

11 4. Effect on the retail motor vehicle business as a whole in that
12 community.

13 5. Whether it is injurious to the public welfare for an additional
14 franchise to be established.

15 6. Whether the franchisees of the same line-make in that commu-
16 nity are providing adequate consumer care for the motor vehicles of
17 the line-make which shall include the adequacy of motor vehicle serv-
18 ice facilities, equipment, supply of parts and qualified service per-
19 sonnel.

1 SEC. 17. Any party to a hearing before the commission may take
2 an appeal from any final order entered in such hearing in the man-
3 ner provided for appeals in section three hundred twenty-two point
4 ten (322.10) of the Code.

1 SEC. 18. If any provision of this Act or the application of the
2 Act to any person or circumstance is held invalid, such invalidity
3 shall not affect provisions or applications of the Act which can be
4 given effect without the invalid provision and to this end the provi-
5 sions of this Act are declared to be severable.

Approved March 20, 1970.

CHAPTER 1161

MARINE FUEL TAX FUND

H. F. 1232

AN ACT relating to motor fuel used in watercraft, the creation of a marine fuel tax fund, and the allocation and appropriation of such fund to the use of the conservation commission.

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

1 SECTION 1. Chapter two hundred thirteen (213), section one (1),
2 Acts of the Sixty-third General Assembly, First Session, which re-
3 peals section three hundred twenty-four point seventy-eight (324.78),
4 Code 1966, and enacted a substitute therefor, is hereby amended by
5 adding the following:

6 "Before the preceding credits are made for the fiscal year begin-
7 ning July 1, 1970, the amount of thirty-five thousand (35,000) dollars,
8 which it is hereby determined represents the net proceeds of motor
9 fuel tax attributable to motor fuel used in watercraft, shall be placed
10 in a separate fund, which is hereby created and designated as the
11 'marine fuel tax fund'. All moneys derived from the excise tax on
12 the sale of motor fuel used in watercraft after July 1, 1971, shall be
13 deposited in the marine fuel tax fund. Moneys in such fund shall
14 be subject to appropriation by the general assembly to the state
15 conservation commission for use in its recreational boating program,
16 which may include but shall not be limited to:

17 1. Dredging and renovation of natural lakes of this state.

18 2. Acquisition, development and maintenance of access to public
19 boating waters.

20 3. Development and maintenance of boating facilities and naviga-
21 tion aids.

22 4. Administration, operation and maintenance of the recreation
23 boating division of the conservation commission.

24 5. Acquisition, development and maintenance of recreation facilities
25 associated with recreation boating."

1 SEC. 2. Section three hundred twenty-four point sixteen (324.16),
2 Code 1966, as amended by chapter two hundred eighty-seven (287),
3 section eleven (11), Acts of the Sixty-second General Assembly,
4 which is amended by chapter one hundred ten (110), section thirty-
5 four (34), Acts of the Sixty-third General Assembly, First Session,
6 and chapter two hundred eighty-eight (288), section seven (7), Acts
7 of the Sixty-second General Assembly, is further amended by insert-
8 ing in line four (4) after the word "vehicles" the words "or water-
9 craft".

1 SEC. 3. Section three hundred twenty-four point seventeen
2 (324.17), Code 1966, as amended by chapter two hundred eighty-seven
3 (287), section twelve (12), Acts of the Sixty-second General Assem-
4 bly, and chapter two hundred eighty-eight (288), section twenty-three
5 (23), Acts of the Sixty-second General Assembly, which is amended by
6 chapter one hundred ten (110), section forty (40), Acts of the Sixty-
7 third General Assembly, First Session, is further amended as follows:

8 1. By striking from line six (6) the words "or boats".

9 2. By inserting in line seven (7) after the word "than" the words
10 "in watercraft or".

11 3. By inserting in subsection four (4), line three (3), after the word
12 "in" the words "watercraft or".

13 4. By inserting in subsection five (5), line two (2), after the word
14 "for" the words "watercraft or".

1 SEC. 4. During the fiscal year beginning July 1, 1970, the legisla-
2 tive service bureau shall conduct a study to determine the percentage
3 of total motor fuel tax collected which is attributable to motor fuel
4 used in watercraft. The percentage determined by the study shall be
5 used by the legislature in determining the amount of motor fuel tax
6 which shall be credited to the marine fuel tax fund. The legislative
7 service bureau shall use the most appropriate method available in con-
8 ducting the study. The state conservation commission and the de-
9 partment of revenue shall cooperate with the legislative service
10 bureau in conducting the study. The study shall be reviewed, and the
11 applicable percentage recomputed, at least once every four years.

1 SEC. 5. There is hereby appropriated from the marine fuel tax
2 fund to the state conservation commission for the fiscal year begin-
3 ning July 1, 1970 and ending June 30, 1971 the sum of thirty-five
4 thousand (35,000) dollars, or so much thereof as may be necessary,
5 for the purpose of expanding the boating safety and education pro-
6 gram and for the acquisition and development of boating access to
7 public waters.

1 SEC. 6. Section three hundred twenty-four point seventeen
2 (324.17), Code 1966, is hereby amended by inserting at the end a new
3 paragraph:

4 A bona fide commercial fisherman, licensed and operating under
 5 an owner's certificate for commercial fishing gear issued pursuant to
 6 section one hundred ten point one (110.1) of the Code shall be en-
 7 titled to receive a motor fuel tax refund under this section.

Approved May 1, 1970.

CHAPTER 1162

HORTICULTURAL PRODUCTS AND LIVESTOCK

H. F. 1016

AN ACT relating to the transportation of agricultural and horticultural products and livestock.

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

1 SECTION 1. Section three hundred twenty-five point two (325.2),
 2 subsection one (1), Code 1966, is hereby amended by inserting in line
 3 three (3) after the word "carrier" the words ", except that any carrier
 4 transporting livestock or unprocessed agricultural or horticultural
 5 products shall be exempt from tariff-filing requirements and the issu-
 6 ance of freight receipts if such carrier does not transport any other
 7 property for compensation".

Approved March 13, 1970.

CHAPTER 1163

MOTOR VEHICLE REGISTRATION FEES

H. F. 1

AN ACT relating to motor vehicle registration fees and to the negotiation and execution of reciprocal, proration, and other agreements or declarations for fleet owners of commercial vehicles engaged in interstate commerce.

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

1 SECTION 1. Chapter three hundred twenty-six (326), Code 1966,
 2 is hereby repealed and the following enacted in lieu thereof:

1 SEC. 2. It is the policy of this state to promote and encourage
 2 the fullest possible use of its highway system by authorizing the
 3 negotiation and execution of motor vehicle reciprocal or proportional
 4 registration agreements, arrangements and declarations with other
 5 jurisdictions with respect to vehicles registered in this and such
 6 other jurisdictions, thus contributing to the economic and social de-
 7 velopment and growth of this state.

1 SEC. 3. As used in this Act, unless the context otherwise requires:

2 1. "Board" means the Iowa reciprocity board created in section
 3 four (4) of this Act.

4 2. "Executive secretary" means the person appointed by the board