

1 SEC. 2. Section three hundred twenty-one point four hundred
2 sixty-three (321.463), unnumbered paragraph seven (7), Code 1973,
3 is amended to read as follows:

4 The weight on any one axle, *including a tandem axle*, of a vehicle
5 which is transporting livestock may exceed the legal maximum weight
6 given in this chapter providing that the gross weight on any particular
7 group of axles on such vehicle does not exceed the gross weight allow-
8 able under this chapter for such group of axles.

1 SEC. 3. This Act, being deemed of immediate importance, shall
2 take effect and be in force from and after its publication in the Hamp-
3 ton Chronicle, a newspaper published in Hampton, Iowa, and The Red
4 Oak Express, a newspaper published in Red Oak, Iowa.

Approved April 6, 1973.

I hereby certify that the foregoing Act, House File 48, was published in the Hampton Chronicle, Hampton, Iowa, April 19, 1973, and in The Red Oak Express, Red Oak, Iowa, April 19, 1973.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 208

MOTOR VEHICLE INSPECTION

S. F. 481

AN ACT relating to motor vehicle inspection and safety.

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

1 SECTION 1. Section three hundred twenty-one point fourteen
2 (321.14), Code 1973, is amended to read as follows:

3 321.14 **Seizure of documents and plates.** The department is hereby
4 authorized to take possession of any registration card, certificate of
5 title, permit, or registration plate, *certificate of inspection or any in-*
6 *spection document or form*, upon expiration, revocation, cancellation,
7 or suspension thereof, or which is fictitious, or which has been unlaw-
8 fully or erroneously issued.

1 SEC. 2. Section three hundred twenty-one point fifty-one (321.51),
2 subsections four (4) and six (6), Code 1973, are amended to read as
3 follows:

4 4. The county treasurer of the county of residence of the trans-
5 feree upon receipt of the application for a new certificate of title, fee
6 therefor, and the affidavit as provided in subsection 2 of this section,
7 and when satisfied as to the genuineness and regularity thereof, shall
8 issue a restricted certificate of title to the applicant but shall not issue
9 registration plates or a registration card. A restricted certificate of
10 title shall be red in color and shall have conspicuously imprinted there-
11 on in bold print, in a manner prescribed by the department, the words
12 "RESTRICTED CERTIFICATE OF TITLE—CANNOT BE REGIS-
13 TERED AND OPERATED ON THE HIGHWAYS WITHOUT A
14 VALID APPROVED CERTIFICATE OF INSPECTION EXCEPT
15 AS PROVIDED IN SECTION THREE HUNDRED TWENTY-ONE

16 *POINT NINETY-EIGHT (321.98) OF THE CODE.*" At such time as
 17 the transferee surrenders a valid approved certificate of inspection
 18 and the restricted certificate of title to the county treasurer of the
 19 county of his residence, the county treasurer, upon payment of the
 20 appropriate fees, shall issue a certificate of title that is not restricted
 21 for the vehicle and shall also issue a registration card and registration
 22 plates for the vehicle to the applicant, however, if the registration
 23 fee for the vehicle has been paid for the current year, the county trea-
 24 surer shall issue a registration card and registration plates for the
 25 vehicle to the applicant upon payment of an additional registration
 26 fee of five dollars.

27 6. No vehicle sold or otherwise transferred pursuant to the pro-
 28 visions of this section shall be driven upon the highway until a valid
 29 official certificate of inspection has been affixed thereto and an unre-
 30 stricted certificate of title, a registration card, and registration plates
 31 for the vehicle have been issued to the purchaser or transferee *except*
 32 *as set out in section three hundred twenty-one point ninety-eight*
 33 *(321.98) of the Code.*

1 SEC. 3. Section three hundred twenty-one point two hundred
 2 thirty-eight (321.238), subsection four (4), paragraphs a and b, Code
 3 1973, are amended to read as follows:

4 a. Supervise and cause inspections to be made of each vehicle in-
 5 spection station issued a permit and if he finds that any station is not
 6 properly equipped or that inspections are not being properly conducted
 7 shall revoke and require the surrender of the permit issued to the
 8 station. Notice of revocation shall be by certified mail, return receipt
 9 requested, addressed to the address for which the permit was granted.
 10 Revocation shall be effective ten days after the date of mailing of such
 11 notice unless the permit holder shall request a hearing before the
 12 commissioner on the order revoking the permit. If upon hearing the
 13 commissioner does not reverse the order of revocation the revocation
 14 shall be immediately effective unless revocation is enjoined by court
 15 action.

16 b. Provide instructions and all necessary forms to authorized in-
 17 spection stations for the inspection of vehicles and the issuance of
 18 official certificates of inspection. *The copy of the certificate of inspec-*
 19 *tion to be delivered by the inspection station to the owner of the vehicle*
 20 *inspected shall state the name and address of the inspection station*
 21 *and shall contain a conspicuous notice in substance as follows:*
 22 *"NOTICE: You should immediately notify the inspection station of*
 23 *any complaint about the inspection of this vehicle. If possible, your*
 24 *notice should be given within fifteen days after the date of inspection*
 25 *or before this vehicle has been driven five hundred miles after the*
 26 *inspection, whichever occurs first, or, if the inspection station sold the*
 27 *vehicle to you, within fifteen days after the sale or before this vehicle*
 28 *has been driven five hundred miles after the sale, whichever occurs*
 29 *first. Your notice should be in writing, specifying the complaint.*
 30 *Notice forms are available at any inspection station. You also have*
 31 *the right to make a complaint about the inspection to the commissioner*
 32 *of public safety, state house, Des Moines, Iowa."*

33 *Forms for notice of complaint shall be provided by the department*
 34 *to all authorized inspection stations, who shall provide them to any*
 35 *person upon request. The copy of the certificate of inspection to be*

36 *delivered by the inspection station to the owner of the vehicle inspected*
 37 *shall also contain a notice, which shall be printed on the face of the*
 38 *certificate of inspection in eight-point bold faced type, which contains*
 39 *the words "THE SAFETY INSPECTION IS APPLICABLE ONLY*
 40 *TO THE ITEMS CHECKED AND DOES NOT GUARANTEE OR*
 41 *WARRANT THE CONDITION OF THESE ITEMS OR THE OVER-*
 42 *ALL CONDITION OF THE VEHICLE".*

1 SEC. 4. Section three hundred twenty-one point two hundred
 2 thirty-eight (321.238), subsection seven (7), Code 1973, is amended
 3 to read as follows:

4 7. No person shall make, *possess*, issue, or knowingly use any imi-
 5 tation or counterfeit of an official certificate of inspection. No person
 6 shall display or cause or permit to be displayed upon any vehicle any
 7 certificate of inspection knowing the certificate to be fictitious, or
 8 issued for another vehicle, or issued without an inspection having been
 9 made. No person shall *possess a blank certificate of inspection nor*
 10 *shall any person* issue an official certificate of inspection who does not
 11 hold a valid permit for the issuance of such certificate.

1 SEC. 5. Section three hundred twenty-one point two hundred
 2 thirty-eight (321.238), subsection eight (8), Code 1973, is amended
 3 to read as follows:

4 8. The fee for inspection, including the issuance of the certificate
 5 of inspection, shall be uniform *according to class of vehicle* and shall
 6 be established by the commissioner. The fee shall be a reasonable
 7 and just charge based upon the average cost and time necessary to
 8 perform the inspection, and shall be retained by the inspection sta-
 9 tion. No inspection station shall absorb the inspection fee, or adver-
 10 tise or represent in any manner that the fee or any part of the fee
 11 is directly or indirectly absorbed by the station, nor shall any inspec-
 12 tion station charge a fee for inspection services under this section in
 13 an amount other than the fees herein provided.

1 SEC. 6. Section three hundred twenty-one point two hundred
 2 thirty-eight (321.238), subsection twelve (12), Code 1973, is amended
 3 to read as follows:

4 12. Every motor vehicle subject to registration under the laws of
 5 this state, except motor vehicles registered under section 321.115,
 6 when first registered in this state ~~or~~ *and each time when sold at retail*
 7 *or otherwise transferred for use within or without this state, or other-*
 8 ~~wise transferred when registration is changed from a registration as~~
 9 *provided in section three hundred twenty-one point one hundred fifteen*
 10 *(321.115) of the Code to a regular registration, except transfers by*
 11 *operation of law as set out in section 321.47, shall be inspected at an*
 12 *authorized inspection station unless there is affixed to the motor vehicle*
 13 *a valid certificate of inspection which was issued for such motor*
 14 *vehicle not more than sixty days prior to the date on which such*
 15 *vehicle was sold. However, the certificate of inspection for a new*
 16 *motor vehicle which has not previously been sold at retail and which*
 17 *is not sold within sixty days after the date the inspection was per-*
 18 *formed may be revalidated by the inspection station without another*
 19 *inspection provided the motor vehicle has not been driven more than*
 20 *one hundred miles since the inspection was performed. If the motor*
 21 *vehicle is subject to inspection, the authorized inspection station shall*

22 issue and affix a valid certificate of inspection or certificate of rejection,
 23 as the case may be, in accordance with the results of the inspection.
 24 The applicant shall file with an application for title to the vehicle
 25 or for registration thereof under the provisions of section 321.23,
 26 subsection 2 or 3, with the county treasurer of the county of his residence,
 27 a statement on a form provided by the commissioner, signed
 28 by an authorized inspection station certifying the date that a certificate
 29 of inspection was issued for and affixed to the vehicle. The county
 30 treasurer shall not issue a title to the vehicle to the applicant or register
 31 the vehicle unless such statement is filed with the application
 32 showing that the inspection of the vehicle was made not more than
 33 sixty days prior to the date of sale or transfer, *or unless the vehicle*
 34 *was purchased out of this state by a resident of this state who resides*
 35 *outside of this state, but desires to maintain his Iowa residency and*
 36 *he executes a statement to that effect in form and content as prescribed*
 37 *by the commissioner. The county treasurer shall stamp the registration*
 38 *card for such vehicle with the words "NOT INSPECTED". A*
 39 *vehicle so registered shall be inspected at an authorized inspection*
 40 *station within fifteen days after being brought into this state. The*
 41 *county treasurer shall mail the statement of inspection or statement*
 42 *of out-of-state residency to the department at the time of mailing*
 43 *copies of the registration receipt. The department may destroy any*
 44 *forms, certificates or statements after one year from the date they are*
 45 *filed unless they relate to pending appeals.*

1 SEC. 7. Section three hundred twenty-one point two hundred
 2 thirty-eight (321.238), Code 1973, is amended by adding the follow-
 3 ing new subsections:

4 NEW SUBSECTION. As used in this section, "sale" means the deliv-
 5 ery of possession of a vehicle to a person who has purchased or con-
 6 tracted to purchase the vehicle.

7 NEW SUBSECTION. After an investigation and hearing conducted
 8 by a hearing officer designated by the commissioner of public safety
 9 held in the county in which the inspection station is located, the com-
 10 missioner may, if the hearing officer finds that the inspection station
 11 is not properly equipped or it is not properly conducting inspections,
 12 issue a warning, suspend the vehicle inspection station's permit for a
 13 period not to exceed ninety days, or revoke the vehicle inspection sta-
 14 tion's permit and require the operator of the vehicle inspection station
 15 to surrender the permit issued to the operator.

16 NEW SUBSECTION. Notice of the suspension or revocation shall be
 17 by certified mail, return receipt requested, addressed to the operator
 18 of the vehicle inspection station for which the permit was issued. The
 19 suspension or revocation shall become effective ten days from the
 20 date of the mailing of the notice unless the permit holder files a writ-
 21 ten request for a review hearing of the suspension or revocation
 22 order. The review hearing shall be de novo and shall be conducted at
 23 the seat of government by a review board composed of the following
 24 persons:

25 a. A senior officer of the Iowa highway safety patrol designated by
 26 the commissioner.

27 b. The state car dispatcher or his designee.

28 c. An employee of the state highway commission experienced in
 29 automotive mechanics designated by the director of highways.

30 Notwithstanding any other rule or statute to the contrary, the depo-
31 sition of any witness taken in the manner prescribed by the rules of
32 civil procedure shall be admissible at any hearing conducted by the
33 review board in lieu of the witness appearing in person. Costs of
34 depositions shall be paid from the motor vehicle inspection fund.

35 After the hearing, the review board may sustain, modify, or reverse
36 the commissioner's order of suspension or revocation. A suspension
37 or revocation sustained or modified by the review board shall take
38 effect ten days from the date of the decision, unless the permit holder
39 files an appeal in the district court of the county in which the vehicle
40 inspection station is located within ten days from the date of the deci-
41 sion of the review board. The order of suspension or revocation sus-
42 tained or modified and appealed to the district court shall become effec-
43 tive ten days from the date the appeal is filed unless the suspension
44 or revocation is stayed by the court.

45 The review board shall have the power to issue subpoenas to compel
46 the attendance of witnesses and the production of documents, papers,
47 books, records and other evidence before it in any hearing conducted
48 by it under this section.

49 If any person shall refuse to obey any such subpoena, or to give
50 testimony, or to produce evidence as required thereby, any judge of
51 the district court of the state in and for Polk County may, upon appli-
52 cation and proof of such refusal, make an order awarding process of
53 subpoena, or subpoena duces tecum, out of the said court, for the wit-
54 ness to appear before the review board and to give testimony, and to
55 produce evidence as required thereby. Upon filing such order in the
56 office of the clerk of said court, the clerk shall issue process of sub-
57 poena, as directed, under the seal of said court, requiring the per-
58 son to whom it is directed to appear at the time and place therein
59 designated.

60 Witnesses shall receive three dollars for each day's attendance and
61 ten cents per mile for each mile actually travelled. Witnesses shall
62 be compensated from the motor vehicle inspection fund. The trea-
63 surer of state may make rules setting forth the procedure for such
64 reimbursement.

65 NEW SUBSECTION. In any proceedings to suspend or revoke a vehi-
66 cle inspection station's permit, there shall be a presumption that the
67 inspection of a motor vehicle was properly conducted unless a writ-
68 ten notice specifying the complaint is given to the operator or an
69 employee of the vehicle inspection station which inspected the vehi-
70 cle within fifteen calendar days after the date of the inspection or
71 before the vehicle has been driven five hundred miles after the inspec-
72 tion, whichever occurs first, or if the vehicle inspection station sold
73 the motor vehicle, within fifteen calendar days after the date of the
74 sale or before the vehicle has been driven five hundred miles after the
75 sale, whichever occurs first. The written notice may be informal.
76 This presumption may be overcome only by clear and convincing evi-
77 dence.

78 NEW SUBSECTION. No person shall knowingly deliver possession
79 of a motor vehicle, trailer or semitrailer to a person who has pur-
80 chased or contracted to purchase at retail such motor vehicle, trailer,
81 or semitrailer which does not contain those parts or is not equipped
82 with such lamps and brakes and other equipment in proper condition

83 and adjustment as required by this chapter or which is equipped in
84 any manner in violation of the chapter, except when such sale is
85 made in accordance with the provisions of section three hundred
86 twenty-one point fifty-one (321.51) of the Code.

1 SEC. 8. Chapter three hundred twenty-one (321), Code 1973, is
2 amended by adding the following new section:

3 NEW SECTION. No person shall knowingly permit a prospective
4 purchaser to test drive a motor vehicle on the highways of this state
5 unless the vehicle is mechanically safe for the purposes and conditions
6 of the test drive.

1 SEC. 9. Section three hundred twenty-two point twenty-five
2 (322.25), Code 1973, is repealed.

Approved July 20, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 209

MOTOR VEHICLE REGISTRATION PLATES

S. F. 130

AN ACT relating to the numbering of motor vehicle registration plates.

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

1 SECTION 1. Section three hundred twenty-one point thirty-four
2 (321.34), Code 1973, is amended to read as follows:

3 321.34 Plates or validation sticker furnished. The county trea-
4 surer upon receiving application, accompanied by proper fee, for
5 registration of a vehicle shall issue to the owner one registration plate
6 for a motorcycle, truck tractor, trailer, or semitrailer and two regis-
7 tration plates for every other motor vehicle.

8 The county treasurer shall also issue to applicants for registration of
9 a truck or a truck tractor, not including in the lowest registration class,
10 ~~a two decalomania emblems for each plate and which emblems desig-~~
11 ~~nates the gross weight for which the vehicle is registered by figures~~
12 ~~which show the gross weight in tons. Number plates and weight limi-~~
13 ~~tation emblems which are issued with registrations or registration~~
14 ~~increases are hereby declared to be integral parts of the registration~~
15 ~~of the vehicle for which issued. *The weight limitation emblems shall*~~
16 ~~*be applied to both sides of the vehicle, either to the doors of the cab or*~~
17 ~~*to the lower front corner of the box, or such other location as desig-*~~
18 ~~*nated by the commissioner.*~~

19 In lieu of issuing new registration plates each year for a vehicle
20 renewing registration, the department may reassign the registration
21 plates previously issued to such vehicle and may adopt and prescribe
22 an annual validation sticker indicating payment of registration fee,
23 which annual validation sticker shall be attached to said registration
24 plates bearing the numerals indicating the year for which the original
25 plates are validated.

26 The owner of an automobile who holds an amateur radio license
27 issued by the federal communications commission may, upon written