

**565—5.2(323A) Director’s determination.** Any franchisee wishing to demonstrate to the director, as required in Iowa Code section 323A.2(1) “c,” that a special hardship exists in the community served by the franchisee relating to the public health, safety, and welfare, shall do so in conjunction with an application for set-aside petroleum made pursuant to Chapter 3 of these rules. Procedural rules of Chapter 3 shall also apply to this chapter. The criteria used by the director in making a determination of community hardship shall be the same as that used in 565—rule 3.13(473) of these rules, “criteria for assignment from state set-aside.” The director shall notify both the franchisee and franchisor in writing of the director’s decision following a review of the relevant facts presented.

This rule is intended to implement Iowa Code section 323A.2(1) “c.”