

CHAPTER 113

OPERATION OF MOTOR TRUCKS AND TRAILERS

AN ACT to amend chapter one hundred thirty-one (131) of the laws of the forty-third general assembly relating to the operation of motor trucks and trailers on the public highways of this state.

Be it enacted by the General Assembly of the State of Iowa:

1 SECTION 1. That chapter one hundred thirty-one (131) of the laws
2 of the forty-third general assembly be and the same is hereby amend-
3 ed by adding at the end of section two (2) thereof the following:

4 "The said department or any of its agents may stop any automobile,
5 motor truck or trailer loaded with any commodity and compel the
6 person having charge of the same to bring the load to a scale desig-
7 nated by said department and to have the same weighed for the pur-
8 pose of determining the true weight of the load being carried."

1 SEC. 2. This act being deemed of immediate importance shall be-
2 come effective upon publication in the Waterloo Evening Courier, a
3 newspaper published at Waterloo, Iowa, and the Shelby News, a
4 newspaper published at Shelby, Iowa.

Senate File No. 365. Approved April 25, 1931.

I hereby certify that the foregoing act was published in the Waterloo Evening Courier April 29, 1931, and the Shelby News May 1, 1931.

G. C. GREENWALT, *Secretary of State.*

CHAPTER 114

AUTOMOBILE DRIVER'S LICENSE

AN ACT to repeal sections forty-nine hundred forty-three (4943) to forty-nine hundred sixty (4960), inclusive, code, 1927, to prohibit the operation of motor vehicles upon public highways by persons who are not licensed as operators, or as chauffeurs, to provide for the issuance of such licenses, to prohibit the issuance of such licenses to certain persons, to prescribe the conditions of such licenses, to fix and declare the liability of persons for the operation of motor vehicles, to require a report of convictions of violations of laws regulatory of motor vehicles, to provide for the revocation and suspension of such licenses, to declare certain acts relative to the subject matter of this chapter to be public offenses, to provide for the punishment of such acts, to fix the time when this act shall take effect, to amend section forty-nine hundred ninety-nine (4999), relating to the disposition of motor vehicles and other fees, and to provide that this enactment shall be a part of chapter two hundred fifty-one (251), code, 1927.

Be it enacted by the General Assembly of the State of Iowa:

1 SECTION 1. **Definitions.** The following words and phrases when
2 used in this act shall for the purpose of this act have the meaning
3 respectively ascribed to them in this section, except in those instances
4 where the context clearly indicates a different meaning.

5 1. "Farm Tractor." Every motor vehicle designed and used pri-
6 marily as a farm implement for drawing plows, mowing machines
7 and other implements of husbandry.

8 2. "Operator." Every person, other than a chauffeur, who is in
9 actual physical control of a motor vehicle upon a highway.

10 3. "Person." Every natural person.

1 **SEC. 2. Operators and chauffeurs must be licensed.** No person,
2 except those expressly exempted under Sections 3, 4, 7, and 13-4 of
3 this act, shall drive any motor vehicle upon a highway in this state
4 unless such person, upon application, has been licensed as an operator
5 or chauffeur by the department under the provisions of this act.

1 **SEC. 3. What persons are exempt from license.**

2 1. No person shall be required to obtain an operator's or chauffeur's
3 license for the purpose of driving or operating a road roller, road
4 machinery, or any farm tractor or implement of husbandry tempo-
5 rarily drawn, moved or propelled on the highways.

6 2. Every person in the service of the Army, Navy, or Marine Corps
7 of the United States and when furnished with a driver's permit and
8 when operating an official motor vehicle in such service shall be ex-
9 mpt from license under this act.

1 **SEC. 4. Non-residents, when exempt from license.**

2 1. A non-resident over the age of fifteen (15) years who has been
3 duly licensed either as an operator or chauffeur under a law requiring
4 the licensing of operators or chauffeurs in his home state or country
5 and who has in his immediate possession either a valid operator's or
6 chauffeur's license issued to him in his home state or country shall
7 be permitted without examination or license under this act to drive
8 a motor vehicle upon the highways of this state.

9 2. It shall be unlawful for any non-resident whose home state or
10 country does not require the licensing of operators or chauffeurs,
11 and who has not been licensed either as an operator or chauffeur in
12 his home state or country, to operate any motor vehicle upon any
13 highway in this state without first making application for and obtain-
14 ing a license as an operator or chauffeur as required under this act,
15 except that any said unlicensed non-resident who is over the age of
16 fifteen (15) years and who is a resident of a state not requiring oper-
17 ators' licenses may operate any motor vehicle which has been duly
18 registered for the current calendar year in the state or country of
19 which the owner is a resident upon the highways of this state for a
20 period of not more than thirty (30) days in any one year without
21 making application for or obtaining an operator's or chauffeur's li-
22 cense under this act, upon condition that such non-resident may be
23 required at any time or place to prove lawful possession or the right
24 to operate such motor vehicle and establish his proper identity.

25 3. Any non-resident or other person whose operator's or chauf-
26 feur's license or right or privilege to operate a motor vehicle in this
27 state has been suspended or revoked as provided in this act shall not
28 operate a motor vehicle in this state under a license, permit or regis-
29 tration certificate issued by any other jurisdiction, or otherwise oper-
30 ate a motor vehicle in this state during the period of such suspension,
31 or within one year after the date of such revocation. Any person
32 operating a motor vehicle in violation of this section shall be guilty
33 of a misdemeanor and upon conviction shall be punished accordingly.

1 **SEC. 5. What persons shall not be licensed.**

2 1. An operator's license shall not be issued to any person under
3 the age of fifteen (15) years, except that upon a written request of a
4 parent or guardian, a minor's license may be issued to any person be-

5 tween the ages of fourteen (14) and fifteen (15) years, to be valid
6 only in going to and from school, and no chauffeur's license shall be
7 issued to any person under the age of eighteen (18) years.

8 2. The department shall not issue an operator's or chauffeur's li-
9 cense to any person whose license, either as operator or chauffeur,
10 has been suspended during the period for which such license was sus-
11 pended; nor to any person whose license, either as operator or chauf-
12 feur, has been revoked under the provisions of this act until the
13 expiration of one year after such license was revoked.

14 3. The department shall not issue an operator's or chauffeur's
15 license to any person who it has determined is an habitual drunkard or
16 is addicted to the use of narcotic drugs.

17 4. No operator's or chauffeur's license shall be issued to any ap-
18 plicant who has previously been adjudged insane or an idiot, imbecile,
19 epileptic, or feeble-minded, and who has not at the time of such appli-
20 cation been restored to competency by judicial decree or released from
21 a hospital for the insane or feeble-minded upon a certificate of the
22 superintendent that such person is competent, nor then unless the
23 department is satisfied that such person is competent to operate a
24 motor vehicle with safety to persons and property.

25 5. The department shall not issue an operator's or chauffeur's
26 license to any person when in the opinion of the department such
27 person is afflicted with or suffering from such physical or mental dis-
28 ability or disease as will serve to prevent such person from exercising
29 reasonable and ordinary control over a motor vehicle while operating
30 the same upon the highways, nor shall a license be issued to any per-
31 son who is unable to understand highway warning or directing signs
32 in the English language.

1 **SEC. 6. Age limits for drivers of school busses and public passen-**
2 **ger-carrying motor vehicles.**

3 It shall be unlawful for any person, whether licensed under this
4 act or not, who is under the age of sixteen (16) years to drive a motor
5 vehicle while in use as a school bus for the transportation of pupils
6 to or from school or for any person, whether licensed under this act
7 or not, who is under the age of twenty-one years to drive a motor
8 vehicle while in use as a public passenger-carrying vehicle.

1 **SEC. 7. Instruction.**

2 Nothing in this act shall be construed to prevent the operation of
3 motor vehicles by persons under fifteen (15) years of age in the man-
4 ner provided for in section five thousand twenty-five (5025), code,
5 1927.

1 **SEC. 8. Application for operator's or chauffeur's license.**

2 1. Every application for an operator's or chauffeur's license shall
3 be made upon the approved form furnished by the department and
4 shall be verified by the applicant before a person authorized to ad-
5 minister oaths.

6 2. Every application shall state the name, age, sex, and residence
7 address of the applicant, and whether or not the applicant has hereto-
8 fore been licensed as an operator or chauffeur and if so when and by
9 what state, and whether or not such license has ever been suspended

10 or revoked and if so the date of and reason for such suspension or
11 revocation.

1 **SEC. 9. Application of minors.** The department shall not grant
2 the application of any minor under the age of eighteen (18) years for
3 an operator's license unless such application is signed by the father
4 of the applicant, if the father is living and has custody of the appli-
5 cant, otherwise by the mother or guardian having the custody of
6 such minor, or in the event a minor under the age of eighteen (18)
7 years has no father, mother or guardian, then an operator's license
8 shall not be granted to the minor unless his application therefor is
9 signed by his employer.

1 **SEC. 10. Examination of applicants.**

2 1. The department shall examine every applicant for an operator's
3 or chauffeur's license before issuing any such license, except as other-
4 wise provided in subdivisions 2 and 3 of this section. The department
5 shall examine the applicant as to his physical and mental qualifications
6 to operate a motor vehicle in such manner as not to jeopardize the
7 safety of persons or property and as to whether any facts exist which
8 would bar the issuance of a license under section 5 of this act, but such
9 examination shall not include investigation of any facts other than
10 those directly pertaining to the ability of the applicant to operate a
11 motor vehicle with safety, or other than those facts declared to be
12 prerequisite to the issuance of a license under this act.

13 2. The department may in its discretion waive the examination
14 of any person applying for the renewal of an operator's or chauffeur's
15 license issued under this act.

16 3. The department may in its discretion issue an operator's or
17 chauffeur's license under this act without examination to every person
18 applying therefor within three months after this act takes effect and
19 who is of sufficient age, as required by section 5 of this act, to receive
20 the license applied for and who furnishes evidence satisfactory to the
21 department that such applicant has previously operated any motor
22 vehicle in a satisfactory manner within this state over a period of
23 not less than one year.

1 **SEC. 11. Designation of local officers.** The department is hereby
2 authorized to designate sheriffs, chiefs of police, town marshals, or to
3 appoint other persons within this state to act for the department for
4 the purpose of examining applicants for operators' and chauffeurs'
5 licenses. It shall be the duty of any such sheriff, chief of police, town
6 marshal or other person so designated or appointed to conduct exam-
7 inations of applicants for operators' and chauffeurs' licenses under
8 the provisions of this act to make a written report of findings and rec-
9 ommendations upon such examination to the department.

1 **SEC. 12. Register of operators and chauffeurs.** The department
2 shall file every application for an operator's or chauffeur's license and
3 index the same by name and number and maintain suitable records
4 of all licenses issued and all applications for licenses denied, also a
5 record of all licenses which have been suspended or revoked.

1 **SEC. 13. Licenses issued to operators and chauffeurs; fees.**

2 1. The department shall issue to every person licensed as an op-

3 erator an operator's license and to every person licensed as a chauffeur a chauffeur's license. Every chauffeur before operating a motor vehicle as a public or common carrier of persons or property shall apply for and receive from the department and at all times while so operating a motor vehicle shall display in plain sight upon the band of his cap or upon the lapel of his outer coat a chauffeur's badge. Any person licensed as a chauffeur under this act shall not be required to procure an operator's license, but no person shall drive any motor vehicle as a chauffeur unless licensed as a chauffeur.

12 2. Every such license shall bear thereon the distinguishing number assigned to the licensee and shall contain the name, age, residence address and a brief description of the licensee for the purpose of identification, also a space for the signature of the licensee.

16 3. Every chauffeur's badge shall be of metal with a plainly readable distinguishing number assigned to the license stamped thereon.

18 4. The department, upon determining after an examination that an applicant is mentally and physically qualified to receive a license, may issue to such person a temporary driver's permit entitling such person while having such permit in his immediate possession to drive a motor vehicle upon the highways for a period of ten (10) days before issuance to such person of an operator's or chauffeur's license.

24 5. The sheriff, chief of police, town marshal or other person designated by the department to examine applicants for operators' and chauffeurs' licenses under the provisions of section eleven (11) of this act, shall, when directed by the department, act for the department in receiving applications for operators' and chauffeurs' licenses and issue the licenses thereon, but such persons shall have no authority to issue licenses to any person except a resident of his county or to a non-resident of the state. For each operator's license issued for which a license fee is paid, the person issuing the same shall be entitled to retain the sum of fifteen cents (15c) and for each chauffeur's license, the sum of fifty cents (50c) which shall, where the license is issued by the sheriff, be credited to the county general fund and where issued by a chief of police or town marshal, shall be credited to the city or town general fund. The balance of such license fees shall be forwarded to the treasurer of state as provided for herein.

39 6. The fee for an operator's license shall be twenty-five cents (25c). The fee for a chauffeur's license shall be two dollars (\$2.00). The owner of a motor vehicle registered in this state shall be granted an individual operator's license as herein provided, without the payment of the operator's license fee.

1 **SEC. 14. Duplicate license certificates and chauffeurs' badges.**

2 In the event that an operator's or chauffeur's license or a chauffeur's badge issued under the provisions of this act shall be lost or destroyed, the person to whom the same was issued may obtain a duplicate or substitute thereof upon furnishing proof satisfactory to the department that such license or badge has been lost or destroyed and upon payment of the fees required by the law.

1 **SEC. 15. License to be signed and carried.**

2 1. Every person licensed as an operator shall write his usual signature with pen and ink in the space provided for that purpose on the

4 license certificate issued to him immediately upon receipt of such cer-
5 tificate and every chauffeur shall write his usual signature with pen
6 and ink across the face of the license certificate issued to him imme-
7 diately upon receipt of such certificate, and such license shall not be
8 valid until the certificate is so signed.

9 2. The licensee shall have such license in his immediate possession
10 at all times when driving a motor vehicle and shall display the same
11 upon demand. It shall be a defense to any charge under this sub-
12 section that the person so charged produce, within reasonable time,
13 an operator's or chauffeur's license theretofore issued to such person
14 and valid at the time of his arrest.

1 **SEC. 16. Expiration of licenses.**

2 1. Every operator's license shall expire on December thirty-first
3 of each odd numbered calendar year and shall be renewed upon its
4 expiration upon application and payment of the license specified
5 herein, provided that the department in its discretion may waive the
6 examination of any applicant previously licensed under this act.

7 2. Every chauffeur's license issued hereunder shall expire Decem-
8 ber thirty-first each year and shall be renewed annually upon appli-
9 cation and payment of the fees required by law, provided that the
10 department in its discretion may waive the examination of any such
11 applicant previously licensed as a chauffeur under this act.

1 **SEC. 17. Court to report convictions and may recommend suspen-**
2 **sion of license.** Every court having jurisdiction over offenses com-
3 mitted under this act, or any other act of this state regulating the
4 operation of motor vehicles on highways, shall forward to the depart-
5 ment a record of the conviction of any person in said court for a
6 violation of any said laws, and may recommend the suspension of the
7 operator's or chauffeur's license of the person so convicted, and the
8 department shall thereupon consider and act upon such recommenda-
9 tion in such manner as may seem to it best.

1 **SEC. 18. Mandatory suspension or revocation of license by the de-**
2 **partment.**

3 1. The department shall forthwith revoke the license of any person
4 upon receiving a record of the conviction of such person of any of
5 the following crimes:

6 a. Manslaughter resulting from the operation of a motor vehicle.

7 b. Driving a vehicle while under the influence of intoxicating liquor
8 or narcotic drug.

9 c. Perjury or the making of a false affidavit to the department
10 under this act or any other law of this state requiring the registration
11 of motor vehicles or regulating their operation on highways.

12 d. Any crime punishable as a felony under the motor vehicle laws
13 of this state or any other felony in the commission of which a motor
14 vehicle is used.

15 e. Conviction or forfeiture of bail upon three charges of reckless
16 driving all within the preceding twelve months.

17 f. A conviction of a driver of a motor vehicle, involved in an
18 accident resulting in the death or injury of another person, upon a

19 charge of failing to stop and disclose his identity at the scene of the
20 accident.

21 2. The department upon receiving a record of the conviction of
22 any person upon a charge of operating a motor vehicle while the
23 license of such person is suspended or revoked, shall immediately ex-
24 tend the period of such first suspension or revocation for an addi-
25 tional like period.

1 **SEC. 19. Department may suspend or revoke licenses.**

2 1. The department may immediately suspend the license of any
3 person without hearing and without receiving a record of conviction
4 of such person of crime whenever the department has reason to be-
5 lieve:

6 a. That such person has committed any offenses for the conviction
7 of which mandatory revocation of license is provided in section 18.

8 b. That such person has, by reckless or unlawful operation of a
9 motor vehicle, caused or contributed to an accident resulting in death
10 or injury to any other person or serious property damage.

11 c. That such person is incompetent to drive a motor vehicle or is
12 afflicted with mental or physical infirmities or disabilities rendering
13 it unsafe for such person to drive a motor vehicle upon the
14 highways.

15 d. That such person is an habitual reckless or negligent driver of
16 a motor vehicle or has committed a serious violation of the motor
17 vehicle laws of this state.

18 Whenever the department suspends the license of any person for
19 any reason set forth in the above four paragraphs, the department
20 shall immediately notify the licensee and afford him an opportunity of
21 a hearing before said department in the county wherein the licensee
22 resides, and upon such hearing the department shall either rescind
23 its order of suspension or, good cause appearing therefor, may suspend
24 the license of such person for a further period or revoke said license.

25 2. The department is hereby authorized to suspend or revoke the
26 right of any non-resident to operate a motor vehicle in this state for
27 any cause for which the license of a resident operator or chauffeur
28 may be suspended or revoked, and any non-resident who operates a
29 motor vehicle upon a highway when his right to operate has been
30 suspended or revoked by the department shall be guilty of a misde-
31 meanor and upon conviction shall be punished accordingly.

32 3. The department is hereby authorized to suspend or revoke the
33 license of any resident of this state upon receiving notice of the con-
34 viction of such person in another state of an offense therein which,
35 if committed in this state, would be grounds for the suspension or
36 revocation of the license of an operator or chauffeur. The department
37 is further authorized, upon receiving a record of the conviction in
38 this state of a non-resident driver of a motor vehicle of any offense
39 under the motor vehicle laws of this state, to forward a certified copy
40 of such record to the motor vehicle administrator in the state wherein
41 the person so convicted is a resident.

42 4. The department shall not suspend a license for a period of more
43 than one year and upon suspending or revoking any license shall re-
44 quire that such license and the badge of any chauffeur whose license
45 is so suspended or revoked shall be surrendered to and retained by

46 the department except that at the end of a period of suspension such
47 license and any chauffeur's badge so surrendered shall be returned to
48 the licensee.

1 **SEC. 20. Right of appeal to court.** Any person denied a license or
2 whose license has been revoked by the department except where such
3 revocation is mandatory under the provisions of this act shall have the
4 right to file a petition within thirty (30) days thereafter for a hearing
5 in the matter in a court of record in the county wherein such person
6 shall reside and such court is hereby vested with jurisdiction and it
7 shall be its duty to set the matter for hearing upon ten (10) days'
8 written notice to the department, and thereupon to take testimony and
9 examine into the facts of the case and to determine whether the peti-
10 tioner is entitled to a license or is subject to revocation of license
11 under the provisions of this act. The hearing shall be in equity.

1 **SEC. 21. New license after revocation.** Any person whose license
2 is revoked under this act shall not be entitled to apply for or receive
3 any new license until the expiration of one year from the date such
4 former license was revoked.

1 **SEC. 22. Violation of license provisions.** It shall be unlawful for
2 any person to commit any of the following acts:

3 **First.** To display or cause or permit to be displayed or to have in
4 possession any operator's or chauffeur's license knowing the same to
5 be fictitious or to have been cancelled, revoked, suspended or altered;

6 **Second.** To lend to, or knowingly permit the use of, by one not
7 entitled thereto, any operator's or chauffeur's license issued to the
8 person so lending or permitting the use thereof;

9 **Third.** To display or to represent as one's own any operator's or
10 chauffeur's license not issued to the person so displaying the same;

11 **Fourth.** To fail or refuse to surrender to the department upon de-
12 mand, any operator's or chauffeur's license which has been suspended,
13 cancelled or revoked as provided by law;

14 **Fifth.** To use a false or fictitious name or give a false or fictitious
15 address in any application for an operator's or chauffeur's license, or
16 any renewal or duplicate thereof, or knowingly to make a false state-
17 ment or knowingly to conceal a material fact or otherwise commit a
18 fraud in any such application.

1 **SEC. 23. Making false affidavit perjury.** Any person who shall
2 make any false affidavit, or shall knowingly swear or affirm falsely,
3 to any matter or thing required by the terms of this act to be sworn
4 to or affirmed, shall be guilty of perjury and upon conviction shall be
5 punishable by fine or imprisonment as other persons committing per-
6 jury are punishable.

1 **SEC. 24. Unlawful to permit unlicensed minor to drive motor ve-**
2 **hicle.** It shall be unlawful for any person to cause or knowingly per-
3 mit any minor under the age of eighteen (18) years to drive a motor
4 vehicle upon a highway as an operator, unless such minor shall have
5 first obtained a license to so drive a motor vehicle under the provisions
6 of this act.

1 **SEC. 25. Unlawful to employ unlicensed chauffeur.** No person shall

2 employ any chauffeur to operate a motor vehicle who is not licensed
3 as provided in this act.

1 **SEC. 26. Unlawful to permit violations of act.** No person shall
2 authorize or knowingly permit a motor vehicle owned by him or under
3 his control to be driven by any person who has no legal right to do
4 so or in violation of any of the provisions of this act.

1 **SEC. 27. Unlawful to drive while license suspended or revoked.** Any
2 person whose operator's or chauffeur's license has been suspended or
3 revoked, as provided in this act, and who shall drive any motor ve-
4 hicle upon the highways of this state while such license is suspended
5 or revoked, shall be guilty of a misdemeanor, and upon conviction
6 shall be punished accordingly.

1 **SEC. 28. Penalties—misdemeanor.** It shall be a misdemeanor for
2 any person to violate any of the provisions of this act unless such
3 violation is by this act or other law of this state, declared to be a fel-
4 ony, or indictable misdemeanor, and shall be punishable as provided
5 in section five thousand eighty-nine (5089), code, 1927.

1 **SEC. 29. Rules and regulations.** The department shall, within a
2 reasonable time promulgate rules and regulations providing for the
3 administration and enforcement of the provisions of this act and
4 which such rules and regulations, together with application blanks and
5 licenses, shall be available so that all persons shall have ample oppor-
6 tunity to procure operators' and chauffeurs' licenses required by this
7 act, prior to January 1, 1932.

1 **SEC. 30. Uniformity of interpretation.** This act shall be so inter-
2 preted and construed as to effectuate its general purpose to make
3 uniform the law of those states which enact it.

1 **SEC. 31. Short title.** This act may be cited as the uniform oper-
2 ators' and chauffeurs' license act.

1 **SEC. 32. Constitutionality.** If any part or parts of this act shall
2 be held to be unconstitutional such unconstitutionality shall not affect
3 the validity of the remaining parts of this act. The legislature hereby
4 declares that it would have passed the remaining parts of this act if
5 it had known that such part or parts thereof would be declared un-
6 constitutional.

1 **SEC. 33. Repeal.** Sections forty-nine hundred forty-three (4943)
2 to forty-nine hundred sixty (4960), inclusive, code, 1927, are repealed,
3 and all acts and parts of acts inconsistent with the provisions of this
4 act are hereby repealed.

1 **SEC. 34. Time of taking effect.** This act shall take effect from and
2 after the first day of January, 1932.

Senate File No. 111. Approved May 8, 1931.