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

Department Name:	Iowa Division of Banking	**Date:**	August 13, 2025	**Total Rule Count:**	11
IAC #:	187	**Chapter/ SubChapter/ Rule(s):**	12	**Iowa Code Section Authorizing Rule:**	Chapters 17A, 524
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PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

What is the intended benefit of the rule?

To establish and clarify the Division's processes for considering and deciding on a request for a waiver of an administrative rule.

Is the benefit being achieved? Please provide evidence.

Yes, people interested in requesting that the Division waive an otherwise applicable administrative rule are informed of the Division's process for reviewing and deciding on such a request.

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

The rule does not impose any costs but people interested in requesting a waiver from the Division may incur the costs of preparing and submitting a petition for waiver.

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 waivers when such petitions are filed.

Do the costs justify the benefits achieved? Please explain.

Yes, because the rule establishes 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 process for submitting, considering, and reviewing petitions for waiver of otherwise applicable administrative rules.

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language?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Yes, the chapter contains language that duplicates statutory language and includes other unnecessary or outdated language as noted herein:

12.1 Scope of chapter: Repeats statutory language.
12.2 Superintendent discretion: Includes unnecessary language.
12.3 Filing of petition: Includes outdated and unnecessary language.
12.4 Notice: Includes unnecessary language.
12.5 Superintendent's responsibilities regarding petition for waiver: Includes unnecessary language.
12.6 Public availability: Includes outdated language.
12.7 Voiding or cancellation: Includes unnecessary language.
12.11 Submission of waiver information: Includes unnecessary language, repeats statutory language, and gives unnecessary sample of a petition for waiver.

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

187-12.11

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

CHAPTER 12

UNIFORM WAIVER RULES

Chapter exempt from chapter rescission pursuant to Iowa Code section 17A.7

187—12.1(17A,524) Scope of chapter. This chapter outlines a uniform process for the granting of waivers from rules adopted by the superintendent in situations where no other more specifically applicable law provides for waivers. This chapter shall not apply to rules that merely define the meaning of a statute or other provision of law or precedent if the division does not possess delegated authority to bind the courts to any extent with its

definition. To the extent another more specific provision of law governs the issuance of a waiver from a particular rule, the more specific provision shall supersede this chapter with respect to any waiver from that rule.

12.1(1) *Definitions.*

"Person" means the same as defined in Iowa Code section 17A.2(9).

"Superintendent" means the superintendent of banking as defined in Iowa Code section 524.201.

"Waiver " means the same as defined in Iowa Code section 17A.9A(5).

12.1(2) *Applicability.*

The superintendent may grant a waiver of a rule as permitted by Iowa Code section 17A.9A.

187—12.2(17A,524) Superintendent discretion. The decision on whether the circumstances justify the granting of a waiver shall be made at the discretion of the superintendent upon consideration of all relevant factors. Each petition for a waiver shall be evaluated by the superintendent based on the unique, individual circumstances set out in the petition.

12.2(1) *Criteria for waiver.* The superintendent may issue an order granting a waiver from a rule, in whole or in part, as applied to the circumstances of a specified situation if the superintendent finds all of the following based on clear and convincing evidence:

a. Applying the rule would result in an undue hardship on the person for whom the waiver is requested;

b. Waiver from the requirements of the rule in the specific case would not prejudice the substantial legal rights of any person;

c. Provisions of the rule subject to the petition for waiver are not specifically mandated by statute or another provision of law; and

d. Substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver is requested.

In determining whether a waiver should be granted, the superintendent shall consider the public interest, policies and legislative intent of the statute on which the rule is based. When the rule from which a waiver is

sought establishes administrative deadlines, the superintendent shall balance the special individual circumstances of the petitioner with the overall goal of uniform treatment of all similarly situated persons.

12.2(2) *Special waiver rules not precluded.* These uniform waiver rules shall not preclude the superintendent from granting waivers in other contexts if a statute or other rule authorizes the superintendent to do so and the superintendent deems it appropriate to do so.

187—12.3(17A,524) Filing of petition.

12.3(1) *Application.* All petitions for waiver must be submitted in writing to the division at the address found on the Division's website: https://idob.iowa.gov/. If the petition relates to a pending contested case, a copy of the petition shall also be filed in the contested case proceeding.

12.3(2) *Content of petition.* A petition for waiver shall include the following information where applicable and known to the requester and must substantially conform to the following form:

BEFORE THE IOWA SUPERINTENDENT OF BANKING

Petition by (insert name of petitioner) for the waiver of (insert rule citation) relating to (insert the subject matter).	}	PETITION FOR WAIVER OF RULE

a. The name, address, and telephone number of the person for whom a waiver is being requested and the case number of any related contested case.

c. A description and citation of the specific rule from which a waiver is requested.

c. The specific waiver requested, including the precise scope and duration.

d. The relevant facts that the petitioner believes would justify a waiver under each of the criteria specified subrule 12.2(1).

e. A signed statement from the petitioner attesting to the accuracy of the facts provided in the petition and a statement of reasons that the petitioner believes will justify a waiver.

f. A history of any prior contacts between the superintendent and the petitioner relating to the regulated activity, license, grant, loan, or other financial assistance affected by the proposed waiver, including a description of each affected license, grant, loan, or other financial assistance held by the requester, any notices of violation, contested case hearings, or investigative or examination reports relating to the regulated activity, license, grant, or loan within the past five years.

g. Any information known to the petitioner regarding the superintendent's treatment of similar cases.

h. The name, address, and telephone number of any public agency or political subdivision which also regulates the activity in question or which might be affected by the granting of a waiver.

i. The name, address, and telephone number of any person or entity that would be adversely affected by the granting of a petition.

j. The name, address, and telephone number of any person with knowledge of the relevant facts relating to the proposed waiver.

k. Signed releases of information authorizing persons with knowledge regarding the request to furnish the superintendent with information relevant to the waiver.

12.3(3) *Burden of persuasion.* The petitioner bears the burden of persuasion to demonstrate by clear and convincing evidence that the superintendent should exercise the superintendent's discretion to grant the petitioner a waiver.

187—12.4(17A,524) Notice. The superintendent shall acknowledge a petition upon receipt. Within 30 days of the receipt of the petition, the division will provide notice of the pendency of the petition and a copy of the petition or a concise summary of its contents to all persons to whom notice is required by any provision of law. The superintendent may give notice to other persons. To accomplish this provision, the superintendent may require the petitioner to serve the notice on all persons to whom notice is required by any provision of law and provide a written statement to the superintendent attesting that notice has been provided.

187—12.5(17A,524) Superintendent's responsibilities regarding petition for waiver.

12.5(1) *Additional information.* Prior to issuing an order granting or denying a waiver, the superintendent may request additional information from the petitioner relative to the petition and surrounding circumstances. If the petition was not filed in a contested case, the superintendent may, on the superintendent's own motion or at the petitioner's request, schedule a telephonic or in-person meeting between the petitioner and the superintendent or the superintendent's designee.

12.5(2) *Hearing procedures.* The provisions of Iowa Code sections 17A.10 to 17A.18A regarding contested case hearings shall apply to the following: (a) when any petition for a waiver of a rule is filed within a contested case; (b) when the superintendent so provides by rule or order; or (c) when a statute so requires.

12.5(3) *Ruling.* An order granting or denying a waiver shall be in writing and contain a reference to the particular person and rule or portion thereof to which the order pertains, a statement of the relevant facts and reasons upon which the action is based, and a description of the precise scope and operative period of the waiver if one is issued.

12.5(4) *Conditions.* The superintendent may place any condition on a waiver that the superintendent finds desirable to protect the public health, safety, and welfare.

12.5(5) *Narrowly tailored exception.* A waiver, if granted, shall provide the narrowest exception possible to the provisions of a rule.

12.5(6) *Time period of waiver.* A waiver shall not be permanent unless the petitioner can show that a temporary waiver would be impracticable. If a temporary waiver is granted, there is no automatic right to renewal. At the sole discretion of the superintendent, a waiver may be renewed if the superintendent finds that grounds for a waiver continue to exist.

12.5(7) *Time for ruling.* The superintendent shall grant or deny a petition for a waiver as soon as practicable but, in any event, shall do so within 120 days of its receipt, unless the petitioner agrees to a later date. However, if a petition is filed in a contested case, the superintendent shall grant or deny the petition no later than the time at which the final decision in that contested case is issued. Failure of the superintendent to

grant or deny a petition within the required time period shall be deemed a denial of that petition by the superintendent.

12.5(8) *Service of order.* Within seven days of its issuance, the superintendent shall transmit an order issued under this chapter to the petitioner or any other person entitled to such notice.

187—12.6(17A,524) Public availability. The division will comply with the public availability and filing procedures of Iowa Code section 17A.(A)(4). Petitions for a waiver and orders granting or denying a waiver petition are public records under Iowa Code chapter 22. Some petitions or orders may contain information that the superintendent is authorized or required to keep confidential. The superintendent may accordingly redact confidential information from petitions or orders prior to public inspection.

187—12.7(17A,524) Voiding or cancellation. A waiver is void if the material facts upon which the request or petition is based are not true or if material facts have been withheld. The superintendent may withdraw, cancel, or modify a waiver if, after appropriate notice and opportunity for hearing, the superintendent issues an order finding any of the following:

1. Any material facts have been withheld; or

2. The alternative means for ensuring that the public health, safety, and welfare will be adequately protected after issuance of the waiver order have been demonstrated to be insufficient; or

3. The requestor has failed to comply with any conditions contained in the order.

187—12.8(17A,524) Violations. Violation of conditions in the waiver order is the equivalent of a violation of the particular rule for which the waiver is granted and is subject to the same remedies or penalties.

187—12.9(17A,524) Defense. After the superintendent issues an order granting a waiver, the order is a defense within its terms and the specific facts indicated therein for the person to whom the order pertains in any proceeding in which the rule in question is sought to be invoked.

187—12.10(17A,524) Appeals. Granting or denying a request for waiver is final agency action under Iowa Code chapter 17A. An appeal to district court shall be taken within 30 days of the issuance of the order in response to the request unless a contrary time is provided by rule or statute.

These rules are intended to implement Iowa Code section 17A.9Aand chapter 524.

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

METRICS

Total number of rules repealed:	**1**
Proposed word count reduction after repeal and/or re-promulgation	**930**
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	**9**

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

No.