



TERRY E. BRANSTAD
GOVERNOR

OFFICE OF THE GOVERNOR

KIM REYNOLDS
LT. GOVERNOR

April 19, 2012

The Honorable Matt Schultz
Secretary of State of Iowa
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

Senate File 2216, an Act relating to apportioned registration of commercial motor vehicles under the international registration plan, and including implementation provisions.

The above Senate File is hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry E. Branstad", written over a horizontal line.

Terry E. Branstad
Governor

cc: Secretary of the Senate
Clerk of the House



Senate File 2216

AN ACT
RELATING TO APPORTIONED REGISTRATION OF COMMERCIAL MOTOR
VEHICLES UNDER THE INTERNATIONAL REGISTRATION PLAN, AND
INCLUDING IMPLEMENTATION PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 321.1, subsection 60, Code Supplement
2011, is amended to read as follows:

60. "Registration year" means the period of twelve
consecutive months beginning on the first day of the month
following the month of the birth of the owner of the vehicle

for vehicles registered by the county treasurer ~~and, except~~ that "registration year" means the calendar year for vehicles registered by the department or motor trucks and truck tractors with a combined gross weight exceeding five tons which are registered by the county treasurer. For leased vehicles registered by the county treasurer, except for motor trucks and truck tractors with a combined gross weight exceeding five tons, "registration year" means the period of twelve consecutive months beginning on the first day of the month following the month in which the lease expires. For vehicles registered under chapter 326, "registration year" means the twelve-month period determined by the department pursuant to section 326.14.

Sec. 2. Section 321.20, subsection 1, unnumbered paragraph 1, Code 2011, is amended to read as follows:

Except as provided in this chapter, an owner of a vehicle subject to registration shall make application to the county treasurer of the county of the owner's residence, or if a nonresident, to the county treasurer of the county where the primary users of the vehicle are located, or if a lessor of the vehicle pursuant to chapter 321F which vehicle has a gross vehicle weight of less than ten thousand pounds, to the county treasurer of the county of the lessee's residence, or if a firm, association, or corporation with vehicles in multiple counties, the owner may make application to the county treasurer of the county where the primary user of the vehicle is located, for the registration and issuance of a certificate of title for the vehicle upon the appropriate form furnished by the department. However, upon the transfer of ownership, the owner of a vehicle subject to the ~~proportional~~ apportioned registration provisions of chapter 326 shall make application for ~~registration and~~ issuance of a certificate of title to either the department or the appropriate county treasurer. The application shall be accompanied by a fee of twenty dollars, and shall bear the owner's signature. A nonresident owner of two or more vehicles subject to registration may make application for registration and issuance of a certificate of title for all vehicles subject to registration to the county treasurer of the county where the primary user of any of the vehicles is located. The owner of a mobile home or manufactured home shall make application for a certificate of title under this section from the county treasurer of the county where the mobile home or manufactured home is located. The application shall contain:

Sec. 3. Section 321.20A, Code 2011, is amended to read as follows:

321.20A Certificate of title and registration fees — commercial vehicles.

1. Notwithstanding other provisions of this chapter, the owner of a commercial vehicle subject to the ~~proportional~~ apportioned registration provisions of chapter 326 may make application to the department or the appropriate county treasurer for a certificate of title. The application for certificate of title shall be made within thirty days of purchase or transfer and shall be accompanied by a twenty dollar title fee and the appropriate fee for new registration. The department or the county treasurer shall deliver the certificate of title to the owner if there is no security interest. If there is a security interest, the title, when issued, shall be delivered to the first secured party. Delivery may be made using electronic means.

2. An owner of more than fifty commercial vehicles subject to the ~~proportional~~ apportioned registration provisions of chapter 326 who is issued a certificate of title under this section shall not be subject to annual registration fees until the commercial vehicle is driven or moved upon the highways. The annual registration fee due shall be prorated for the remaining unexpired months of the registration year. Ownership of the commercial vehicle shall not be transferred until annual registration fees have been paid to the department.

Sec. 4. Section 321.34, subsection 4, Code Supplement 2011, is amended to read as follows:

4. *Multiyear Permanent plates.* In lieu of issuing annual registration plates for trailers, semitrailers, motor trucks, and truck tractors, the department may issue a ~~multiyear registration plate for a three-year period or a permanent registration plate for trailers, and semitrailers, licensed under chapter 326, and a permanent registration plate for motor trucks, and truck tractors licensed under chapter 326,~~ upon payment of the appropriate registration fee. Payment of fees for trailers and semitrailers for a permanent registration plate shall, at the option of the registrant, be made at five-year intervals or on an annual basis. Fees from ~~three-year and five-year~~ payments shall not be reduced or prorated. Payment of fees for motor trucks and truck tractors shall be made on an annual basis.

Sec. 5. Section 321.39, subsection 1, Code 2011, is amended

by striking the subsection.

Sec. 6. Section 321.40, subsection 1, Code 2011, is amended to read as follows:

1. Application for renewal ~~of~~ for a vehicle ~~registration~~ registered under this chapter shall be made on or after the first day of the month prior to the month of expiration of registration and up to and including the last day of the month following the month of expiration of registration. The registration shall be renewed upon payment of the appropriate annual registration fee. Application for renewal for a vehicle registered under chapter 326 shall be made on or after the first day of the month prior to the month of expiration of registration and up to and including the last day of the ~~month following the~~ month of expiration of registration.

Sec. 7. Section 321.46A, Code 2011, is amended to read as follows:

321.46A Change from ~~proportional~~ apportioned registration — credit.

An owner changing a vehicle's registration from ~~proportional~~ apportioned registration under chapter 326 to registration under this chapter shall be entitled to a credit on the vehicle's annual registration fees under this chapter. The credit ~~shall~~ may be allowed when the owner surrenders to the county treasurer proof of ~~proportional~~ apportioned registration provided by the department. The amount of the credit shall be calculated based on the unexpired complete calendar months remaining in the registration year from the date the application is filed with the county treasurer.

Sec. 8. Section 321.105, subsection 4, Code 2011, is amended to read as follows:

4. In addition to the payment of an annual registration fee for each trailer and semitrailer to be issued ~~an annual~~ a registration plate under chapter 326, an additional registration fee may be paid for a period of ~~two or~~ four subsequent registration years.

Sec. 9. Section 321.106, Code 2011, is amended to read as follows:

321.106 Registration for fractional part of year.

1. When a ~~vehicle is registered under chapter 326 or a~~ motor truck, truck tractor, or road tractor is registered by the county treasurer for a combined gross weight exceeding five tons and there is no delinquency and the registration is made in February or succeeding months through November, the

annual registration fee shall be prorated for the remaining unexpired months of the registration year. A fee shall not be required for the month of December for a vehicle registered on a calendar year basis on which there is no delinquency. However, ~~except for a vehicle registered under chapter 326,~~ when such a vehicle is registered in November, the vehicle may be registered for the remaining unexpired months of the registration year or for the remaining unexpired months of the registration year and for the next registration year, upon payment of the applicable registration fees.

2. When a vehicle is registered under chapter 326 and there is no delinquency and the registration is made in the second through eleventh month of the registration year, the annual registration fee shall be prorated for the remaining unexpired months of the registration year. However, when such a vehicle is registered in the eleventh month of the registration year, the vehicle may be registered for the remaining unexpired months of the registration year and for the next registration year, upon payment of the applicable registration fees.

~~2.~~ 3. When a vehicle is registered on a birth month basis and there is no delinquency and the registration is made in the month after the beginning of the registration year or succeeding months, the annual registration fee shall be prorated for the remaining unexpired months of the registration year. A fee shall not be required for the month of the owner's birthday for a vehicle on which there is no delinquency. However, when a vehicle registered on a birth month basis is registered during the eleventh month of the registration year, the vehicle may be registered for the remaining unexpired months of the registration year or for the remaining unexpired months of the registration year and for the next registration year, upon payment of the applicable registration fees.

~~3.~~ 4. If a fee computed under this section contains a fractional part of a dollar, the fee shall be computed to the nearest whole dollar. A fee computed under this section shall not be less than five dollars. The fee so computed shall be deemed to be the annual registration fee for the remainder of the registration year. This subsection does not apply to vehicles registered under chapter 326.

~~4.~~ 5. A reduction in the annual registration fee shall not be allowed by the department until the applicant files satisfactory evidence to prove that there is no delinquency in registration.

Sec. 10. Section 321.126, subsection 1, paragraphs d and e, Code 2011, are amended to read as follows:

d. If the vehicle is registered by the county treasurer during the current registration year and the owner or lessee registers the vehicle for ~~proportional~~ apportioned registration under chapter 326, the owner of the registered vehicle shall surrender the registration plates to the county treasurer and may file a claim for refund. In lieu of a refund, a credit for the annual registration fees paid to the county treasurer may be applied by the department to the owner or lessee's ~~proportional~~ apportioned registration fees upon the surrender of the county plates and registration.

e. A refund for trailers and semitrailers issued a ~~multiyear~~ permanent registration plate pursuant to chapter 326 shall be paid by the department upon application.

Sec. 11. Section 321.126, subsection 2, Code 2011, is amended to read as follows:

2. Notwithstanding any provision of this section to the contrary, there shall be no refund of ~~proportional~~ apportioned registration fees unless the state which issued the base plate for the vehicle allows such refund. If an owner subject to ~~proportional~~ apportioned registration leases the vehicle for which the refund is sought, the claim shall be filed in the names of both the lessee and the lessor and the refund payment made payable to both the lessor and the lessee. The term "owner" for purposes of this section shall include a person in whom is vested right of possession or control of a vehicle which is subject to a lease, contract, or other legal arrangement vesting right of possession or control in addition to the term as defined in section 321.1, subsection 49.

Sec. 12. Section 321.127, subsections 3 and 4, Code 2011, are amended to read as follows:

3. For trailers or semitrailers issued a ~~multiyear~~ permanent registration plate, a refund shall be paid equal to the annual fee for twelve months times the remaining number of complete registration years.

4. Refunds for vehicles registered for ~~proportional~~ apportioned registration under chapter 326 shall be paid on the basis of unexpired complete calendar months remaining in the registration year from the date the claim for refund, and the license plate, ~~and registration receipt~~ are received by the department.

Sec. 13. Section 321.134, subsections 1 and 2, Code 2011,

are amended to read as follows:

1. On the first day of the second month following the beginning of each registration year a penalty of five percent of the annual registration fee shall be added to the annual registration fees not paid by that date and an additional penalty of five percent shall be added the first day of each succeeding month, until the fee is paid. A penalty shall not be less than five dollars. If the owner of a vehicle surrenders the registration plates for a vehicle prior to the plates becoming delinquent, to the county treasurer of the county where the vehicle is registered, or to the department if the vehicle is registered under chapter 326, the owner may register the vehicle any time thereafter upon payment of the annual registration fee for the registration year without penalty. ~~The penalty on vehicles registered under chapter 326 shall accrue February 1 of each year.~~ To avoid a penalty or an additional penalty in the case of a delinquent registration through a county treasurer, if the last calendar day of a month falls on Saturday, Sunday, or a holiday, the payment deadline is extended to include the first business day of the following month. For payments made through a county treasurer's authorized website only, if the last day of the month falls on a Saturday, Sunday, or a holiday, the electronic payment must be initiated by midnight on the first business day of the next month. All other electronic payments must be initiated by midnight on the last day of the month preceding the delinquent date.

2. The annual registration fee for trucks, truck tractors, and road tractors registered by the county treasurer, as provided in sections 321.121 and 321.122, may be payable in two equal semiannual installments if the annual registration fee exceeds the annual registration fee for a vehicle with a gross weight exceeding five tons. The penalties provided in subsection 1 shall be computed on the amount of the first installment only and on the first day of the seventh month of the registration period the same rate of penalty shall apply to the second installment, until the fee is paid. ~~Semiannual installments do not apply to commercial vehicles, as defined under section 326.2, subject to proportional registration, with a base state other than the state of Iowa, as defined in section 326.2, subsection 1. The penalty on vehicles registered under chapter 326 accrues August 1 of each year except as provided in section 326.6. The department shall not~~

~~allow the annual registration fee for a commercial vehicle registered under chapter 326 to be paid in two equal semiannual installments for five years after the registrant has paid the annual registration fee late for two consecutive years.~~

Sec. 14. Section 321.466, subsections 2 and 6, Code 2011, are amended to read as follows:

2. During or after the seventh month of a current registration year, the owner of a motor truck, truck tractor, or road tractor, ~~semitrailer or trailer may~~, if the owner's operation has not resulted in a conviction or action pending under this section, may increase the gross weight registration of the vehicle to a higher gross weight classification registration by payment of one-twelfth of the difference between the annual fee for the higher gross weight and the amount of the fee for the gross weight at which it the vehicle is registered, multiplied by the number of unexpired months of the registration year.

6. For the purposes of this section cracked or ground soybeans, ~~sarge~~ sorgo, corn, wheat, rye, oats, or other grain shall be deemed to be raw farm products, provided that such products are being directly delivered to a farm, from the place where the whole grain had been delivered from a farm for the purpose of cracking or grinding and immediate delivery to the farm to which such cracked or ground products are being delivered.

Sec. 15. Section 321F.8, Code 2011, is amended to read as follows:

321F.8 Registration of vehicle required.

All motor vehicles which are primarily garaged or located in this state and which are the subject of a lease shall be registered in this state. This section shall not be construed to exempt any motor vehicle from registration which is otherwise subject to registration under the provisions of chapter 321, provided, however, that the provisions of this section shall not apply to motor vehicles in fleets whose registrations are apportioned under the provisions of ~~section 326.2~~ chapter 326.

Sec. 16. Section 326.1, Code 2011, is amended to read as follows:

326.1 Policy.

It is the policy of this state to promote and encourage the fullest possible use of ~~its~~ the state's highway system by authorizing the negotiation and execution of motor

~~vehicle reciprocal or proportional registration agreements, arrangements and declarations with other jurisdictions~~ reciprocity agreements. Apportioned registration shall be conducted in accordance with the international registration plan with respect to vehicles registered in this and such other jurisdictions, thus contributing to the economic and social development and growth of this state.

Sec. 17. Section 326.2, Code 2011, is amended by striking the section and inserting in lieu thereof the following:

326.2 Definitions.

As used in this chapter, unless the context otherwise requires:

1. "*Commercial vehicle*" means any vehicle which is operated in interstate commerce or combined intrastate and interstate commerce and used for the transportation of persons for hire, compensation or profit, or designed or used primarily for the transportation of property.

2. "*Department*" means the department of transportation.

3. "*Director*" means the director of transportation or the director's designee.

4. "*International registration plan*" or "*plan*" means the registration reciprocity agreement among states of the United States, the District of Columbia, and provinces of Canada providing for payment of apportionable fees on the basis of total distance operated in all jurisdictions, in effect on January 1, 2011, or as later amended, published by international registration plan, inc., and available on the plan's internet site.

5. "*Registration fee*" means the annual motor vehicle registration fee imposed pursuant to section 321.105, unless otherwise specified.

6. "*Trip*" for purposes of section 326.23 means:

a. A one-way movement from one point originating outside this state and destined to another point outside this state.

b. A round-trip movement between two points within this state.

c. A round-trip movement originating in this state or destined for a point within this state.

7. The terms "*combination*" or "*combination of vehicles*", "*gross weight*", "*highway*", "*motor vehicle*", "*nonresident*", "*owner*", "*person*", "*semitrailer*", "*trailer*", "*truck tractor*", and "*vehicle*" mean as defined in section 321.1.

Sec. 18. NEW SECTION. 326.3 Additional definitions.

As used in this chapter, unless the context otherwise requires, the following terms have the following meaning, as provided in the international registration plan, or the meaning ascribed in the international registration plan as it may exist at the time of its applicability to the provisions of this chapter:

1. "*Applicant*" means a person in whose name an application is filed for registration under the plan.

2. "*Apportionable fee*" means any periodic recurring fee or tax required for registering vehicles, such as registration, license, or weight fees.

3. *a.* "*Apportionable vehicle*" means any power unit that is used or intended for use in two or more member jurisdictions and that is used for the transportation of persons for hire or designed, used, or maintained primarily for the transportation of property if one of the following applies:

(1) The power unit has two axles and a gross vehicle weight or registered gross vehicle weight in excess of twenty-six thousand pounds.

(2) The power unit has three or more axles, regardless of weight.

(3) The power unit is used in combination, when the gross vehicle weight of such combination exceeds twenty-six thousand pounds.

b. A recreational vehicle, a vehicle displaying restricted plates, a bus used in the transportation of chartered parties, or a government-owned vehicle is not an apportionable vehicle; except that a truck or truck tractor, or the power unit in a combination of vehicles having a gross vehicle weight of twenty-six thousand pounds or less, or a bus used in the transportation of chartered parties may be registered under the plan at the option of the registrant.

4. "*Apportioned vehicle*" means an apportionable vehicle that has been registered under the plan.

5. "*Audit*" means the physical examination of a registrant's operational records, including source documents, to verify the distances reported in the registrant's application for apportioned registration and the accuracy of the registrant's record-keeping system for its fleet. Such an examination may be of multiple fleets for multiple years.

6. "*Audit procedures manual*" or "*APM*" means the audit procedures manual required to be maintained in the plan.

7. "*Auxiliary axle*" means an auxiliary undercarriage

assembly with a fifth wheel and tow bar used to convert a semitrailer to a trailer.

8. "*Axle*" means an assembly of a vehicle consisting of two or more wheels whose centers are in one horizontal plane, by means of which a portion of the weight of a vehicle and its load, if any, is continually transmitted to the roadway. For purposes of registration under the plan, an "axle" is any such assembly whether or not it is load-bearing only part of the time.

9. "*Base jurisdiction*" means the member jurisdiction, selected in accordance with the plan, to which an applicant applies for apportioned registration under the plan or the member jurisdiction that issues apportioned registration to a registrant under the plan.

10. "*Cab card*" means an evidence of registration, other than a plate, issued for an apportioned vehicle registered under the plan by the base jurisdiction and carried in or on the identified vehicle.

11. "*Chartered party*" means a group of persons who, pursuant to a common purpose and under a single contract, have acquired the exclusive use of a passenger-carrying motor vehicle to travel together as a group to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the group after leaving the place of origin. "*Chartered party*" includes services rendered to a number of passengers that a passenger carrier or its agent has assembled into a travel group through sales of a ticket to each individual passenger covering a round trip from one or more points of origin to a single advertised destination.

12. "*Credentials*" means the cab card and plate issued in accordance with the plan.

13. "*Fleet*" means one or more apportionable vehicles designated by a registrant for distance reporting under the plan.

14. "*Jurisdiction*" means a country or a state, province, territory, possession, or federal district of a country.

15. "*Lease*" means a transaction evidenced by a written document in which a lessor vests exclusive possession, control, and responsibility for the operation of a vehicle in a lessee for a specific term. A long-term lease is for a period of thirty calendar days or more. A short-term lease is for a period of less than thirty calendar days.

16. "*Lessee*" means a person that is authorized to have

exclusive possession and control of a vehicle owned by another person under terms of a lease agreement.

17. "*Lessor*" means a person that, under the terms of a lease agreement, authorizes another person to have exclusive possession of, control of, and responsibility for the operation of a vehicle.

18. "*Member jurisdiction*" means a jurisdiction that has applied and has been approved for membership in the plan in accordance with the plan.

19. "*Operational records*" means source documents that evidence distance traveled by a fleet in each member jurisdiction, such as furl reports, trip sheets, and driver logs, including those which may be generated through on-board devices and maintained electronically, as required by the audit procedures manual.

20. "*Plate*" means the license plate, including renewal decals, if any, issued for a vehicle registered under the plan by the base jurisdiction.

21. "*Power unit*" means a motor vehicle as distinguished from a trailer, semitrailer, or auxiliary axle, but not including an automobile or a motorcycle.

22. "*Properly registered vehicle*" means a vehicle which has been registered in full compliance with the laws of all jurisdictions in which it is intended to operate.

23. "*Reciprocity*" means the reciprocal grant by one jurisdiction of operating rights or privileges in properly registered vehicles registered by another jurisdiction, especially but not exclusively including privileges generally conferred by vehicle registration.

24. "*Reciprocity agreement*" means an agreement, arrangement, or understanding between two or more jurisdictions under which each of the participating jurisdictions grants reciprocal rights or privileges to properly registered vehicles that are registered under the laws of other participating jurisdictions.

25. "*Recreational vehicle*" means a vehicle used for personal pleasure or personal travel and not in connection with any commercial endeavor.

26. "*Registrant*" means a person in whose name a properly registered vehicle is registered.

27. "*Registration year*" means the twelve-month period during which, under the laws of the base jurisdiction, the registration issued to a registrant by the base jurisdiction is valid.

28. "*Reporting period*" means the period of twelve consecutive months immediately prior to July 1 of the calendar year immediately preceding the beginning of the registration year for which apportioned registration is sought. However, if the registration year begins on any date in July, August, or September, the reporting period shall be the previous such twelve-month period.

29. "*Restricted plate*" means a plate that has a time, geographic area, distance, or commodity restriction or a mass transit or other special plate issued for a bus leased or owned by a municipal government, a state or provincial transportation authority, or a private party, and operated as part of an urban mass transit system, as defined by the jurisdiction that issues the plate.

30. "*Total distance*" means all distance, including that accrued on trip permits, operated by a fleet of apportioned vehicles in all member jurisdictions during the reporting period.

31. "*Trip permit*" means a permit issued by a member jurisdiction in lieu of apportioned or full registration.

32. "*Truck*" means a power unit designed, used, or maintained primarily for the transportation of property.

Sec. 19. Section 326.6, Code 2011, is amended by striking the section and inserting in lieu thereof the following:

326.6 Apportionable registration fees.

The department may determine the sum total amount of registration fees necessary to register each and every vehicle in a fleet based on the annual registration fees prescribed in chapter 321.

Sec. 20. Section 326.10A, Code 2011, is amended to read as follows:

326.10A Payment by ~~check~~.

The department shall accept payment of fees under this chapter by personal or corporate check, cash, wire transfer, or other means allowed by the department. ~~The~~ A fee shall be deemed to have been paid upon receipt of the ~~check~~ payment in full. If the ~~check~~ payment is not honored, all fees and penalties shall accumulate as if the fee ~~was~~ were not paid. After appropriate warning from the department, the registration account shall be suspended, collection pursued, and the delinquent registration fees shall become a debt due the state of Iowa. After a dishonored ~~check~~ payment has been received from an applicant, payments submitted by the applicant

during the following year must be made with guaranteed funds. However, the department may instead accept payment in the form of a corporate check made on behalf of the applicant from an approved company with a satisfactory payment history.

Sec. 21. Section 326.11, Code 2011, is amended to read as follows:

326.11 Subsequently acquired vehicles.

Vehicles acquired by a ~~fleet owner~~ registrant after the commencement of the registration year and subsequently added to the fleet shall be ~~prorated by applying the mileage percentage used in the original application for such fleet for such registration period to registration fees due under chapter 321.~~ An application for registration shall be filed with the department apportioned pursuant to the provisions of chapter 321 and the international registration plan.

~~The director may issue temporary written authorization to carriers for vehicles acquired by a fleet owner and added to the fleet owner's prorate fleet after the beginning of the registration year. The temporary authority shall permit the operation of a commercial vehicle until permanent identification is issued, except that the temporary authority shall expire after sixty days.~~

Sec. 22. Section 326.12, Code 2011, is amended to read as follows:

326.12 Vehicles deleted — registration transferred.

~~Fleet owners~~ Registrants who delete commercial vehicles displaying Iowa base plates from the fleet after the commencement of the registration year shall be allowed to transfer registration credit to a replacement vehicle in accordance with this section. Iowa shall allow credit for non-Iowa based deleted vehicles only if the state jurisdiction designated by the ~~fleet owner~~ registrant as the base ~~state~~ jurisdiction of the deleted vehicle permits transfer of registration credit to the replacement vehicle. Allowance of credit for deleted vehicles shall be subject to the following conditions:

1. The fee for ~~reissuance or~~ issuance of registration credentials ~~or for transfer of credentials~~ a replacement vehicle shall be seven dollars.

~~2. No deletion shall be made nor credit allowed toward registration of a replacement vehicle unless the vehicle to be removed from service has been sold, junked, repossessed, foreclosed by mechanic's lien, title transferred by operation~~

~~of law, or cancellation or expiration of a lease arrangement. The deleted vehicle shall have been disposed of on or before the date the replacement vehicle was acquired or in the possession of the applicant.~~

~~3.~~ 2. If a leased vehicle is to be deleted from the fleet and unexpired registration fees applied to the replacement vehicle, the lessee shall refund any unexpired registration fees paid by the lessor to the lessee on the transferred vehicle.

~~4.~~ 3. Credit shall be given for unexpired months.

~~5.~~ 4. The registration of the vehicle being added to the fleet is not delinquent under chapter 321.

Sec. 23. Section 326.13, Code 2011, is amended to read as follows:

326.13 Information under oath.

The department shall require ~~fleet owners~~ registrants to submit under oath any information deemed necessary by the department to carry out the provisions of this chapter. ~~Information furnished under this chapter shall be forwarded to the director of the department by each fleet owner no later than January 1 of the current registration year.~~

Sec. 24. Section 326.14, Code 2011, is amended to read as follows:

326.14 Plates and receipts Credentials — registration period year and renewal — penalty.

1. The department shall issue a single registration plate and registration receipt for each vehicle pursuant to apportionment agreements or provisions authorized under this chapter. ~~The registration period for a vehicle registered pursuant to this chapter is from January 1 through December 31 of each year.~~

2. a. Each registration year for a vehicle registered pursuant to this chapter is a twelve-month period commencing on the first day of a calendar month and ending on the last day of the twelfth month in that twelve-month period. Vehicles subject to registration shall be registered for a registration year as determined by the department. The department may adjust the renewal or expiration date of a vehicle's registration when deemed necessary to equalize the number of vehicles registered in each twelve-month period or for the administrative efficiency of the department.

b. The department may establish a procedure for the implementation of a staggered registration system for vehicles

registered pursuant to the international registration plan. Procedures established under this section may provide for a one-time collection of fewer than twelve or up to eighteen months of registration fees.

~~2.~~ 3. An application for renewal of registration shall be postmarked or received in the office of motor carrier services of the department no later than ~~January 31~~ the last day of the registration expiration month. A five percent late filing penalty shall be assessed to an application for renewal postmarked or received on or after ~~February 1~~ the first day following the last day of the registration expiration month, with an additional five percent penalty assessed the first of each month thereafter until the application is filed. The enforcement deadline for failure to display a registration plate and registration is ~~March 15~~ at 12:01 a.m. of the first day following the last day of the registration expiration month.

Sec. 25. Section 326.15, Code 2011, is amended to read as follows:

326.15 Refunds of registration fees.

1. Refunds of registration fees paid for motor vehicles under this chapter shall be in accordance with section 321.126. In addition, if a motor vehicle is removed from an apportioned fleet, ~~the owner in whose name the motor vehicle was registered~~ registrant shall return the registration plate to the department and make a claim for refund. A refund shall not be allowed without documentation of the subsequent registration of the motor vehicle.

2. A ~~qualified fleet owner~~ registrant may certify to the department that the registration plate has been destroyed in lieu of surrendering the plate. The department shall adopt rules to define a ~~qualified fleet owner~~ registrant.

Sec. 26. Section 326.16, subsections 1 and 2, Code 2011, are amended to read as follows:

1. If the fees for ~~proportional~~ apportioned registration are not paid to each ~~contracting~~ member jurisdiction entitled thereto on the basis of the ~~proportional~~ apportioned registration application and supporting documents filed with the department by the ~~fleet owner~~ registrant within a reasonable amount of time as determined by the department, the department shall calculate late payment penalties. The ~~fleet owner~~ registrant shall be notified by regular mail that fees and penalties are due and must be paid within thirty days of

the invoice date. If fees and penalties are not received, the ~~fleet owner~~ registrant shall be notified by ~~certified~~ regular mail that the ~~owner's~~ registration has been suspended.

2. A five percent late payment penalty shall be assessed if an invoice is not paid within thirty days of the invoice date ~~or within thirty days of January 31 of the registration year, whichever is later,~~ with an additional five percent penalty assessed the first of each month thereafter until all fees and penalties are paid. In addition, the fees due for registration in this state shall be a debt due to the state of Iowa.

Sec. 27. Section 326.19A, Code 2011, is amended to read as follows:

326.19A Failure to maintain operational records — penalty.

1. The department may assess a penalty in an amount equal to twenty percent of the ~~amount calculated under section 326.6, subsection 2, paragraph "b", if the audit of the apportioned fleet owner under section 326.19~~ apportioned fees if an audit conducted pursuant to the international registration plan confirms that the ~~fleet owner~~ registrant has failed to maintain operational records on all of the following:

a. Verification of miles distance for the preceding year.

~~b. Jurisdictional percentages claimed pursuant to section 326.6, subsection 1.~~

~~c.~~ b. Reciprocity agreements to which the department may be a party.

2. The department shall adopt rules specifying the records and other information required for an audit under ~~section 326.19~~ the international registration plan.

Sec. 28. Section 326.21, Code 2011, is amended to read as follows:

326.21 Laws of other ~~states~~ jurisdictions — Iowa interests.

In the absence of an agreement with another jurisdiction, the department may examine the laws and requirements of such jurisdiction and declare the extent and nature of exemptions, benefits, and privileges to be extended to vehicles or owners of vehicles properly registered or licensed in such other jurisdiction. The department shall consider the interests of the state of Iowa and ~~the~~ its citizens ~~thereof~~, the interests of the other jurisdictions and ~~the~~ their citizens ~~thereof~~, and the benefits which will accrue to the economy of the state of Iowa from the uninterrupted flow of commerce in declarations made ~~under~~ pursuant to this section. Each declaration shall specify that the extent of exemptions, benefits, and privileges

is subject to revision without notice upon adoption by the general assembly of legislation in conflict with the terms of any such declaration.

Sec. 29. Section 326.22, Code 2011, is amended to read as follows:

326.22 Operational laws of Iowa applicable.

A nonresident registered vehicle is subject to all laws and rules governing the operation of such vehicle on the highways of this state. The registration ~~plates, stickers, or other identification~~ credentials assigned and furnished to any vehicle for the current registration year by the ~~state~~ jurisdiction in which the vehicle is registered shall be displayed on the vehicle substantially as provided in chapter 321 for vehicles registered pursuant to the provisions of this chapter. In addition, a fee set by the department to cover actual cost shall be charged for each plate, sticker, or other identification furnished for each vehicle registered in accordance with the provisions of this section or extended reciprocity in accordance with the provisions of this section. A charge shall not be made for the initial ~~registration receipt~~ credentials issued for each vehicle registered pursuant to an ~~apportionment~~ apportioned registration agreement. A fee set by the department to cover actual costs shall be charged for issuance of duplicate plates, stickers, other required identification, or ~~registration receipts~~ other credentials.

Sec. 30. Section 326.25, Code 2011, is amended to read as follows:

326.25 Applications — investigations.

1. The department shall examine and determine the genuineness, regularity, and legality of every application lawfully made pursuant to this chapter, and may in all cases make investigations as may be deemed necessary or require additional information. The department shall reject any such application if not satisfied of the genuineness, regularity, or legality ~~thereof~~ of the application or the truth of any statement contained ~~therein~~ in the application, or for any other reason, when authorized by law. The department is ~~hereby~~ authorized to take possession of any indicia of ~~proportional~~ apportioned registration or reciprocity upon expiration, revocation, cancellation, or suspension ~~thereof~~ of the registration, or which is fictitious, or which has been unlawfully or erroneously issued.

2. The department may suspend or revoke the registration

indicia of a vehicle registered on a ~~prorated~~ an apportioned basis in any one of the following events:

a. When the department is satisfied that such registration indicia was issued upon fraudulent application. Bona fide errors shall be corrected within fifteen days after notification by the department.

b. When the department determines that the required fee has not been paid and ~~same~~ the fee is not paid upon reasonable notice and demand.

c. When the registration indicia is knowingly displayed on a vehicle which is not in the ~~prorate~~ apportioned fleet of the registrant.

d. Upon a determination that the motor vehicle does not have financial liability coverage as required under section 321.20B.

Sec. 31. Section 326.26, Code 2011, is amended to read as follows:

326.26 Forms.

The department shall prescribe and provide suitable forms of application, ~~registration receipts~~ credentials, and all other forms requisite or deemed necessary to carry out the provisions of this chapter.

Sec. 32. Section 326.27, Code 2011, is amended to read as follows:

326.27 Violations to negate agreements.

Operation of a commercial vehicle or vehicles in violation of the requirements of this chapter, the motor vehicle registration laws of this state, or the terms of any agreement negotiated by the department pursuant to this chapter may, after due notice and hearing, be grounds for denial of reciprocal or ~~proportional~~ apportioned registration privileges ~~on~~ for the vehicle or vehicles of an owner so operated. ~~Any~~ An owner denied such reciprocal or ~~proportional~~ apportioned registration privileges shall be subject to payment of full annual Iowa registration fees ~~on~~ for any such vehicle operated on Iowa highways. In addition to denial of reciprocal or ~~proportional~~ apportioned registration privileges, it shall be a simple misdemeanor, unless such act is declared under Iowa law to be a felony, for any person to operate under reciprocity or ~~proportional~~ apportioned registration in violation of any requirements of this chapter.

Sec. 33. Section 326.28, Code 2011, is amended to read as follows:

326.28 Copies of records — fee.

A fee shall be charged for copies of ~~such records as may be provided from the office of~~ by the department or the director. ~~Such fee shall be one dollar for the first page and fifty cents for each additional page of copy received at any one time.~~

Sec. 34. Section 326.29, Code 2011, is amended to read as follows:

326.29 Fees to road use tax fund.

Fees collected by the department pursuant to this chapter shall be remitted to the treasurer of state for deposit in the road use tax fund except that fees collected for other ~~states~~ jurisdictions shall be placed in a special fund known as the "reciprocity fund". The department, at least monthly, shall order the disbursement of such fees collected to the appropriate ~~states~~ jurisdictions. Interest earned on the "reciprocity fund" shall be retained by the state and shall be credited to the road use tax fund.

Sec. 35. Section 326.30, Code 2011, is amended to read as follows:

326.30 Motor vehicle law applicable.

All provisions of chapter 321, insofar as applicable, are extended to include owners who register and title vehicles in this state on a ~~proportional~~ an apportioned registration basis or who operate interstate on Iowa highways under reciprocity.

Sec. 36. Section 326.31, Code 2011, is amended to read as follows:

326.31 Filing incorrect information — effect.

1. If the director has reason to believe that a ~~fleet owner~~ registrant has filed incorrect information with the department, for the purpose of reducing the ~~fleet owner's~~ registrant's obligation for registration fees or fuel taxes, the director may revoke the apportioned registration privileges on all of the vehicles owned by the person. A person who has such privileges revoked shall be required to register all of the vehicles owned by the person with the appropriate county treasurer for a period of no less than one year and no more than five years thereafter. The department may use all reports pertaining to the registration fees and motor fuel taxes in ascertaining the accuracy of reports filed pertaining to registration fees and motor fuel taxes.

2. A person whose privileges are revoked may request an administrative hearing of ~~said~~ the action in accordance with chapter 17A, and during the period pending the hearing, the apportioned registration privileges shall be reinstated if the

~~fleet owner~~ registrant posts security with the department in an amount sufficient to pay the full annual fees if an adverse decision is rendered at the hearing. At ~~such~~ the hearing, the ~~fleet owner~~ registrant shall have the burden of proof as to the accuracy of any report filed by the ~~fleet owner~~ registrant with the department. Judicial review of any decision reached at the administrative hearing may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A.

Sec. 37. Section 326.32, Code 2011, is amended to read as follows:

326.32 Additional fees or restrictions by other ~~states~~ jurisdictions — effect.

If the laws of any other ~~state or country~~ jurisdiction impose any taxes, fees, charges, penalties, obligations, prohibitions, or limitations of any kind upon the vehicles of residents of Iowa, in addition to those imposed upon the vehicles of residents of such other ~~state or country~~ jurisdiction by the state of Iowa, the department may impose and collect fees and charges in the same amount and impose the same obligations, prohibitions, or limitations upon the owner or operator of a vehicle registered in such other ~~state or country~~ jurisdiction.

Sec. 38. Section 326.46, Code 2011, is amended to read as follows:

326.46 Temporary unladen weight registration.

The department may issue temporary registration for unregistered vehicles subject to registration under this chapter upon application by the owner and payment of a fee of ten dollars for each vehicle. The registration shall be valid for fifteen days and for one trip between specified points of origin and destination, with intermediate points authorized by the department. Property or passengers shall not be transported while the vehicle is subject to temporary registration.

Sec. 39. REPEAL. Sections 326.7, 326.8, 326.9, 326.17, 326.18, 326.19, and 326.20, Code 2011, are repealed.

Sec. 40. IMPLEMENTATION. The section of this Act amending section 321.134, subsection 2, to eliminate semiannual installment payments for certain registration fees, and the section of this Act amending section 321.106, relating to proration of certain registration fees, shall be implemented on and after January 1, 2013, for vehicles with a registration expiration date after December 31, 2012. However, the department of transportation may begin implementation before

January 1, 2013, to the extent necessary to transition to full implementation of those provisions.



JOHN P. KIBBIE
President of the Senate



KRAIG PAULSEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2216, Eighty-fourth General Assembly.



MICHAEL E. MARSHALL
Secretary of the Senate

Approved April 19, 2012



TERRY E. BRANSTAD
Governor