

## CHAPTER 120

## DEPARTMENT OF PUBLIC SAFETY

S. F. 379

AN ACT to create a department of public safety, and to provide for the centralization of all state peace officers therein, and to provide centralization of state peace officers' activities, and relating to inspection and like services of the Iowa State Commerce Commission, and to repeal sections thirteen thousand four hundred seven (13407), thirteen thousand four hundred eight (13408), thirteen thousand four hundred nine (13409), thirteen thousand four hundred ten (13410), thirteen thousand four hundred twelve (13412), thirteen thousand four hundred thirteen (13413), thirteen thousand four hundred fourteen (13414), thirteen thousand four hundred fifteen (13415), thirteen thousand four hundred seventeen (13417), sixteen hundred twenty (1620), sixteen hundred twenty-one (1621), sixteen hundred twenty-two (1622), sixteen hundred twenty-three (1623), sixteen hundred twenty-three-c one (1623-c1), sixteen hundred fifty-five (1655), and sixteen hundred seventy-four (1674), code, 1935; and to repeal section sixteen hundred nineteen (1619), code, 1935, and to enact a substitute therefor; and to repeal the following sections of chapter one hundred thirty-four (134) of the Acts of the Forty-seventh General Assembly: Sections thirty (30) to forty-seven (47) inclusive; also to amend chapter eighty (80) and chapter six hundred twenty-one (621), code, 1935, and to amend sections two thousand eleven (2011), as amended by section five hundred twenty-nine (529) of chapter one hundred thirty-four (134), Acts of the Forty-seventh General Assembly, fifty-one hundred eighty-two (5182), fifty-one hundred eighty-two-d one (5182-d1), twelve thousand nine hundred forty-one-b one (12941-b1), thirteen thousand four hundred five (13405), thirteen thousand four hundred sixteen (13416), thirteen thousand four hundred seventeen-b one (13417-b1), thirteen thousand four hundred seventeen-d one (13417-d1), thirteen thousand four hundred seventeen-d two (13417-d2), thirteen thousand four hundred seventeen-d three (13417-d3), thirteen thousand four hundred seventeen-d four (13417-d4), thirteen thousand four hundred seventeen-d five (13417-d5), also to amend sections nineteen hundred twenty-one-f sixteen (1921-f16), nineteen hundred twenty-one-f ninety-four (1921-f94), fifteen hundred fourteen (1514), sixteen hundred twenty-four (1624), sixteen hundred twenty-eight (1628), sixteen hundred twenty-nine (1629), sixteen hundred thirty (1630), sixteen hundred thirty-one (1631), sixteen hundred thirty-two (1632), sixteen hundred thirty-three (1633), sixteen hundred forty-five (1645), sixteen hundred forty-seven (1647), sixteen hundred forty-eight (1648), sixteen hundred fifty (1650), sixteen hundred fifty-one (1651), sixteen hundred fifty-four (1654), sixteen hundred sixty-four (1664), sixteen hundred sixty-five (1665), sixteen hundred sixty-six (1666), sixteen hundred sixty-eight (1668), sixteen hundred sixty-nine (1669), sixteen hundred seventy (1670), sixteen hundred seventy-one (1671), sixteen hundred seventy-five (1675), sixteen hundred seventy-six (1676), sixteen hundred seventy-seven (1677), twenty-eight hundred fifty-three (2853), fifty-one hundred five-a two (5105-a2), fifty-one hundred five-a three (5105-a3), fifty-one hundred five-a eighteen (5105-a18), fifty-one hundred five-a twenty-nine (5105-a29), fifty-one hundred five-a thirty (5105-a30), fifty-one hundred five-a thirty-eight (5105-a38), fifty-one hundred five-c two (5105-c2), fifty-one hundred five-c three (5105-c3), fifty-one hundred five-c eight (5105-c8), fifty-one hundred five-c fifteen (5105-c15), fifty-one hundred five-c sixteen (5105-c16), fifty-one hundred five-c seventeen (5105-c17), as amended by section five hundred thirty-two (532) of chapter one hundred thirty-four (134), Acts of the Forty-seventh General Assembly, fifty-one hundred five-c twenty-three (5105-c23), fifty-one hundred five-c twenty-five (5105-c25), code, 1935; also to amend sections one (1), fourteen (14), fifteen (15), sixteen (16), twenty (20), twenty-five (25), twenty-six (26), ninety-seven (97), one hundred eighteen (118), two hundred five (205), two hundred nineteen (219), two hundred twenty-three (223), two hundred seventy-two (272), two hundred seventy-six (276), and four hundred two (402), of chapter one hundred thirty-four (134), Acts of the Forty-seventh General Assembly.

*Be It Enacted by the General Assembly of the State of Iowa:*

- 1 SECTION 1. There is hereby created a department of the state
- 2 government which shall be known and designated as the department

3 of public safety, which shall consist of a commissioner of public safety  
4 and of such officers and employees as may be required.

1 SEC. 2. The chief executive officer of the department of public  
2 safety shall be the commissioner of public safety. The governor shall,  
3 within sixty (60) days after this act shall have become effective,  
4 and in every sixth\* year after the year 1939, within sixty (60) days  
5 following the organization of the regular session of the general assem-  
6 bly in said year, appoint, with the approval of two-thirds of the  
7 members of the senate in executive session, a commissioner of public  
8 safety, who shall be a man of high moral character, of good standing  
9 in the community in which he lives, of recognized executive and ad-  
10 ministrative capacity, and who shall be selected solely with regard to  
11 his qualifications and fitness to discharge the duties of his office. He  
12 shall have been for a period of at least five (5) years, immediately  
13 prior to his appointment, a resident of the state of Iowa. The com-  
14 missioner of public safety shall devote his entire time to the duties of  
15 his office and shall serve for a period of four (4) years from July first  
16 of the year of his appointment at an annual salary of four thousand  
17 dollars (\$4000.00). The governor, with the approval of the executive  
18 council, may remove the commissioner of public safety for cause after  
19 a public hearing before the executive council.

1 SEC. 3. A vacancy in the office of the commissioner of public safety  
2 that may occur while the general assembly is not in session shall be  
3 filed by appointment by the governor, which appointment shall expire  
4 at the end of thirty (30) days from the time the general assembly  
5 next convenes. Prior to the expiration of said thirty (30) days, the  
6 governor shall transmit to the senate for its confirmation an appoint-  
7 ment for the unexpired portion of the regular term. A vacancy oc-  
8 ccurring during a session of the general assembly shall be filled as  
9 regular appointments are made and before the end of said session,  
10 and for the unexpired portion of the regular term.

1 SEC. 4. The commissioner shall succeed in the administration and  
2 control of the Iowa highway safety patrol established under Chapter  
3 one hundred thirty-four (134), Acts of the Forty-seventh General  
4 Assembly. The commissioner is authorized to employ the members  
5 of said patrol; however, not to exceed one hundred twenty-five (125)  
6 men, and not more than sixty per cent (60%) of said patrol shall  
7 at any time be members of the same political party. Provided, how-  
8 ever, the present personnel of the highway patrol in good standing  
9 are excepted from the provisions of this section.

1 SEC. 5. The commissioner is authorized to appoint a chief, a first  
2 and second assistant and all other supervisory officers of said patrol.  
3 All appointments and promotions shall be made on the basis of senior-  
4 ity and merit examination. There shall not be more than twenty (20)  
5 supervisory officers in the said patrol unless the membership thereof  
6 is increased to such a number as to require the appointment of addi-  
7 tional supervisory officers.

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\*Note: Amended by Senate File 498, Acts of the Forty-eighth General Assembly, substituting the word "four" in lieu of the word "six" in this line.

1 SEC. 6. The commissioner may appoint as special agent any per-  
2 son who is regularly employed by a common carrier by rail to protect  
3 the property of said common carrier, its patrons, and employees.  
4 Such special agents shall not receive any compensation from the state.

1 SEC. 7. The commissioner, with the approval of the governor, shall  
2 appoint such deputies, inspectors, officers, clerical workers and other  
3 employees as may be required to properly discharge the duties of this  
4 department, provided, however, that all members in good standing  
5 of what is now\* known as the Iowa highway safety patrol shall, upon  
6 the enactment of this act, immediately become members of this depart-  
7 ment without appointment and the rank and salary of all members  
8 of the Iowa highway safety patrol shall remain the same as now\*  
9 fixed by statute, or as may be provided for in this act.

10 The commissioner may delegate to the members of the Iowa high-  
11 way safety patrol such additional duties in the enforcement of this  
12 act as he may deem proper and incidental to the duties now imposed  
13 upon them by law.

14 The salaries of all members and employees of the department and  
15 the expenses of the department shall be fixed by the legislative appro-  
16 priation therefor.

1 SEC. 8. It shall be the duty of the department of public safety to  
2 prevent crime, to detect and apprehend criminals and to enforce such  
3 other laws as are hereinafter specified. The members of the depart-  
4 ment of public safety, except clerical workers therein, shall have and  
5 exercise all the powers of any peace officer of the state.

6 They shall not exercise their general powers within the limits of  
7 any city or town, except

- 8 (a) When so ordered by the direction of the governor;
- 9 (b) When request is made by the mayor of any city or town, with  
10 the approval of the commissioner;
- 11 (c) When request is made by the sheriff or county attorney of any  
12 county with the approval of the commissioner;
- 13 (d) While in the pursuit of law violators or in investigating law vio-  
14 lations;
- 15 (e) While making any inspection provided by this chapter, or any  
16 additional inspection ordered by the commissioner;
- 17 (f) When engaged in the investigating and enforcing of fire and  
18 arson laws.

19 When any member of the department shall be acting in cooperation  
20 with any other local peace officer, or county attorney in general crimi-  
21 nal investigation work, or when acting on a special assignment by the  
22 commissioner, his jurisdiction shall be statewide.

23 However, the above limitations shall in no way be construed as a  
24 limitation as to their power as officers when a public offense is being  
25 committed in their presence. In more particular, their duties shall  
26 be as follows:

- 27 1. To enforce all state laws.
- 28 2. To enforce all laws relating to traffic on the public highways of  
29 the state, including those relating to the safe and legal operation of

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\*Note: Amended by Senate File 498, Acts of the Forty-eighth General Assembly, substituting the word "heretofore" for the word "now" in two places in this section.

30 passenger cars, motorcycles, motor trucks and busses; to issue opera-  
 31 tors' and chauffeurs' licenses; to see that proper safety rules are ob-  
 32 served and to give first aid to the injured.

33 3. To investigate all fires; to apprehend persons suspected of arson;  
 34 to enforce all safety measures in connection with the prevention of  
 35 fires; and to disseminate fire-prevention education.

36 4. To collect and classify, and keep at all times available, complete  
 37 information useful for the detection of crime, and the identification  
 38 and apprehension of criminals. Such information shall be available  
 39 for all peace officers within the state, under such regulations as the  
 40 commissioner may prescribe.

41 5. To operate such radio broadcasting stations as may be necessary  
 42 in order to disseminate information which will make possible the  
 43 speedy apprehension of law breakers, as well as such other informa-  
 44 tion as may be necessary in connection with the duties of this office.

1 SEC. 9. Section fifty-one hundred eighty-two (5182), Code, 1935,  
 2 is hereby amended by adding the following:

3 "The sheriffs may use the services of the state department of public  
 4 safety in the apprehension of criminals and detection of crime."

1 SEC. 10. For the instruction of law-enforcement officers of this  
 2 state, including members and prospective members of the department  
 3 of public safety and peace officers of the several counties, townships,  
 4 cities and towns, the commissioner of public safety is hereby author-  
 5 ized and directed to utilize the existing peace officers' short course and  
 6 the laboratories and facilities in connection therewith in the college  
 7 of law of the State University of Iowa.

1 SEC. 11. The course or courses of instruction for peace officers  
 2 shall include instruction in the following subjects and such others  
 3 as shall be deemed advisable by the college of law and the commis-  
 4 sioner of public safety:

- 5 (a) Criminal law.
- 6 (b) Identification of criminals and fingerprinting.
- 7 (c) Methods of criminal investigation.
- 8 (d) Rules of criminal evidence.
- 9 (e) Presentation of cases in court.
- 10 (f) Making of complaints and securing of criminal warrants.
- 11 (g) Securing and use of search warrants.
- 12 (h) How to secure extradition and return.
- 13 (i) Small arms instruction.
- 14 (j) Regulation of traffic.
- 15 (k) First aid.

1 SEC. 12. The commissioner of public safety is authorized to send  
 2 members of the department of public safety to any course of instruc-  
 3 tion for peace officers, not exceeding a total of six (6) weeks' length  
 4 in any one (1) year, given by the college of law of the State University  
 5 of Iowa, or the course of instruction in public safety education given  
 6 at Iowa state college of agriculture and mechanic arts, and such mem-  
 7 bers shall be considered on duty while in attendance upon such author-  
 8 ity. The legislative body in any county, city, including cities under  
 9 special charter, or town, may authorize the attendance at such course  
 10 of any law-enforcing officer under the jurisdiction of such county, city

11 or town and may provide for the payment of the actual and necessary  
12 expenses of such person while in attendance, which payment shall  
13 be made out of the general fund of such county, city or town.

1 SEC. 13. The commissioner is authorized to hold a training school  
2 for candidates for or members of the department of public safety, and  
3 may send to recognized training schools such members as the com-  
4 missioner may deem advisable, for periods not to exceed one month  
5 in any calendar year. The expenses of such school of training shall  
6 be paid in the same manner as other expenses of the patrol.

1 SEC. 14. To each person satisfactorily completing the course of  
2 study prescribed, an appropriate certificate or diploma shall be issued.

1 SEC. 15. No applicant for membership in the department of public  
2 safety, except clerical workers and special agents appointed under  
3 Section 6, shall be appointed as a member until he has passed a satis-  
4 factory physical and mental examination. In addition, such applicant  
5 must have resided in the state of Iowa for at least the period of two  
6 (2) years, immediately prior to making application, must be a citizen  
7 of the United States, of good moral character, and be not less than  
8 twenty-two (22) years of age. The mental examination shall be con-  
9 ducted under the direction or supervision of the commissioner of pub-  
10 lic safety and may be oral or written or both. Each applicant shall  
11 take an oath on becoming a member of the force, to uphold the laws  
12 and constitution of the United States and of the state of Iowa. During  
13 the period of six months after appointment, any member of the de-  
14 partment of public safety, except members of the present Iowa high-  
15 way safety patrol who have served more than six (6) months, shall  
16 be subject to dismissal at the will of the commissioner. After the  
17 six months' service, no member of the department, who shall have  
18 been appointed after having passed the before-mentioned examina-  
19 tions, shall be subject to dismissal unless charges have been filed with  
20 the secretary of the executive council and a hearing held before the  
21 executive council, if requested by said member of the department, at  
22 which he shall have an opportunity to present his defense to such  
23 charges. The decision of the executive council by majority vote shall  
24 be final. All rules and regulations regarding the enlistment, appoint-  
25 ment, and employment affecting the personnel of the department shall  
26 be established by the commissioner with the approval of the governor.

1 SEC. 16. All special agents appointed by the commissioner of pub-  
2 lic safety and all members of the state department of public safety  
3 excepting the members of the clerical force shall, upon appointment,  
4 give bond, conditioned upon the faithful discharge of their duties, in  
5 the sum of five thousand dollars (\$5,000), which bond shall be ap-  
6 proved by the appointing officer. The premium on said bond shall be  
7 paid from the funds of this department.

1 SEC. 17. In general, the allocation of duties of the department of  
2 public safety shall be as follows:  
3 (1) Commissioner's office.  
4 (2) Division of statistics and records.  
5 (3) Division of criminal investigation and bureau of identifica-  
6 tion.

7 (4) Division of highway safety and uniformed force.

8 (5) Division of fire protection.

9 (6) Division of inspection.

10 Nothing in the aforesaid allocation of duties shall be interpreted to  
11 prevent flexibility in inter-departmental operations or to forbid other  
12 divisional allocations of duties in the discretion of the commissioner  
13 of public safety.

1 SEC. 18. It shall be the duty of the commissioner of public safety  
2 to provide for the members of the department when on duty, suitable  
3 uniforms, subsistence, arms, equipment, quarters, and other necessary  
4 supplies, and also the expense and means of travel and boarding the  
5 members of the department, according to rules and regulations made  
6 by the commissioner, as may be provided by appropriation.

1 SEC. 19. The commissioner may cooperate with any recognized  
2 agency in the education of the public in highway safety and no money  
3 shall be expended for such purpose except it be specifically appropri-  
4 ated by the legislature for that purpose.

5 Any recognized agency receiving appropriations of state money for  
6 public safety shall annually file with the auditor of state an itemized  
7 statement of all its receipts and expenditures.

1 SEC. 20. The commissioner of public safety may, subject to the  
2 approval of the governor, establish divisional headquarters at various  
3 places in the state.

1 SEC. 21. No fees or rewards shall be retained personally by mem-  
2 bers of the department in addition to their salaries, and any such fees  
3 or rewards earned by any members of said department shall be cred-  
4 ited to the fund as herein provided to pay the expenses of this depart-  
5 ment. All salaries herein provided for and all expenses incurred  
6 under the provisions of this act shall be allowed and audited in the  
7 same manner as in other state offices, and shall be payable out of  
8 moneys hereafter appropriated.

1 SEC. 22. Section thirteen thousand four hundred five (13405),  
2 Code, 1935, is amended by striking out paragraph four (4) and sub-  
3 stituting the following: "4. All special agents appointed by the com-  
4 missioner of public safety and all members of the state department  
5 of public safety excepting the members of the clerical force."

1 SEC. 23. Sections thirteen thousand four hundred seven (13407),  
2 thirteen thousand four hundred eight (13408), thirteen thousand four  
3 hundred nine (13409), thirteen thousand four hundred ten (13410),  
4 thirteen thousand four hundred twelve (13412), thirteen thousand  
5 four hundred thirteen (13413), thirteen thousand four hundred four-  
6 teen (13414), thirteen thousand four hundred fifteen (13415), and  
7 thirteen thousand four hundred seventeen (13417), Code, 1935, relat-  
8 ing to special agents and the attorney general's connection with the  
9 bureau of investigation are hereby repealed.

#### BUREAU OF CRIMINAL INVESTIGATION

1 SEC. 24. Section thirteen thousand four hundred sixteen (13416),  
2 Code, 1935, is amended by striking out the words "attorney general"

3 in lines one (1) and two (2) and substituting therefor the words  
 4 "commissioner of public safety"; further amend by striking out the  
 5 words "attorney general" in line eight (8) and substituting therefor  
 6 the words "commissioner of public safety"; further amend by strik-  
 7 ing out the word "system" in line two (2) and substituting therefor  
 8 the word "bureau."

1 SEC. 25. Section thirteen thousand four hundred seventeen-b one  
 2 (13417-b1), Code, 1935, is amended by striking out the words "attor-  
 3 ney general" in lines sixteen (16) and seventeen (17) and substitut-  
 4 ing the words "commissioner of public safety".

1 SEC. 25a. Section two thousand eleven (2011), Code, 1935, as  
 2 amended by section five hundred twenty-nine (529) of Chapter one  
 3 hundred thirty-four (134), Acts of the Forty-seventh General Assem-  
 4 bly, is amended:

5 1. By striking from lines one (1) and two (2) the words "motor  
 6 vehicles" and by inserting in lieu thereof the words "public safety";

7 2. By striking from line seven (7) the words "bureau of investiga-  
 8 tion" and by inserting in lieu thereof the words "commissioner of  
 9 public safety".

1 SEC. 25b. Section fifty-one hundred eighty-two-d one (5182-d1),  
 2 Code, 1935, is hereby amended by striking from line three (3) thereof  
 3 the words "bureau of investigation" and inserting in lieu thereof  
 4 the words "commissioner of public safety".

1 SEC. 25c. Section twelve thousand nine hundred forty-one-d one  
 2 (12941-d1), Code, 1935, is amended by substituting the words "com-  
 3 missioner of public safety" wherever the words "chief of the state  
 4 bureau of investigation" appear therein; also by striking the word  
 5 "chief" from line ten (10) and inserting in lieu thereof the word  
 6 "commissioner".

1 SEC. 25d. Section one hundred eighteen (118) of chapter one hun-  
 2 dred thirty-four (134), Acts of the Forty-seventh General Assembly,  
 3 is hereby amended by striking from lines five (5) and six (6) thereof  
 4 the words "state bureau of investigation" and inserting in lieu thereof  
 5 the words "commissoner of public safety".

#### RADIO BROADCASTING STATIONS

1 SEC. 26. Section thirteen thousand four hundred seventeen-d one  
 2 (13417-d1), Code, 1935, is amended by striking out the words "attor-  
 3 ney general" in lines one (1) and two (2) and substituting the words  
 4 "commissioner of public safety"; and said section is further amended  
 5 by adding the following: "The said commissioner shall be empowered,  
 6 subject to the approval of the governor and executive council, to equip  
 7 divisional headquarters, cars and motorcycles in his department with  
 8 radio sending and/or receiving apparatus."

1 SEC. 27. Section thirteen thousand four hundred seventeen-d two  
 2 (13417-d2), Code, 1935, is amended by striking out the words "state  
 3 bureau of investigation for the use of the department of justice" in  
 4 lines five (5), six (6) and seven (7), and substituting therefor the  
 5 words "department of public safety"; and by striking out the last  
 6 sentence thereof.

1 SEC. 28. Section thirteen thousand four hundred seventeen-d three  
2 (13417-d3), Code, 1935, is amended by striking out the words "attor-  
3 ney general" in line two (2) and substituting therefor the words  
4 "commissioner of public safety".

1 SEC. 29. Section thirteen thousand four hundred seventeen-d four  
2 (13417-d4), Code, 1935, is amended by striking out the words "attor-  
3 ney general" in line five (5) and substituting therefor the words  
4 "commissioner of public safety".

1 SEC. 30. Section thirteen thousand four hundred seventeen-d five  
2 (13417-d5), Code, 1935, is amended by striking out the words "attor-  
3 ney general" in line five (5) and substituting therefor the words  
4 "commissioner of public safety".

1 SEC. 31. Chapter six hundred twenty-one (621), Code, 1935, is  
2 amended by adding the following section:

3 "The sheriff of any county shall accept for custody in the county  
4 jail of his respective county any person handed over to him for safe  
5 keeping and lodging by any member of the state department of public  
6 safety."

#### TRAFFIC LAW ENFORCEMENT AND SAFETY PATROL

1 SEC. 32. Section one (1) of chapter one hundred thirty-four (134),  
2 Acts of the Forty-seventh General Assembly, is hereby amended by  
3 striking out paragraph thirty (30) thereof and substituting the fol-  
4 lowing:\*

5 "30. Commissioner means the commissioner of motor vehicles under  
6 the secretary of state with respect to registering and licensing motor  
7 vehicles under the provisions of this chapter, but it shall mean the  
8 commissioner of public safety with respect to enforcement of traffic  
9 laws, the reporting of accidents, the licensing of operators and chauff-  
10 feurs, the enforcement of safety provisions relating to the operation  
11 of motor vehicles, and other related provisions of this chapter."

1 SEC. 33. Section one (1) of chapter one hundred thirty-four (134),  
2 Acts of the Forty-seventh General Assembly, is hereby amended by  
3 striking out paragraph thirty-one (31) thereof and substituting the  
4 following:\*\*

5 "31. Department means the department of motor vehicles under the  
6 secretary of state acting directly or through its duly authorized officers  
7 and agents, with respect to registering and licensing motor vehicles  
8 under the provisions of this chapter, but it shall mean the department  
9 of public safety with respect to enforcement of traffic laws, the report-  
10 ing of accidents, the licensing of operators and chauffeurs, the enforce-  
11 ment of safety provisions relating to the operation of motor vehicles,  
12 and other related provisions of this chapter."

\*Note: Amended by Senate File 498, Acts of the Forty-eighth General Assembly, which strikes out that part of this section in quotation marks and substitutes: "30. Commissioner means the commissioner of public safety of the state."

\*\*Note: Amended by Senate File 498, Acts of the Forty-eighth General Assembly, which strikes out that part of this section in quotation marks and substitutes: "31. Department means the motor vehicle department under the commissioner of public safety."



1 SEC. 34. Section fourteen (14) of chapter one hundred thirty-four  
2 (134), Acts of the Forty-seventh General Assembly is amended by  
3 striking out everything after the word "department" in line three (3)  
4 and substituting a period for the comma.

1 SEC. 35. Section fifteen (15) of chapter one hundred thirty-four  
2 (134), Acts of the Forty-seventh General Assembly, is amended by  
3 striking all of the first sentence thereof after the word "chapter"  
4 appearing in line four (4) and inserting in lieu thereof a period.

1 SEC. 36. Section sixteen (16) of chapter one hundred thirty-four  
2 (134), Acts of the Forty-seventh General Assembly, is amended by  
3 striking all of the first sentence thereof after the word "chapter" in  
4 line four (4) and inserting in lieu thereof a period.

1 SEC. 37. Section twenty (20) of chapter one hundred thirty-four  
2 (134), Acts of the Forty-seventh General Assembly, is amended by  
3 striking from line three (3) thereof the following: ", operators' and  
4 chauffeurs' licenses,".

1 SEC. 38. Section twenty-five (25) of chapter one hundred thirty-  
2 four (134), Acts of the Forty-seventh General Assembly, is amended  
3 by striking from lines three (3) and four (4) thereof the words "for  
4 an operator's or chauffeur's license, and of any other application".

1 SEC. 39. Section twenty-six (26) of chapter one hundred thirty-  
2 four (134), Acts of the Forty-seventh General Assembly, is amended  
3 by striking the word "license," in line three (3).

1 SEC. 40. Sections thirty (30) to forty-seven (47), inclusive, of  
2 chapter one hundred thirty-four (134), Acts of the Forty-seventh  
3 General Assembly, are hereby repealed.

#### OPERATORS' AND CHAUFFEURS' LICENSES, ISSUANCE OF LICENSES, EXPIRATION, AND RENEWAL

1 SEC. 41. Section two hundred five (205) of chapter one hundred  
2 thirty-four (134), Acts of the Forty-seventh General Assembly, is  
3 amended by striking from line four (4) thereof after the word "chauf-  
4 feur" the words "under the provisions of this chapter" and inserting  
5 in lieu thereof the following: "issued by the department of public  
6 safety".

1 SEC. 42. Section two hundred nineteen (219), Chapter one hundred  
2 thirty-four (134), Acts of the 47th General Assembly is amended by  
3 inserting after the word "patrol" in line two (2) thereof the words  
4 "or may designate the county sheriff."

1 SEC. 43. Section two hundred twenty-three (223) of chapter one  
2 hundred thirty-four (134), Acts of the Forty-seventh General As-  
3 sembly, is amended by striking the remainder of the section beginning  
4 with the word "maintenance" in line three (3) and substituting there-  
5 for the following: "general fund of the state, provided that for each  
6 operator's license issued by a county sheriff for which a license fee  
7 is paid, the sheriff issuing the same shall be entitled to retain the sum  
8 of fifteen (15) cents and for each chauffeur's license, the sum of fifty  
9 (50) cents, which shall be credited to the county general fund."

1 SEC. 44. Section two hundred seventy-two (272) of chapter one  
2 hundred thirty-four (134), Acts of the Forty-seventh General As-  
3 sembly, is amended by striking out the words "state motor vehicle  
4 department" in line one (1) and substituting the words "department  
5 of public safety".

1 SEC. 45. Section two hundred seventy-six (276) of chapter one hun-  
2 dred thirty-four (134), Acts of the Forty-seventh General Assembly,  
3 is amended by striking the words "state motor vehicle department"  
4 in lines one (1) and two (2) and substituting the words "department  
5 of public safety"; further amend by striking the words "motor vehicle  
6 department" in line five (5) and inserting in lieu thereof the follow-  
7 ing words: "department of public safety".

1 SEC. 46. Section four hundred two (402) of chapter one hundred  
2 thirty-four (134), Acts of the Forty-seventh General Assembly, is  
3 amended by striking out the words "motor vehicles" in line three (3)  
4 and substituting the words "public safety".

#### DUTIES OF FIRE MARSHAL

1 SEC. 47. Sections sixteen hundred twenty (1620), sixteen hundred  
2 twenty-one (1621), sixteen hundred twenty-two (1622), sixteen hun-  
3 dred twenty-three (1623), sixteen hundred twenty-three-c one (1623-  
4 c1), and sixteen hundred fifty-five (1655), Code, 1935, are hereby re-  
5 pealed.

1 SEC. 48. Section sixteen hundred nineteen (1619), Code, 1935, is  
2 hereby repealed and the following enacted in lieu thereof:  
3 "The chief officer of the division of fire protection in the department  
4 of public safety shall be known as the state fire marshal."

1 SEC. 49. Section sixteen hundred twenty-four (1624), Code, 1935,  
2 is amended by striking from line two (2) thereof the following: "  
3 his deputy or inspectors," and by striking from line three (3) thereof  
4 the words "immediately investigate" and substituting in lieu thereof  
5 the words "cause immediate investigation to be made of".

1 SEC. 50. Section sixteen hundred twenty-eight (1628), Code, 1935,  
2 is amended by striking from line two (2) thereof the words "deputy  
3 or inspectors" and inserting in lieu thereof "designated subordinates".

1 SEC. 51. Section sixteen hundred twenty-nine (1629), Code, 1935,  
2 is amended by striking from line two (2) thereof the words "deputy  
3 or inspectors" and inserting in lieu thereof "designated subordinates".

1 SEC. 52. Section sixteen hundred thirty (1630), Code, 1935, is  
2 amended by striking from line four (4) thereof the words "his deputy  
3 or inspectors" and inserting in lieu thereof the words "or his desig-  
4 nated subordinates".

1 SEC. 53. Section sixteen hundred thirty-one (1631), Code, 1935,  
2 is amended by striking from line two (2) thereof the words "or his  
3 deputy" and further amend by striking from line seven (7) thereof  
4 the words "or they".

1 SEC. 54. Section sixteen hundred thirty-two (1632), Code, 1935, is  
2 amended by striking from line two (2) thereof the words "his deputies

3 and inspectors" and inserting in lieu thereof the words "and his design-  
4 nated subordinates".

1 SEC. 55. Section sixteen hundred thirty-three (1633), Code, 1935,  
2 is amended by striking from line two (2) thereof the words "or his  
3 deputy" and inserting in lieu thereof the words "acting in person or  
4 through his designated subordinate".

1 SEC. 56. Section sixteen hundred forty-five (1645), Code, 1935, is  
2 amended by striking from line three (3) thereof "or his deputy".

1 SEC. 57. Section sixteen hundred forty-seven (1647), Code, 1935,  
2 is amended by striking from line three (3) thereof the words "or his  
3 deputy".

1 SEC. 58. Section sixteen hundred forty-eight (1648), Code, 1935,  
2 is amended by striking from line four (4) thereof the word "deputy"  
3 and inserting in lieu thereof "designated subordinate".

1 SEC. 59. Section sixteen hundred fifty (1650), Code, 1935, is  
2 amended by striking from line three (3) thereof the words "deputy  
3 or inspectors" and inserting in lieu thereof the words "designated  
4 subordinates".

1 SEC. 60. Section sixteen hundred fifty-one (1651), Code, 1935, is  
2 amended by striking from line three (3) thereof the word "deputy"  
3 and by substituting in lieu thereof the words "designated subordinate".

1 SEC. 61. Section sixteen hundred fifty-four (1654), Code, 1935, is  
2 amended by inserting in line fourteen (14) after the word "marshal"  
3 the following: " provided that such fees shall not be paid to any full-  
4 time salaried public official who is paid for full time at such duties".

#### RELATING TO FIRE ESCAPES

1 SEC. 62. Section fifteen hundred fourteen (1514), Code, 1935, is  
2 amended by striking therefrom paragraph numbered two (2) and re-  
3 numbering the remaining paragraphs.

1 SEC. 63. Chapter eighty (80), Code, 1935, is amended by adding  
2 thereto the following section:

3 "It shall be the duty of the fire marshal to enforce all laws relating  
4 to fire escapes."

1 SEC. 64. Section sixteen hundred sixty-four (1664), Code, 1935,  
2 is amended by striking from line seven (7) the words "labor com-  
3 missioner" and substituting therefor the words "state fire marshal";  
4 further amend by striking from line ten (10) the word "commis-  
5 sioner" and inserting in lieu thereof the words "fire marshal".

1 SEC. 65. Section sixteen hundred sixty-five (1665), Code, 1935, is  
2 amended by striking from line four (4) of paragraph two (2) the  
3 word "commissioner" and inserting in lieu thereof the words "state  
4 fire marshal"; and further amend by striking from line five (5) of  
5 paragraph six (6) the word "commissioner" and inserting in lieu  
6 thereof the words "state fire marshal".

1 SEC. 66. Section sixteen hundred sixty-six (1666), Code, 1935, is  
2 amended by striking from line seven (7) of paragraph two (2) the  
3 words "labor commissioner" and inserting in lieu thereof the words  
4 "state fire marshal".

1 SEC. 67. Section sixteen hundred sixty-eight (1688), Code, 1935,  
2 is amended by striking from lines two (2) and three (3) the word  
3 "commissioner" and inserting in lieu thereof the words "state fire  
4 marshal".

1 SEC. 68. Section sixteen hundred sixty-nine (1669), Code, 1935, is  
2 amended by striking from lines one (1) and two (2) the words "labor  
3 commissioner" and inserting in lieu thereof the words "state fire  
4 marshal"; further amend by striking from lines eleven (11) and  
5 twelve (12) the word "commissioner" and inserting in lieu thereof  
6 the words "state fire marshal".

1 SEC. 69. Section sixteen hundred seventy (1670), Code, 1935, is  
2 amended by striking from lines one (1) and two (2) the word "com-  
3 missioner" and inserting in lieu thereof the words "state fire mar-  
4 shal".

1 SEC. 70. Section sixteen hundred seventy-one (1671), Code, 1935,  
2 is amended by striking from lines one (1) and two (2) the words  
3 "labor commissioner" and inserting in lieu thereof the words "state  
4 fire marshal"; further amend by striking from line thirteen (13) the  
5 word "commissioner" and inserting in lieu thereof the words "state  
6 fire marshal".

1 SEC. 71. Section sixteen hundred seventy-four (1674), Code, 1935,  
2 is repealed.

1 SEC. 72. Section sixteen hundred seventy-five (1675), Code, 1935,  
2 is amended by striking from line eighteen (18) the words "inspector  
3 or commissioner" and inserting in lieu thereof the words "state fire  
4 marshal"; further amend by striking from lines twenty (20) and  
5 twenty-one (21) the words "labor commissioner" and inserting in lieu  
6 thereof the words "state fire marshal".

1 SEC. 73. Section sixteen hundred seventy-six (1676), Code, 1935,  
2 is amended by striking from line six (6) the word "commissioner" and  
3 inserting in lieu thereof the words "state fire marshal"; further amend  
4 by striking from line nine (9) the word "commissioner" and insert-  
5 ing in lieu thereof the words "state fire marshal"; further amend by  
6 striking from line thirteen (13) the word "commissioner" and insert-  
7 ing in lieu thereof the words "state fire marshal".

1 SEC. 74. Section sixteen hundred seventy-seven (1677), Code,  
2 1935, is amended by striking from lines eight (8) and nine (9) the  
3 word "commissioner" and inserting in lieu thereof the words "state  
4 fire marshal"; further amend by striking from lines ten (10) and  
5 eleven (11) the words "inspector or the commissioner" and inserting  
6 in lieu thereof the words "state fire marshal"; further amend by strik-  
7 ing from line thirteen (13) the words "labor commissioner" and in-  
8 serting in lieu thereof the words "state fire marshal".

1 SEC. 75. Section twenty-eight hundred fifty-three (2853), Code,  
2 1935, is amended by striking from line four (4) the words "proper  
3 state" and inserting in lieu thereof the words "state fire marshal".

#### REPORT CHANGES OF ENGINE NUMBERS

1 SEC. 76. Section ninety-seven (97) of Chapter one hundred thirty-  
2 four (134), Acts of the Forty-seventh General Assembly, is amended  
3 by inserting after the word "some" in line three (3) the words "mem-  
4 ber of the state department of public safety or".

1 SEC. 77. There shall be reciprocal cooperation between the mem-  
2 bers of the state department of public safety and local authorities in  
3 the enforcing of local and state traffic laws and in making inspections,  
4 although this shall not be construed to give the state department of  
5 public safety any right to establish regular patrol beats inside municip-  
6 al limits unless requested for a special occasion or emergency by the  
7 mayor of such city or town or the sheriff of the county.

#### SAFETY MEASURES FOR MOTOR VEHICLE CARRIERS WITH TERMINI OR ROUTE

1 SEC. 78. Section fifty-one hundred five-a three (5105-a3), Code,  
2 1935, is amended by adding thereto the following: "The state de-  
3 partment of public safety is hereby authorized and empowered to pre-  
4 scribe and enforce safety regulations in the operation of motor car-  
5 riers, require a periodic inspection of the equipment of every motor  
6 carrier from the standpoint of enforcement of safety regulations, and  
7 such equipment shall be at all times subject to inspection by properly  
8 authorized representatives of the department of public safety."

1 SEC. 79. Section fifty-one hundred five-a two (5105-a2), Code,  
2 1935, is amended by striking therefrom paragraph numbered one (1);  
3 striking numbered paragraph three (3) and inserting in lieu thereof  
4 the following:  
5 "Regulate and supervise the accounts, schedules, and service of each  
6 motor carrier.";  
7 and by renumbering the numbered paragraphs of said code section.

1 SEC. 80. Section fifty-one hundred five-a eighteen (5105-a18),  
2 Code, 1935, is amended by adding thereto the following: "The actual  
3 operation of such motor vehicles or vehicle shall not begin without a  
4 written statement of approval from the department of public safety  
5 to the effect that the safety provisions have been complied with."

1 SEC. 81. Section fifty-one hundred five-a twenty-nine (5105-a29),  
2 Code, 1935, is amended by striking from lines four (4) and five (5)  
3 the words "commission and its duly authorized representatives" and  
4 inserting in lieu thereof the words "members of the department of  
5 public safety".

1 SEC. 82. Section fifty-one hundred five-a thirty (5105-a30), Code,  
2 1935, is amended by striking from line seven (7) the words "state  
3 motor vehicle department" and inserting in lieu thereof the words "de-  
4 partment of public safety".

1 SEC. 83. Section fifty-one hundred five-a thirty-eight (5105-a38),  
2 Code, 1935, is amended by adding thereto the following: "In the event  
3 of any flagrant and persistent violation of safety regulations by the  
4 holder of a certificate or his agent, upon the request of the commis-  
5 sioner of public safety the state commerce commission shall suspend  
6 such certificate of necessity until the safety regulations prescribed by  
7 the department of public safety are complied with or the commission  
8 may revoke the certificate at its discretion.

#### MOTOR VEHICLE CARRIERS WITHOUT FIXED TERMINI

1 SEC. 84. Section fifty-one hundred five-c two (5105-c2), Code,  
2 1935, is amended by striking from paragraph numbered three (3) the  
3 following: "and safety of operation" and by inserting after the last  
4 word thereof the following: ", provided that only the department of  
5 public safety shall prescribe and enforce safety regulations which it  
6 is hereby empowered to do."

1 SEC. 85. Section fifty-one hundred five-c two (5105-c2), Code,  
2 1935, is amended by striking therefrom all of paragraph numbered  
3 one (1) and renumbering the remaining paragraphs.

1 SEC. 86. Section fifty-one hundred five-c three (5105-c3), Code,  
2 1935, is amended by inserting in line five (5) after the word "opera-  
3 tors" the following: ", provided that only the department of public  
4 safety shall prescribe and enforce safety regulations".

1 SEC. 87. Section fifty-one hundred five-c eight (5105-c8), Code,  
2 1935, is amended by adding thereto the following: The actual oper-  
3 ation of such motor vehicle or vehicles shall not begin without the  
4 written approval of the state department of public safety, stating  
5 that the applicant has complied with the prescribed safety regula-  
6 tions."

1 SEC. 88. Section fifty-one hundred five-c fifteen (5105-c15), Code,  
2 1935, is amended by adding thereto the following: "If the holder of  
3 the permit or his agent persists in a violation of any safety regulation  
4 prescribed by the department of public safety, the latter may recom-  
5 mend to the commission revocation of said permit and such violation  
6 shall be grounds for such revocation."

1 SEC. 89. Section fifty-one hundred five-c sixteen (5105-c16), Code,  
2 1935, is amended by striking from line five (5) and six (6) the words  
3 "commission and its duly authorized representatives" and inserting  
4 in lieu thereof the words "department of public safety".

1 SEC. 90. Section fifty-one hundred five-c seventeen (5105-c17),  
2 Code, 1935, as amended by section five hundred thirty-two (532),  
3 Chapter one hundred thirty-four (134) Acts of the Forty-seventh Gen-  
4 eral Assembly, is amended by striking from lines eight (8) and nine  
5 (9) the words "state motor vehicle department" and inserting in lieu  
6 thereof the words "department of public safety".

1 SEC. 91. Section fifty-one hundred five-c twenty-three (5105-c23),  
2 Code, 1935, is amended by striking from lines one (1) and two (2) the  
3 word "commission" and inserting in lieu thereof the words "commis-  
4 sioner of public safety".

1 SEC. 92. Section fifty-one hundred five-c twenty-five (5105-c25),  
 2 Code, 1935, is amended by inserting in line nine (9) after the word  
 3 "commission" the words "or the commissioner of public safety".

#### LIQUOR CONTROL ENFORCEMENT

1 SEC. 93. Section nineteen hundred twenty-one-f sixteen (1921-  
 2 f16), Code, 1935, is amended by adding at the end thereof as an un-  
 3 numbered paragraph the following:

4 "The commission shall refer all alleged violations of the liquor con-  
 5 trol act to the 'state department of public safety'."

1 SEC. 94. Section nineteen hundred twenty-one-f ninety-four (1921-  
 2 f94), Code, 1935, is amended by striking therefrom the second sen-  
 3 tence: "As supplementary aids to such attorney the sheriff and his  
 4 deputy, or deputies, and the police department of every city, this to  
 5 include the day and night marshal of every incorporated town." and  
 6 inserting in lieu thereof the following: "The state department of pub-  
 7 lic safety, the sheriff and his deputy or deputies, and the police de-  
 8 partment of every city, including the day and night marshal of any  
 9 incorporated town, shall be supplementary aids to such county at-  
 10 torney."

#### DUPLICATION IN POLICE OFFICERS PROHIBITED

1 SEC. 95. All other departments and bureaus of the state are here-  
 2 by prohibited from employing special peace officers or conferring upon  
 3 regular employees, any police powers to enforce provisions of the stat-  
 4 utes, which are specifically reserved by this act to this department.\*

1 SEC. 96. Whenever mention is made, in the Code, of "special state  
 2 agents" in connection with law enforcement, the same shall be con-  
 3 strued to mean members of the state department of public safety.

1 SEC. 97. **Industrial Disputes.** The police employees of the depart-  
 2 ment shall not be used or called upon for service within any municipi-  
 3 pality in any industrial dispute unless actual violence has occurred  
 4 therein, and then only either by order of the governor or on the re-  
 5 quest of the chief executive officer of the municipality or the sheriff  
 6 of the county wherein the dispute has occurred if such request is ap-  
 7 proved by the governor.

1 SEC. 98. Members of the departments consolidated under this act  
 2 may be regarded as eligible for appointment in this department with-  
 3 out further examination at the discretion of the commissioner. How-  
 4 ever, this shall not affect members of the highway safety patrol as  
 5 hereinbefore provided.

1 SEC. 99. The liquor control commission shall pay to the general  
 2 fund for services received by it, at the hands of this department, the  
 3 sum of twenty-five hundred dollars (\$2,500.00) per month.

1 SEC. 100. **Constitutionality.** If any section, subsection, clause, sen-  
 2 tence, or phrase of this act is for any reason held to be unconstitu-

\*Note: Amended by Senate File 498, Acts of the Forty-eighth General Assembly, by adding to the section. See chapter 121, Sec. 4.

3 tional or invalid, such decision shall not affect the validity of the re-  
 4 maining portions of this act. The legislature hereby declares that it  
 5 would have passed this act and each section, subsection, clause, sen-  
 6 tence, or phrase hereof, irrespective of whether any one or more of  
 7 the sections, subsections, clauses, sentences or phrases be declared un-  
 8 constitutional or invalid.

1 SEC. 101. This act being of immediate importance shall become ef-  
 2 fective upon publication in the Hardin County Index, a newspaper  
 3 published at Eldora, Iowa, and the Allison Tribune, a newspaper pub-  
 4 lished at Allison, Iowa.\*

Approved April 12, 1939.

I hereby certify that the foregoing act was published in the Hardin County Index,  
 Eldora, Iowa, April 20, 1939, and the Allison Tribune, Allison, Iowa, April 19, 1939.

EARL G. MILLER, *Secretary of State.*

## CHAPTER 121 MOTOR VEHICLES

S. F. 498

AN ACT to amend senate file three hundred seventy-nine (379), acts of the 48th General Assembly, relating to the department of public safety of the state of Iowa, transferring the supervision of registration of motor vehicles and the enforcement of motor vehicle law to said department, and providing that the funds heretofore appropriated be made available to the department of public safety on the effective date of this act, and to designate the commissioner of public safety as the process agent of nonresident motorists; and to amend section two thousand eleven (2011), code, 1935, and chapter one hundred thirty-four (134), and chapter one hundred thirty-five (135), acts of the 47th General Assembly, relating to the motor vehicle law.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section two (2) of Senate File three hundred seventy-  
 2 nine (379), Acts of the 48th General Assembly, is hereby amended by  
 3 striking the word "sixth" appearing in line three (3) of said section in  
 4 the enrolled act, and substituting in lieu thereof the word "fourth".

1 SEC. 2. Section thirty-two (32) of Senate File three hundred seven-  
 2 ty-nine (379), Acts of the 48th General Assembly, is hereby amended  
 3 by striking all of lines four (4) to ten (10) inclusive of said section in  
 4 the enrolled act and inserting in lieu thereof the following:

5 "30. Commissioner means the commissioner of public safety of the  
 6 state."

1 SEC. 3. Section thirty-three (33), of Senate File three hundred  
 2 seventy-nine (379), Acts of the 48th General Assembly, is hereby  
 3 amended by striking all of lines four (4) to ten (10), inclusive, of said  
 4 section in the enrolled act, and inserting in lieu thereof the following:

5 "31. Department means the motor vehicle department under the  
 6 commissioner of public safety."

1 SEC. 4. Section ninety-five (95) of Senate File three hundred sev-  
 2 enty-nine (379), Acts of the 48th General Assembly, is hereby amended

\*Note: Amended by Senate File 498, Acts of the Forty-eighth General Assembly, by inserting changes herein and adding new sections hereto. See chapter 121.