLAMATION OF DISASTER EMERGENCY

**WHEREAS,** On Thursday, June 2, 2011, a state of disaster emergency was declared for Fremont, Harrison, Mills, Monona, Pottawattamie and Woodbury counties (the disaster counties) in the state of Iowa as a result of imminent flooding of the Missouri River in and along those counties; and

**WHEREAS,** Strict compliance with provisions of the Iowa Code regulating the place of business and extensions thereof of new and used motor vehicle dealers, travel trailer dealers, and vehicle recyclers would prevent, hinder, or delay necessary action in coping with the emergency:

**NOW, THEREFORE, I,** Terry E. Branstad, Governor of the State of Iowa, by the power and authority vested in me by the Constitution Article IV, Sections 1 and 8, and Iowa Code section 29C.6, do hereby declare the following measures to expedite coping with the emergency. These measures apply only to a currently licensed new or used motor vehicle dealer licensed under Chapter 322 of the Iowa Code, a travel trailer dealer licensed under Chapter 322C of the Iowa Code, or a vehicle recycler licensed under 321H of the Iowa Code, all of which had immediately before the above-declared emergency an established place of business in one or more of the disaster counties as required by said chapters of the Iowa Code and that are precluded from conducting business at their principal place of business as a result of said emergency (an affected dealer or affected recycler):

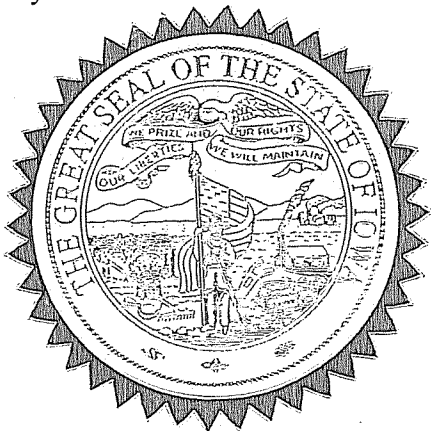
1. I hereby suspend the regulatory provisions of Iowa Code section 322.5(1)(a) requiring a \$20 fee for any additional car lot established by an affected new or used motor vehicle dealer to cope with said emergency and waive the requirement that such car lot be in the city or township in which the principal place of business is located; provided, however, that any such lot established by an affected new motor vehicle dealer must remain within the same community as defined in section 322A.1(2) of the Iowa Code, and provided further that any such lot for any affected dealer, new or used, must remain within the same county as the principal place of business, or an Iowa county adjacent thereto. The intent of this paragraph is to allow an affected new or used motor vehicle dealer to obtain from the Iowa Department of Transportation (the department) an extension lot license without fee and on an expedited basis. An affected new or used dealer operating from an extension lot under the provisions of this paragraph shall not be required to maintain its principal place of business as required by 761 IAC 425.10(4). An affected new or used motor vehicle dealer applying for an extension lot license under the provisions of this paragraph shall not be required to provide to the department a zoning letter as required by 761 IAC 425.10(6). This paragraph does not, however, waive the requirement that an affected new or used motor vehicle dealer comply with all applicable city or county zoning ordinances. This paragraph does not waive or suspend any state or federal statute or regulation requiring the maintenance and protection of records applicable to a new or used motor vehicle dealer, including but not limited to evidence of ownership 761 IAC 425.12(2), which shall be maintained at a secure location until resumption of business at the principal place of business.
2. I hereby suspend the regulatory provisions of Iowa Code section 322C.4(1) requiring a \$20 fee for any travel trailer lot in addition to the principal place of business established by an affected travel trailer dealer to cope with said emergency and waive the requirement that such additional travel trailer lot be in the county in which the principal place of business is located as required by 761 IAC 425.17(2); provided, however, that any such lot established by an affected travel trailer dealer be within an Iowa county adjacent thereto. The intent of

this paragraph is to allow an affected travel trailer dealer to obtain from the department an extension lot license without fee and on an expedited basis. An affected travel trailer dealer operating from an extension lot under the provisions of this paragraph shall not be required to maintain its principal place of business as required by 761 IAC 425.10(4). An affected travel trailer dealer applying for an extension lot license under the provisions of this paragraph shall not be required to provide to the department a zoning letter as required by 761 IAC 425.10(6). This paragraph does not, however, waive the requirement that an affected travel trailer dealer comply with all applicable city or county zoning ordinances. This paragraph does not waive or suspend any state or federal statute or regulation requiring the maintenance and protection of records applicable to a travel trailer dealer, including but not limited to evidence of ownership 761 IAC 425.12(2), which shall be maintained at a secure location until resumption of business at the principal place of business.

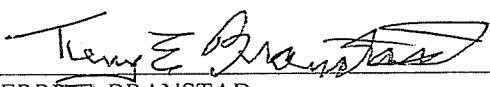
3. I hereby suspend the regulatory provisions of Iowa Code sections 321H.2(3) and 321H.4(2) requiring a separate license for each county in which an affected recycler conducts business as that provision would otherwise apply to an extension established by an affected recycler to cope with said emergency and waive the requirement that such extension be in the same county; provided, however, that any such extension established by an affected recycler be within an Iowa county adjacent to the county of the affected recycler's principal place of business. The intent of this paragraph is to allow an affected dealer to obtain from the department an extension lot license without fee and on an expedited basis. An affected recycler operating from an extension lot under the provisions of this paragraph shall not be required to maintain its principal place of business as required by 761 IAC 431.2. An affected recycler applying for an extension lot license under the provisions of this paragraph shall not be required to provide to the department a zoning letter as required by 761 IAC 431.3(6). This paragraph does not, however, waive the requirement that an affected recycler comply with all applicable city or county zoning ordinances. This paragraph does not waive or suspend any state or federal statute or regulation requiring the maintenance and protection of records applicable to a vehicle recycler, which shall be maintained at a secure location until resumption of business at the principal place of business.
4. I hereby suspend the regulatory provisions of Chapter 555A of the Iowa Code, "Door-to-Door Sales," as they may otherwise apply to transactions conducted from an extension lot established by an affected dealer or affected recycler pursuant to this proclamation.

Nothing contained in this declaration shall be construed as an exemption of any regulations not specifically identified. The department retains discretion and authority to deny any application for an extension lot license submitted under this proclamation that is otherwise incomplete or is otherwise fraudulent or illegal, and retains discretion and authority to revoke any extension lot license at such time as the use of the extension lot is no longer necessary to cope with the above-declared emergency.

This emergency declaration is effective immediately and remains in effect for thirty (30) days. The Iowa Department of Transportation is directed to monitor the operation of this proclamation to assure the protection of consumers transacting business with affected dealers and affected recyclers.



IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the great seal of the State of Iowa to be affixed. Done at Des Moines, Iowa, this 10th day of June in the year of our Lord two thousand eleven.

  
TERRY E. BRANSTAD  
GOVERNOR OF IOWA

ATTEST:

  
MATT SCHULTZ  
SECRETARY OF STATE