

Red Tape Review Rule Report (Due: September 1, 2025)

Department Name:	Iowa Division of Banking	Date:	August 13, 2025	Total Rule Count:	12
IAC #:	187	Chapter/ SubChapter/ Rule(s):	6	Iowa Code Section Authorizing Rule:	Chapters 17A, 524
Contact Name:	Zak Hingst	Email:	Zak.hingst@idob.state.ia.us	Phone:	515-242-0332

PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

What is the intended benefit of the rule?

To fulfill the statutory requirement in Iowa Code section 17A.9(2) to adopt a rule establishing the form, contents, and filing with the Division petitions for declaratory orders.

Is the benefit being achieved? Please provide evidence.

Yes, people interested in petitioning the Division for a declaratory order benefit from the rule, which clarifies the procedures applicable to preparing and submitting such a petition.

What are the costs incurred by the public to comply with the rule?

The rule does not impose any costs but people interested in petitioning the Division for a declaratory order may incur the costs of preparing and submitting a petition for a declaratory order.

What are the costs to the agency or any other agency to implement/enforce the rule?

The Division incurs staff time to review, evaluate, and respond to petitions for declaratory orders when filed.

Do the costs justify the benefits achieved? Please explain.

Yes, because the rule fulfills the statutory requirement, establishing a clear process for filing petitions for declaratory orders while not imposing any costs on members of the public to take advantage of this process.

Are there less restrictive alternatives to accomplish the benefit? ☐ YES ☒ NO

If YES, please list alternative(s) and provide analysis of less restrictive alternatives from other states, if applicable. If NO, please explain.

The Division has not identified any less restrictive method of clarifying the form, contents, and filing process for petitions for declaratory orders.

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language? [list chapter/rule number(s) that fall under any of the above categories]

PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

Yes, the chapter contains language that duplicates statutory language and includes other unnecessary or outdated language as noted herein:

- 6.1 Petition for declaratory order: Includes outdated contact information and other unnecessary language.
- 6.3 Intervention: Includes outdated contact information and other unnecessary language.
- 6.5 Inquiries: Includes outdated contact information.
- 6.6 Service and filing of petitions: Includes unnecessary language and outdated contact information.
- 6.7 Consideration: Includes unnecessary language.
- 6.8 Action on petition: Includes unnecessary language.

RULES PROPOSED FOR REPEAL (list rule number[s]):

None.

RULES PROPOSED FOR RE-PROMULGATION (list rule number[s] or include rule text if available):

CHAPTER 6

PETITION FOR DECLARATORY ORDER

Chapter exempt from chapter rescission pursuant to Iowa Code section [17A.7](#)

187—6.1(17A) Petition for declaratory order. Any person may file a petition with the division for a declaratory order as to the applicability to specified circumstances of a statute, rule, or order within the primary jurisdiction of the division. Petitions shall be filed at the address found on the Division's website: <https://idob.iowa.gov/>; Attn: Legal Counsel. Petitions may also be delivered by email to an email address supplied by the division's legal counsel. A petition is deemed filed when it is received by the division. The division shall provide the petitioner with a file-stamped copy of the petition if the petitioner provides the

division an extra copy for this purpose. The petition must be typewritten and substantially conform to the following form:

DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES

DIVISION OF BANKING

Petition by (Name of Petitioner)

}

PETITION FOR

for a Declaratory Order on

DECLARATORY ORDER

(Cite provisions of law involved).

The petition must provide the following information:

1. A clear and concise statement of all relevant facts on which the order is requested.
2. A citation and the relevant language of the specific statutes, rules, policies, decisions, or orders, whose applicability is questioned, and any other relevant law.
3. The questions petitioner wants answered, stated clearly and concisely.
4. The answers to the questions desired by the petitioner and a summary of the reasons urged by the petitioner in support of those answers.
5. The reasons for requesting the declaratory order and disclosure of the petitioner's interest in the outcome.
6. A statement indicating whether the petitioner is currently a party to another proceeding involving the questions at issue and whether, to the petitioner's knowledge, those questions have been decided by, are pending determination by, or are under investigation by, any governmental entity.
7. The names and addresses of other persons, or a description of any class of persons, known by petitioner to be affected by, or interested in, the questions presented in the petition.
8. Any request by petitioner for a meeting provided for by rule 187-6.7(17A).

The petition must be dated and signed by the petitioner or the petitioner’s representative. It must also include the name, mailing address, and telephone number of the petitioner and petitioner’s representative and a statement indicating the person to whom communications concerning the petition should be directed.

187—6.2(17A) Notice of petition. Within 15 days after receipt of a petition for a declaratory order, the division shall give notice of the petition to all persons not served by the petitioner pursuant to rule 187-6.6(17A) to whom notice is required by any provision of law. The division may also give notice to any other persons.

187—6.3(17A) Intervention.

6.3(1) Persons who qualify under any applicable provision of law as an intervenor and who file a petition for intervention within six days of the filing of a petition for declaratory order shall be allowed to intervene in a proceeding for a declaratory order.

6.3(2) Any person who files a petition for intervention at any time prior to the issuance of an order may be allowed to intervene in a proceeding for a declaratory order at the discretion of the division.

6.3(3) A petition for intervention shall be filed at the address found on the Division’s website: <https://idob.iowa.gov/>; Attn: Legal Counsel. Such petitions may also be delivered by email to an email address supplied by the division’s legal counsel. A petition is deemed filed when it is received by the division. The division will provide the petitioner with a file-stamped copy of the petition for intervention if the petitioner provides an extra copy for this purpose. A petition for intervention must be typewritten and substantially conform to the following form:

DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES
DIVISION OF BANKING

Petition by (Name of Original Petitioner)
for a Declaratory Order on
(Cite provisions of law cited in original petition).

}

PETITION FOR
INTERVENTION

The petition for intervention must provide the following information:

1. Facts supporting the intervenor's standing and qualifications for intervention.
2. The answers urged by the intervenor to the question or questions presented and a summary of the reasons urged in support of those answers.
3. Reasons for requesting intervention and disclosure of the intervenor's interest in the outcome.
4. A statement indicating whether the intervenor is currently a party to any proceeding involving the questions at issue and whether, to the intervenor's knowledge, those questions have been decided by, are pending determination by, or are under investigation by, any governmental entity.
5. The names and addresses of any additional persons, or a description of any additional class of persons, known by the intervenor to be affected by, or interested in, the questions presented.
6. Whether the intervenor consents to be bound by the determination of the matters presented in the declaratory order proceeding.

The petition must be dated and signed by the intervenor or the intervenor's representative. It must also include the name, mailing address, and telephone number of the intervenor and intervenor's representative, and a statement indicating the person to whom communications should be directed.

187—6.4(17A) Briefs. The petitioner or any intervenor may file a brief in support of the position urged. The division may request a brief from the petitioner, any intervenor, or any other person concerning the questions raised.

187—6.5(17A) Inquiries. Inquiries concerning the status of a declaratory order proceeding may be made to the address found on the Division's website: <https://idob.iowa.gov/>; Attn: Legal Counsel. Inquiries may also be made by email to an email address supplied by the division's legal counsel.

187—6.6(17A) Service and filing of petitions and other papers.

6.6(1) Except where otherwise provided by law, every petition for declaratory order, petition for intervention, brief, or other paper filed in a proceeding for a declaratory order shall be served upon each of the parties of record to the proceeding, and on all other persons identified in the petition for declaratory order or

petition for intervention as affected by or interested in the questions presented, simultaneously with their filing.

The party filing a document is responsible for service on all parties and other affected or interested persons.

6.6(2) All petitions for declaratory orders, petitions for intervention, briefs, or other papers in a proceeding for a declaratory order shall be filed at the address found on the Division's website: <https://idob.iowa.gov/>; Attn: Legal Counsel. Filings may also be made by email to an email address supplied by the division's legal counsel. All petitions, briefs, or other papers that are required to be served upon a party shall be filed simultaneously with the division.

6.6(3) Method of service, time of filing, and proof of mailing shall be as provided by rule on contested cases [187—11.12\(17A\)](#).

187—6.7(17A) Consideration. Upon request by petitioner, the division must schedule a brief and informal meeting between the original petitioner, all intervenors, and division staff to discuss the questions raised. The division may solicit comments from any person on the questions raised. Also, comments on the questions raised may be submitted to the division by any person.

187—6.8(17A) Action on petition.

6.8(1) The division shall act on the petition in the time frame established by Iowa Code section 17A.9(5).

6.8(2) The date of issuance of an order or of a refusal to issue an order is as defined in rule on contested cases [187—11.2\(17A\)](#).

187—6.9(17A) Refusal to issue order.

6.9(1) The division shall not issue a declaratory order where prohibited by Iowa Code section 17A.9(1) and may refuse to issue a declaratory order on some or all questions raised for the following reasons:

1. The petition does not substantially comply with the required form.
2. The petition does not contain facts sufficient to demonstrate that the petitioner will be aggrieved or adversely affected by the failure of the division to issue an order.
3. The division does not have jurisdiction over the questions presented in the petition.

4. The questions presented by the petition are also presented in a current rule making, contested case, or other division or judicial proceeding, that may definitively resolve them.

5. The questions presented by the petition would more properly be resolved in a different type of proceeding or by another body with jurisdiction over the matter.

6. The facts or questions presented in the petition are unclear, overbroad, insufficient, or otherwise inappropriate as a basis upon which to issue an order.

7. There is no need to issue an order because the questions raised in the petition have been settled due to a change in circumstances.

8. The petition is not based upon facts calculated to aid in the planning of future conduct but is, instead, based solely upon prior conduct in an effort to establish the effect of that conduct or to challenge a division decision already made.

9. The petition requests a declaratory order that would necessarily determine the legal rights, duties, or responsibilities of other persons who have not joined in the petition, intervened separately, or filed a similar petition and whose position on the questions presented may fairly be presumed to be adverse to that of petitioner.

10. The petitioner requests the division to determine whether a statute is unconstitutional on its face.

6.9(2) A refusal to issue a declaratory order must indicate the specific grounds for the refusal and constitutes final division action on the petition.

6.9(3) Refusal to issue a declaratory order pursuant to this provision does not preclude the filing of a new petition that seeks to eliminate the grounds for the refusal to issue an order.

187—6.10(17A) Contents of declaratory order—effective date. In addition to the order itself, a declaratory order must contain the date of its issuance, the name of petitioner and all intervenors, the specific statutes, rules, policies, decisions, or orders involved, the particular facts upon which it is based, and the reasons for its conclusion. A declaratory order is effective on the date of issuance.

187—6.11(17A) Copies of orders. A copy of all orders issued in response to a petition for a declaratory order shall be mailed promptly to the original petitioner and all intervenors.

187—6.12(17A) Effect of a declaratory order. A declaratory order has the same status and binding effect as a final order issued in a contested case proceeding. It is binding on the division of banking, the petitioner, and any intervenors and is applicable only in circumstances where the relevant facts and the law involved are indistinguishable from those on which the order was based. As to all other persons, a declaratory order serves only as precedent and is not binding on the division. The issuance of a declaratory order constitutes final division action on the petition.

These rules are intended to implement Iowa Code section 17A.9.

****For rules being re-promulgated with changes, you may attach a document with suggested changes.***

METRICS

Total number of rules repealed:	0
Proposed word count reduction after repeal and/or re-promulgation	49
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	1

ARE THERE ANY STATUTORY CHANGES YOU WOULD RECOMMEND INCLUDING CODIFYING ANY RULES?

No.