

42 registration fee shall be added to all fees not paid by that date, and  
 43 five per cent of the annual registration fee shall be added to such fees  
 44 on the first day of each month thereafter, that the same remains un-  
 45 paid until paid, provided that said penalty in no case shall be less  
 46 than one dollar.

47 Such delinquency shall begin and penalty accrue the first of the  
 48 month following the purchase of a new aircraft and the first of the  
 49 month following the date aircraft are brought into the state, except  
 50 as herein otherwise provided.

51 The commission, if it finds that a delinquency in registration was  
 52 excusable and upon making a record of such finding and the reasons  
 53 for such delinquency, shall have the power to waive or reduce any of  
 54 the penalties provided for delinquent registrations.

1 SEC. 6. Section three hundred twenty-eight point thirty-five  
 2 (328.35), Code 1946, is hereby amended by striking therefrom sub-  
 3 section two (2) thereof, and inserting in lieu thereof, the following:  
 4 "An aircraft which is owned by a resident of this state but which is  
 5 continuously located and operated beyond the boundaries of the  
 6 state."

1 SEC. 7. Sub-section six (6) of section three hundred twenty-eight  
 2 point thirty-five (328.35), Code 1946, is hereby amended by inserting  
 3 in line one (1) thereof, following the word "non-resident" and before  
 4 the word "operating.", the word "airman".

1 SEC. 8. This Act being deemed of immediate importance shall be-  
 2 come effective upon its publication in the Wapello Republican, a news-  
 3 paper published at Wapello, Iowa, and in the Clarinda Herald-Journal,  
 4 a newspaper published at Clarinda, Iowa.

Approved March 30, 1949.

I hereby certify that the foregoing act was published in the Wapello Republican, April  
 7, 1949, and in the Clarinda Herald-Journal, April 7, 1949.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 149

### STATE AVIATION FUND

S. F. 379

AN ACT to amend section three hundred twenty-eight point thirty-six (328.36), Code  
 1946, relating to the state aviation fund and the transfer from said fund to the  
 general fund of the sum of \$34,674.43 on June 30, 1949.

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

1 SECTION 1. Section three hundred twenty-eight point thirty-six  
 2 (328.36), Code 1946, is hereby amended by striking therefrom all of  
 3 said section following the period in line five (5) thereof.

1 SEC. 2. On June 30, 1949, there shall be transferred from the state  
 2 aviation fund to the general fund of the state of Iowa the sum of  
 3 \$34,674.43, and the comptroller is hereby directed to make the transfer

4 on the books in his office and to certify to the treasurer of the state the  
 5 fact that the transfer has been made and has been so entered upon  
 6 the books in his office. The transfer, when made as herein provided,  
 7 shall relieve the state aviation fund of all liability to the general fund  
 8 of the state and shall be in full acquittance and satisfaction of all  
 9 moneys payable from the state aviation fund to the general fund of  
 10 the state.

1 SEC. 3. This act being deemed of immediate importance shall be in  
 2 full force and effect from and after its passage and publication in the  
 3 Baxter New Era, a newspaper published at Baxter, Iowa, and in The  
 4 Colfax Tribune, a newspaper published at Colfax, Iowa.

Approved May 18, 1949.

I hereby certify that the foregoing Act was published in the Baxter New Era, May  
 25, 1949, and in The Colfax Tribune, May 26, 1949.

MELVIN D. SYNHORST, *Secretary of State.*

## CHAPTER 150

### OPERATING AIRCRAFT WHILE INTOXICATED

S. F. 156

AN ACT to amend chapter one hundred eighty-one (181), Acts of the Fifty-second  
 General Assembly relating to the operation of aircraft while under the influence  
 of intoxicating liquors or habit forming drugs or in a careless or reckless manner  
 and the penalties therefor.

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

1 SECTION 1. Section two (2) of chapter one hundred eighty-one  
 2 (181), Acts of the Fifty-second General Assembly is hereby amended  
 3 by striking from line one (1) thereof, the word "violates" and by in-  
 4 serting in lieu thereof, the words "operates an aircraft in a careless  
 5 or reckless manner in violation of".

1 SEC. 2. Chapter one hundred eighty-one (181), Acts of the Fifty-  
 2 Second General Assembly is further amended by adding thereto, the  
 3 following section:

4 "Sec. 3. Any person who operates any aircraft, while in an in-  
 5 toxicated condition or under the influence of narcotic drugs in viola-  
 6 tion of this Act, shall, upon conviction or a plea of guilty, be punished  
 7 for the first offense by a fine of not less than three hundred dollars  
 8 nor more than one thousand dollars, or by imprisonment in the  
 9 county jail for a period not to exceed one year, or by both such fine  
 10 and imprisonment; for the second offense by a fine of not less than  
 11 five hundred dollars, nor more than one thousand dollars, or by im-  
 12 prisonment in the penitentiary for a period of not to exceed one year,  
 13 or by both such fine and imprisonment; and for a third offense by im-  
 14 prisonment in the penitentiary for a period not to exceed three years.

15 The court, in pronouncing sentence, shall provide for the immediate  
 16 surrender of any liquor permit issued to the defendant under chapter  
 17 one hundred twenty-three, Code 1946, which chapter is identified as